

**NORTHERN IRELAND POLICING BOARD**

**MINUTES OF THE 26<sup>th</sup> MEETING IN PUBLIC OF THE NORTHERN  
IRELAND POLICING BOARD HELD ON THURSDAY, 2 SEPTEMBER 2004  
AT  
11:00 AM IN WATERSIDE TOWER, BELFAST**

<b>PRESENT: MEMBERS:</b>	Professor Desmond Rea (Chairman) Mr Denis Bradley (Vice Chairman) Mr Alex Attwood Viscount Brookeborough Mr Joe Byrne Mr Fred Cobain Mr Brian Dougherty Mr Sam Foster Mr Barry Gilligan Mr Willie Hay Lord Kilclooney Mrs Pauline McCabe Mr Alan McFarland Mr Eddie McGrady Mrs Rosaleen Moore Mr Ian Paisley Jnr Mr Suneil Sharma Mr Sammy Wilson
<b>POLICE SERVICE OF NORTHERN IRELAND IN ATTENDANCE:</b>	Mr Hugh Orde (Chief Constable) Mr Paul Leighton (Deputy Chief Constable) Mr Sam Kinkaid (Assistant Chief Constable, Crime Operations) Mr Peter Sheridan (Assistant Chief Constable Rural Region) Mr Duncan McCausland (Assistant Chief Constable, Urban Region) Ms Sinead McSweeney (Head of Media) Chief Inspector, Command Secretariat
<b>HMIC PERSONNEL IN ATTENDANCE:</b>	Detective Superintendent N Kinsella Detective Chief Inspector P James
<b>OFFICIALS IN ATTENDANCE:</b>	Mr Trevor Reaney (Chief Executive) Director of Community Affairs Director of Communications Director of Corporate Services

Director of Policy  
Director of Planning  
One Board Official

### **Apologies**

Apologies were received from Mr Tom Kelly.

### **Chairman, Professor Desmond Rea:**

Could I first of all welcome members of the public to this meeting. You are very welcome and could I, at the same time, apologise to you for the delay.

Unfortunately, in terms of a Board of this nature, it is not always possible to programme timetables such that we can meet the deadlines that we would otherwise like to meet. I would also welcome again the journalists who are present.

Just by way of background in terms of our programme for this morning.

First of all it is in 3 parts. There were certain recommendations that emerged from the Blakey, Crompton, Stevens Reports and the Board decided one of the best ways of handling these recommendations was, that it be delegated to the Chairman and Vice-Chairman, to monitor the changes taking place within the PSNI in this area. We have been doing that over a considerable period of time.

In order to assist us in this, we sought the help of the HMIC and Superintendent Nick Kinsella and Detective Chief Inspector Phil James, who are in attendance at this meeting. They are very welcome. They were asked to do the necessary field work, in other words, the work on the ground, to assist us and the Board.

In addition, ACC Kinkaid, in whose responsibility this area lies, has come to the Board and made presentations on a reasonably regular basis, as to where in fact we are in that area. He is doing so today in fact, the whole of this

presentation is now being given in the public session and that is very important.

In the second part of the meeting, which deals with parades, we had originally programmed for the Human Rights Advisors, Keir Starmer and Jane Gordon to assist us today in terms of a presentation. Unfortunately, in terms of that report, the Human Rights Committee of the Board has not had the opportunity to study the report. It will do so at its next meeting and we can hope that we will progress that in the normal way. The Chief Constable and his ACCs Rural and Urban will say something about policing of the parades during the marching season and on that basis Members of the Board will have the opportunity to put questions.

Then finally, in part 3, we have the general questions that normally come up. Typically, as I have said in the past, these questions either come from our Committees or they come from individual Members of the Board or indeed, we have met with groups, for example I remember us meeting with a group of people representative of organisations to do with the elderly and they submitted questions through the Chairman which came up in this meeting. In terms of whether the questions are in the public or private sessions, Members generally indicate whether they wish the question to be public or private. The vast majority of questions today are, in fact, in the public session. So without further ado, could I say Chief Constable, to you and your colleagues, you are very welcome and in the spirit of this Board's function of holding the PSNI to account through you, I would ask you to introduce, in particular at this stage, part 1.

**Chief Constable, Mr Hugh Orde:**

Thank you Chairman, I will go straight to ACC Sam Kinkaid who will do a short presentation which will update on the 3 reports you already mentioned.

**Assistant Chief Constable, Mr Sam Kinkaid:**

Crime Operations Department has been in existence since March 2004. The Chairman made reference to 3 reports. I will have to take you back to Omagh; do you remember the issue over Omagh where the Board met and as a result of the discussions over the initial Police Ombudsman's report into Omagh, there were 2 HMI reports came out? HMI Crompton looked at intelligence and the second one by HMI Blakey, looked at homicide investigations. Those reports made some substantial recommendations as to how the police should handle their intelligence and how they should handle homicide investigations.

Further to that, we had the report, Stevens 3, on investigation into the death of Mr Finaucane, which made a number of recommendations, particularly in relation to informants and to the dissemination of intelligence. I would remind you all of the Patton report and the relevant recommendations that it contains, particularly on fully integrating CID and Special Branch.

We also had a number of chief officers, including the current Chief Constable, who wanted to change the way in which we approached the investigation of serious crime. As a legacy of the troubles, we had a situation whereby investigations of serious crime and gathering of intelligence was spread from Headquarter departments across 3 regions into districts. There was an inability, even with the best intent in the world, to link investigations and to fully professionalise our approach.

It was decided to create a single department to handle all this. There are 4 key words that we have used throughout this process that still drive us in Crime Ops Department. We wanted to produce a department that did the most professional investigations of serious crime. We wanted one that was creative and took things from other Forces and other institutions who help us. We wanted to fully integrate and to remove the silos that existed before, that people received the information they needed. We also wanted to introduce

into the department, the performance culture that the Regional ACCs had in the districts over the last couple of years, to drive performance.

I will show 2 slides on our current responsibilities. It is important to appreciate that the department I have currently, has province wide investigations. It runs into organised crime, terrorist offences, murders, attempted murders, sexual offences and serious child abuse. Obviously in relation to organised crime, we spend a lot of time working with other partners in the Organised Crime Task Force. The department will be the lead department working with the new SOCO arrangements set up by the Government nationally for dealing with serious and organised crime.

In relation to terrorist offences, we still have problems that are unique to Northern Ireland. We do not always like using that term, however, I would challenge anyone who had listened to the 8 o'clock news this morning on Good Morning Ulster, the first 4 items on the news were a shooting incident in South Belfast, bullets in the post to Councillors, a robbery that happened in Magherafelt and a punishment assault. Possibly at least 2 of those are quite unique to Northern Ireland.

The third area is murders and attempted murders. This is one of the important things that came out of the Blakey report. We now have a situation, where every murder scene in the province is handled by Crime Ops Department. We take charge of them all and in some cases, clearly where you have the suspect present and an admission very quickly the investigation is over after a couple of days. Our staff, in those cases too, handle the interviews and the scene management. What normally happens is the file prep goes back to the district. The difficult category A and B murders, where there is not a suspect, stay totally with us. It means that every murder scene in the province, is done to the same standard by the same trained staff.

Finally, there are sexual offences and serious child abuse investigations across the province. Operations like 'Op ORR', which got a lot of publicity

coming from the American FBI, we handle those. Linked rape investigations and serious child abuse investigations are all handled by staff attached to Crime Ops.

On the back of that, of course, there has to be some support responsibility, if you are doing those types of investigations. Currently we handle and are responsible for all intelligence matters. I would highlight to you, it is not just national security, it is organised crime and serious crime. Our Special Branch Unit is called C3. It is unique in terms of all UK Special Branches now, in that it has a formal responsibility outside of national security, for serious and organised crime. We handle all covert operations, not just on behalf of our own investigations. We do covert operations now on behalf of regions and on behalf of the districts. That has been one of the most important developments. It has been very useful and some of the recent successes that we have had in relation to some professional thieves who are operating, putting our covert operation teams on them.

Analytical services clearly are important. The analysts are part of my department but about 50% of them work in the districts and the District Commander is their boss. We own them, in the sense of setting the standards for the analytical work, for auditing their work and ensuring that they have the right equipment but they work for the District Commander or for the Regional ACC.

Support Services are the SOCO and forensic staff. Again, they have been moved away from a situation where they were spread amongst a number of bosses into one central system to try and improve the performance. Again this is something that possibly, outside of the Met, is unique. The Serious Crime Review Team has a permanent standing and I will be saying more about that in a few minutes which obviously, in terms of the whole issue of historic cases, that is murder cases over 2 years old, is something that is regularly in the press here in Northern Ireland.

How do all these people pan out in terms of a structure? Basically, we have 7 branches. We are always told not to use the letters and numbers but in policing you cannot get away with that. Some of the titles are quite long and already the numbers are becoming well known with the public.

C1 is Organised Crime, that is the Drug Squad, Organised Crime Squads. Economic Crime, you have had presentations, certainly to the Board, from those in charge of the money laundering teams and the people who work with the Organised Crime Task Force.

C2 are the big teams, the new development will be brought into these. The MITs are part of C2 Serious Crime and Phil Wright is in charge of that. They carry out a whole series of investigations from murders across into computer crime. They are specialists in kidnaps, HOLMES teams etc.

C3 is the Intelligence Units, C4 is the Specialist Units and C5, C6 and C7 are simply the branches. Some of them are very large branches with a considerable number of officers, some much smaller but are specialised in what they do.

An update in some of the things this year. We have tried to concentrate on organised crime, on the key organised crime gangs that are working here in Northern Ireland or based here and are working across Europe. By concentrating on these gangs, we have had a lot of work now with Police Services, not just South of the border or the rest of the United Kingdom, but with Holland, Spain and France and other areas. We have had some good successes since 1 March when the Branch was set up.

Counterfeit currency, not seized here in Northern Ireland, but the amount of counterfeit currency being seized across Europe that has been created in Northern Ireland, is quite significant. Intellectual property is a major issue here. We are the largest seizure in terms of Police Forces. We seize more than any other Police Force in the United Kingdom, in fact of all the Police

Forces combined. That tells you more in terms of the amount of paramilitary involvement, in that particular activity and the drug seizures are there from 1 March.

I would highlight there is one glaring problem developing there, that cocaine seizure level, amounts to a seven fold increase. It is something that is of significance to us and we run operations to seize the cocaine but clearly there is a whole wider issue there in terms of public awareness and public education, in relation to that particular drug.

We do spend a lot of time working with the Asset Recovery Agency. If I was to say that currently of the number of cases referred to the Asset Recovery Agency throughout the United Kingdom, of nearly 50 Police Forces, we have put in a quarter of all cases, one Force on our own. We have the largest submission to the Asset Recovery Agency and that in itself, creates a backlog for me because when you give them a case there is a considerable amount of liaison and support work you have to do. The other thing that is going to be important in this area, which we are developing in the next few months, is a new Cross-Border Organised Crime Threat Assessment done jointly with An Garda Siochana. That will be coming out again in September and that is to help us develop specific operations involving both Forces, on those gangs that are using the Border as a means to gather finances and become organised crime activities.

Serious Crime, just to highlight a couple of things. We have had 17 murders since the 1 March to the 31 July. We have charged people in relation to 12, for the previous period there was 15 and 11 people charged. The makeup is very much as usual. There are a number of murders that are domestic, crimes of passion as they are called, one attack certainly on an ethnic minority. We have murders as a result of terrorist feuds and murders, which are simply terrorist killings. The variety has not changed, the proportions sometimes do. They all represent difficult problems. Clearly the ones that reflect and come from security situations give real problems to policing, in

category A murders, in terms of getting witnesses and trying to get evidence to bring to court.

On top of that, you have a large number of attempted murders. In many cases when you have a serious assault, it is not known by the doctor whether someone is going to live, so consequently, as is often the case, we are called out to deal with those as well. You cannot go back to a scene 3 days later if someone died. You have to be there from the very beginning, so there is a considerable number of scenes that we attend that are later referred back to Districts.

Intelligence, I have 5 bullet points just to emphasise here. First of all, I will talk about the focus. Chris Patten in his report talked about the development of organised crime, particularly as he said of paramilitary groups moving from just pure terrorism into organised crime. There was a great logic to what he said and

Tom Constantine for example, in his first couple of reports, highlighted that as well, in his role as Oversight Commissioner. Clearly, if you have the skills to import Kalashnikovs into Northern Ireland without detection, it is just a simple carry over to use that for amphetamines or for counterfeit money. The same skills are being used. Clearly we are always going to be faced with this situation, that somewhere around 25 top organised crime gangs are working in the province. Somewhere around two thirds are paramilitary based and that presents problems to us. Consequently, you cannot have separate silos of intelligence. There is a clear need to have a branch that is handling intelligence so that if a terrorist group are going out to carry out a murder, the same people are paying attention to them who are also paying attention to them should they be going out to do an armed robbery so that there are no silos in your intelligence system.

The second point talks about dissemination procedures. That is an important recommendation for the integrity of the Police Service. There was a specific recommendation in relation to this in Stevens 3. The last detailed instructions

that were given to the RUC happened a number of years ago and was often called the Walker Report. We have revisited that report and put out new clear guidelines to both intelligence gatherers and intelligence users. It is important to emphasise what those guidelines have to cover. They go into detail to say here is the situations that if you are a person in C3 Special Branch and you have intelligence, this is what you must pass immediately to the investigators. Equally important and worth having are the investigators trained as to what to do when they get the material. There is legislation for example and the public may be unaware of this, but it is an offence for a police officer to disclose the identity of an informant. It is not a practice or a policy by the police. Section 29 (5) of RIPA (Regulation of Investigatory Powers Act) makes it absolutely clear that if a police officers discloses, without good cause, the identity of an informant, you have a situation then of discipline. There are many situations this policy has devised, where quite clearly, the identity of informants or other matters have to be disclosed to the people investigating serious crime. We have gone into great detail to ensure that some of the problems that happened in the past, clearly in Omagh and the Sean Brown investigation and other investigations, where it was made clear that material did not pass, are fully covered. We think that these dissemination proof procedures that we have, are in advance of anything that exist in any other Police Service currently in the United Kingdom.

The third bullet point, The National Intelligence Model is a very significant issue. It is a national approach to intelligence. Many of the things that we are doing under Stevens, Blakey and Crompton put bluntly we would have been doing under the National Intelligence Model because they are Best Practice and they are sensible things to do.

You will also see that we have new CID staff and what we have tried to do over the last 6 months is to try and mix up the skills base. We have Special Branch officers now moving into areas of organised crime and serious crime as detectives of part of those teams and CID officers being moved into what would be traditional Special Branch roles to bring in their investigative

background. We have tried to ensure that in all major operations that we are running, that at a very early stage, you have people from the various disciplines sitting in and making decisions as to how to handle it. Again, as I said in the beginning, it is going back to the 4 main principles on the issue of integrating properly our approach.

The last point talks about proportional intelligence sources. One of the big issues for any Police Service is to ensure that its intelligence sources are sources that do not present to the organisation, corporate risk. That means, for example, in relation to informants, that the informants are not causing more problems to the community than the information they are passing, that may be of assistance to the police. We now have systems in place, which have led us to review all the informants that we currently manage here in Northern Ireland, that are our responsibility in law. To make sure they are handled properly, that their risks are properly looked at and judged and that they are giving relevant information that can be used. That has meant bluntly, in a number of situations, that we have finished and terminated our relationship with a number of informants. It has also meant, in other areas, that our application of the National Intelligence Model has shown us that there are areas of major criminality here in the province where we do not have information coming in. That may have led, in certain cases, to recruitment drives. The review of informants that we have carried out, which was required under Stevens, has been quite comprehensive and rigorous and has been audited by outside bodies. I think it is important to emphasise to the public, that under the Regulation of Investigatory Powers Act and the Manual of Guidance, there is actually a manual for managing informants, and that people appreciate here in Northern Ireland, before you can register informants, there is a risk assessment that has to be carried out. The registration of informants is compulsory in the United Kingdom. This does not happen in other countries. Handlers here in Northern Ireland must be trained. We are moving now to the situation where they are actually dedicated and full-time, and there are no other jobs that they are carrying out that could interfere with their duties. We have situations whereby, with all our

informants, their authorisation is reviewed at superintendent level and any involvement in crime involves the authorisation of a chief officer, that is ACC and above.

Each year, our management system for handling informants is independently audited by a Surveillance Commissioner that is set up by an Act of Parliament. We are very aware of the real value that good informants can give in police investigations but we are now particularly aware as well, of the real dangers to the community and to the Police Service of running informants who we perceive as corporate risks.

Forensic and there are important developments within the last 6 months. Clearly it would be appropriate for me to say there have been a number of stated court cases that have gone through, that predate the setting up of Crime Ops, going back 2 or 3, years where there was negative comment made about the quality of scene management. That in itself, has been one of the developing things for creating the department. Previously, there was really no central system or central audit process for our scene management. We have now got a system in place where we have, through C7 branch, regular audits of our scene management. We have met with the Forensic Scientists to try and improve the turnaround time. The turnaround time for material coming back from forensic submissions is slower here than the rest of the United Kingdom, but I must put a health warning out and say that it is not totally the fault of the lab. There are issues internally, inside the Police Service, with our systems and we have agreed a joint set of targets through this year and next year. By the middle of next year, we will be in a situation that we will be competitive and our relationship with the forensic lab will be the best that exists in the United Kingdom. I believe the lab have taken some really important steps in the last couple of months, in terms of their staffing and expertise and they have really shown us a clear indication that they mean to deliver on their side.

Finally, there is an issue about volume crime. One of the big dangers we have spotted in terms of forensic is, that with many serious crime investigations going on, like Omagh, murders that require a lot of money to be spent on forensic examination, it is easy to lose sight of the fact that many of the volume crime targets that are important to the Board, like burglaries and car thefts can only be handled properly by good forensic examination and people will be detected that way. The really danger is with me being in charge of the forensic staff and also in charge of serious investigation, we wanted to develop a system whereby those District Commanders who have an interest clearly in volume crime, will get their say. What we have done is created a users group to handle volume crime. I am not on it, the forensic people are. It is chaired by Peter Sheridan, one of the regional ACCs and there are also District Commanders on it and it means that they get an independent voice in terms of the monies and the forensic resources that are available.

We have an analyst centre which is one of the branches. Again big changes in the last few months since we set up. We now have analysts, not just in the districts but in the regions, Crime Operations and other HQ department. They are now producing the full range of NIM products which are relevant to investigators, and district commanders. This would seem more at the DPP level where the district analysts would be producing much of the material that is produced at DPP meetings. It is a good selling point for us, the exporting of the skills that we have developed here. Our analysts have been working in setting up similar analysts systems in Australia, New Zealand, North America. We currently have teams working in Eastern Europe in the new developing countries there. We are seen as the market leader in terms of analytical services and a lot of the credit goes to the people running the Analyst Unit and we are very proud of the many developments.

Finally, clearly an area of great significance for many of the Board Members and the public - Murder Reviews, this is the Serious Crime Review Team, the last of the branches. We are currently sitting in the province with about 1,800

unsolved murders from the 'troubles', 300 plus other deaths that were as a result of the 'troubles'. It is fair to say, that in our meetings with people, that there is much grief in many parts of the community, many problems in terms of what people feel are unsolved murders.

The Chief Constable, myself and other chief officers have met a wide number of groups such as FAIR, the Pat Finucane Centre, police families' representatives, individuals who are the relatives of people who died in specific atrocities and recently we met the Loughgall families. We have a dedicated team and a system in place for looking at the reviews. Basically, they review murders that are unsolved and give us an audit return and as we can see there are 3 ongoing. There is currently 46 preliminary case assessments. Basically, that is where the team go in and look at the existing exhibits, the forensic evidence, the existing paperwork and intelligence and see if there is anything we can take from this case and hopefully bring to court, a realistic evidential opportunity. If they think there is, it goes into a full deferred review where people go out and speak to witnesses and see if their recollection today is the same as it was 30 years ago when they signed the statement. That leads to cases being reopened. When a case is fully reopened it is as if the incident happened yesterday even though it is a 1972 or 1974 case we just run it as a 'live' murder incident and we have 2 currently that have been reopened.

It is a difficult issue for us. The Chief Constable has quite clearly stated that we are not resourced to deal with this amount of cases. We certainly feel that the system we have in place is one that is done with integrity and professionalism but we are speaking to the Government in relation to additional resources that will allow us to increase the tempo of these reviews that are being carried out.

The other issue of course that has been addressed, we think from the police side is, already I am having to write letters to relatives to say we have looked at your case, we have assessed all the information, unfortunately there is

nothing we can do now to take this case forward. There is no reasonable opportunity to take it forward. That is what we have to say in terms of letters to be frank with people and for many of those people what they are now looking for is a safe environment whereby someone can come and tell them the whole story. Clearly there is an issue here in terms of the fact that the police do not have the whole story. The whole story is partly in our exhibits and in our stores but it is also in places like the DPP and Government departments and the military.

It is important that we develop some system whereby in situations where we cannot take the investigation forward, in a criminal sense, but where there is a safe ground where we can share some of the information and background to it. This is a matter clearly that is ongoing. It is a matter that sometimes can cause problems for the police but we try to be as honest as we can in our dealings with the public.

There are still some challenges facing us. You cannot create a department of this size dealing with these types of problems without some difficulties. We are very grateful for the personnel changes that came in and the additional police officers. Some issues over civilians, clearly big issues still exist inside policing and the ability to be flexible. In contrast to the districts, our flexibility in the department is much less, being able to move people to the current problems that we face, to have resource flexibility. That is something we are discussing with the head of personnel.

Accommodation, I am really impressed with. We thought this would be a huge problem for us. I have to say that David Best and his staff have delivered tremendously in terms of accommodation and developments which we thought would be a major problem, particularly on the new HOLMES rooms that are going in. We are very grateful for that.

Crime training is a real problem, not just for us, for all UK Forces. I have made this point in private sessions to the Board in the past. One of the things

about Patten was that if Patten mentioned a problem, money got spent on it. Patten said nothing about crime training, he said nothing basically about CID and what we are left with is a situation where this particular problem, like many other

UK Forces, is a major issue for us. The ability to train and keep resourced up detectives and those involved in crime scene management, this is the biggest training problem facing the police. We are trying to do our bit. We are giving up posts back into Joe Stewart in Training Branch to deliver training back to our officers and the 2 Regional ACCs are giving up detective posts again to deliver back training into them as well. We have decided that this is the only way to take this forward over the next 2 years.

Staff turnover remains a problem. We have had to advertise for detectives in England. It has to do basically with the makeup of your Force. Many people's career is that you spend a number of years in uniform and you tend to find the average age of a detective is more than a uniformed officer. Consequently what you find is, that proportionately, we had more detectives that took severance. This year we have been very pleased in the new recruitment system that we had in the new department. There have been a large number of young officers who are now currently in the department and what we have are a number of PSNI student officers who have come into Crime Ops, some just finishing their probation. They were successful coming in on the merit basis approach and that has meant that the average age is considerably reduced. It has changed the makeup of the department.

As I have said the last point is history in terms of many of the issues. If we were just dealing with the 'live' murders as they happened and the press that goes with it, that would be normal business for all Police Services. If you look at the Sunday World or Sunday Life at the weekend you will see lots of article about murder cases many of which happened in the 1970s and 1980s. That drives a lot of requests in for information and that remains a major issue and will remain a major issue for the PSNI over the next few years.

That is a quick run through and I am happy, Chairman, to take any questions.

**Chairman, Professor Desmond Rea:**

I am going to take a question at this stage from Mr Attwood then question 1 from Mr Byrne, question 3 from Barry Gilligan and question 11 from the Vice-Chairman. Mr Attwood.

**Mr Attwood:**

Thank you Chairman. Can I first of all acknowledge what Sam Kinkaid said, that Patten had very little to say about the CID and that it was left to PSNI and the Policing Board to work up what little he said into something more concrete. As the Policing and Oversight Commissioner said, what the police are now doing complies with international Best Practice and I think that is clear from what

Sam Kinkaid outlined.

Could I also acknowledge what he said about cases of the past, the unresolved murder and acknowledge the way the police are attempting to deal with that and engage with families and groups in respect of all that and welcome the suggestion from Sam, that, could there be a mechanism whereby information could be shared with effected families and victims and survivors, even where the possibility of prosecution does not arise. I think that is all ground breaking stuff.

My question, however, deals with the Strategic Intelligence Review. Sam will not be surprised and a lot of questions I was going to ask has been covered so could I ask the following. You refer to the Walker principles. This is not a published document and therefore there is only speculation about what it might have said. Part of which is that there could be no planned arrest or search operation unless there was prior clearance by Special Branch. Now whether that was, is or is not the case, given that you said that the Walker principles have been replaced, can you confirm that that principle no longer

exists in respect of police conduct and that any planned search or arrest operation does not necessarily be processed through Special Branch as a matter of routine. Clearly, there are going to be checks and balances and the need to share information but as an operational principle across the Board, is that or is that not the case?

The second question is that you have acknowledged that you have reviewed all your current informants and indeed have, where necessary, recruited people and in some cases, ended the association with the police. Arising from that and given the principle that you outlined namely, that any agent is assessed against the risk to the community being not greater than the information provided from that informant, can you give reassurance that there is no informant in the leadership of any drug gang or other organised crime gang who is currently an agent working for Special Branch? Now I stress when I say 'in the leadership of any other organised crime gang or drugs gang operating in the North of Ireland'.

**Assistant Chief Constable, Mr Sam Kinkaid:**

Two issues there. I mentioned and you came back on the Walker principles. To sum up what Walker had said basically. It was that plans to search premises had to first come to Special Branch, plans to arrest people had to come to Special Branch. Where a decision was going to be taken to charge someone who was an informant, there was no right of veto but there had to be a discussion with Special Branch. We have set those aside and are moving towards what would be the system used by NCIS. Consequently, there are no discussions now if an informant is committing an offence, for which he would be charged, he will be charged.

In relation to arrests, there are new directions we have put out that make it absolutely clear in relation to arrests there is no need to come into C3 to ask for approval to an arrest.

In relation to searches, we are basically applying the system that applies throughout the United Kingdom which is a flagging system. Clearly there are situations where there are some premises, for example, if they have a drug dealer who lives or uses certain premises and we are running a surveillance operation into those premises, it has happened in the past that the local police station gets news that he has 2 stolen televisions there. They just arrive, search and destroy a high quality surveillance operation of drug dealing or cocaine operation that has been going for months. Moving to what is called the NCIS flagging system which allows you to flag addresses, that is not purely for the branch, when the system is up and running very soon that will allow organisations outside the Special Branch to simply say, "we have a house of interest that is of relevance to us, if you are going to do anything in relation to those properties speak to us". It may be that the search can go on but it allows people to share information Walker has gone and the new system that we have is based around the NCIS model. We hope very soon to have that properly up and running, particularly now that NCIS are developing and setting up their staff here in Northern Ireland.

You mentioned informants. Clearly I am very mindful of the words that I said at the beginning. There are a number of prominent drug gangs here in Northern Ireland. I am not going to make any public comments about who, when or where we run people in them but clearly it would be a very serious matter for us to be running the person who is in charge of a drugs cartel. That, I think we would have problems with, in terms of the ACPO manual of guidance which makes it absolutely clear there has to be a marginal role in relation to it.

Do we gather intelligence on people on major drug cartels, obviously we do, through a whole variety of resources. The risk assessment clearly each year and during the year, on any informant, would be looking at issues to see has this person, for example, left the gang and set one up on his own. In which case then the grounds that you would have to run him on the first gang would disappear in the second. That is a judgement call that is made at senior level

inside the organisation and let me say in relation to that, it is not peculiar to us, that is national standards. It would be a similar decision made in the West Midlands or in Greater Manchester. Each time you have to make a decision as to has this person's prominent role inside the organisation got to the point that it is now a corporate risk for the PSNI to be identified or associated with him, irrespective of what information they are getting in.

**Chairman, Professor Desmond Rea:**

I am going to take some supplementaries after I have taken the stated question. Mr Byrne on question 1.

**Mr Joe Byrne:**

Chairman, would the Chief Constable comment on the analysis and recommendations of the Goldstock Report on organised crime in Northern Ireland and could he say what degree of confidence he has, with regard to police progress in tackling organised crime thus far given that there is a strong interlink between organised crime and paramilitary organisations.

Finally, do we still have 'Mr Untouchables' involved in serious or organised crime which the police have not been able to apprehend or get convicted?

**Chief Constable, Mr Hugh Orde:**

I will ask Sam to deal with that.

**Assistant Chief Constable, Mr Sam Kinkaid:**

Just on the Goldstock Report, can I say that many of the recommendations he gave are in place simply because he was over working several times with us and with other members of the Organised Crime Task Force.

The Government is addressing a number of them at national level and 2 have been initially rejected by the Government as being unworkable. One in relation to fuel smuggling and the second one in relation to bank notes. I would put a health warning with the second one and say that the PSNI's view

is that if we were able to change our system in relation to the fact that each bank issues their own bank notes here in Northern Ireland, we might seriously reduce the amount of Securicor and other vehicles that are driving about just simply moving them all back to the 'Mother Bank'. I think proportionately, we have a lot more transported money over here not because of the amount of trade that is going on but simply because everybody wants to produce their own banknote.

We clearly are committed to tackling organised crime. To ensure that we knew where the Professor was coming from and what the background was for all this detail, we sent 2 officers to the USA to meet him. He took them around and introduced them to other agencies who were doing some of the things that he said could be done, which was very useful and allowed us to get some kind of introduction into law enforcement officers who were carrying out some of the practices. We have had some recent successful investigations in relation to that. We have also had a look at some of his ideas because we are not funded for them this year. Currently we are opening negotiations with the Government in relation to the necessary funding that would have to come from some of the quite creative ideas that the Professor mentions. I am not going to talk about them in the public session because I do not want to advertise what these may be to the people who we may, in the future, want to run some of these types of operations against.

We currently, as we have said, believe we have to work with other agencies in this, like the new threat assessment that we are going to do with Garda Siochana. A lot of our cross-border organised crime, we cannot do on our own. It is often the police with the Customs in the North and Customs and Garda Siochana in the South. Clearly our work with the Asset Recovery Agency is an important way forward in relation to some of the things that the Professor mentions. I am hopeful that we have benefited from his report but we have also benefited from other ideas that came from other agencies. We have certainly seen a significant number of successful operations and may I

emphasise, a lot of our successful operations have not happened here in Northern Ireland. They have happened in other parts of Europe where we have worked alongside other agencies. We have seen organised crime gangs from here lose their material that they were trying to bring back far away from here. That has been very successful to us and because sometimes, because of their nature we do not pass too many public comments.

**Chairman, Professor Desmond Rea:**

There is a question on a specific case which alludes to the Stevens, Blakey, Crompton recommendations. Barry Gilligan, question 3.

**Mr Barry Gilligan:**

Could the Chief Constable comment on the statement made in the recent judgements of Mr Justice Girvan to the effect that PSNI withheld information about Gareth O'Connor and that a policy of keeping information from the detective investigating the case prevailed. Indeed Justice Girvan further commented that the consequence of such a policy is that, suspicion, unease and doubt are aroused. I know ACC Kinkaid has touched on this during his presentation but perhaps the Chief Constable or Sam could further assure us that the changes flowing from the Stevens, Blakey and Crompton recommendations ensure that such accusations will be a thing of the past?

**Chief Constable, Mr Hugh Orde:**

I will ask Sam to deal with the detail but that does precede the new arrangements.

**Assistant Chief Constable, Mr Sam Kinkaid:**

Quite clearly, we took the comments of the judge seriously and looked at them in detail. The case involved an investigation into a crime that happened several years ago and did highlight some of the problems of districts, regions and headquarter departments all having different roles and responsibilities in relation to a serious terrorist offence. That was one of the reasons for the

drive to have one department who owned the whole problem and was trying to ensure that there was proper professionalism. It is no criticism of the people who were involved in the previous one. It also highlighted some difficulties with the sharing of information, which I spoke on about dissemination.

Immediately the judgement came out, I tasked the Serious Crime Review Team in terms of their work and specialist work to carry out an immediate review into how PSNI originally handled the investigation and the court preparation for the case. Again, there is no point being complacent in saying Crime Ops has solved all the problems. We wanted to make sure that there were no further procedural changes we had to do. Putting in the C7 team or an independent team from our perspective, well trained to do murder reviews and to look at this one and to come back. Some of their initial reports on other matters have shown that they can be very sharp in constructively criticising how things should be developed. We can assure the Board that we believe there are systems in place that will maximise information sharing. I believe the review carried out by C7 will also highlight to us any improvements on the forensic management we have to do. What I am happy to do, Chairman, is to come back at a future date to the Board and advise of the results of our review because of the significance of that judgement.

**Chairman, Professor Desmond Rea:**

Question 11 from Vice-Chairman. Mr Bradley.

**Vice-Chairman, Mr Denis Bradley:**

Could the Chief Constable outline the background to the investigation into the shooting of Manus Deery in Derry in 1972 and that despite repeated requests for information the police have not responded, so could the Chief Constable or Sam please comment particularly in regards to the second part, the lack of response to requested information.

**Assistant Chief Constable, Mr Sam Kinkaid:**

Chairman, this is one of the cases that highlights what I said earlier in terms of trying to get a situation whereby the story can be told and the fact is that the police do not always hold all the answers.

It is an unfortunate case when Manus Deery was killed in 1972 when he was struck by a bullet that was fired by soldiers. They stated they observed a gunman. There was never anything to indicate that Manus Deery was the gunman. It would appear that he was struck by the bullet and an investigation was conducted at the time. A file was submitted to the Director of Public Prosecutions who directed no prosecution so here you see the story starts with the military through the police to the DPP.

The case has been the subject of extensive correspondence between the police and representative groups for the family since 2001. That has involved a series of correspondence over what exactly was meant by the yellow card rule in relation to the military.

In 2001 the family were given copies of statements and I was briefed by the district concerned that they were given copies of the statements and pathology reports in relation to the unfortunate death of Manus. I can understand that there is more information that they wish to see which would not always be in the police possession or the police have a right to disclose. We currently do not comment on DPP directions or reports, that is the current policy. That is the facts to date Chairman.

**Chairman, Professor Desmond Rea:**

Ian Paisley Jnr.

**Mr Ian Paisley Jnr:**

Chairman, before I ask my question specifically about Sam Kinkaid's report, I must say I take exception, as a Board Member, to the fact that at a private session of this Board the question was asked, for obvious reasons in a private session to protect lives, and then there is an attempt by a Board Member to

ask a question in a public session to identify possibly informants who are operating in one of the known 25 criminal gangs in Northern Ireland. I think that is highly irresponsible of that Member to do that. It could, if not answered in this very sensible and sensitive way that it was answered, place the lives of informants in danger and I think it shows a complete disregard for the role this Board should be playing publicly. I hope that that Member goes away and reflects upon the fact that his words could place the lives of informants in danger and indeed, could make informants operations very impossible in the future. I think that this Board should not be used in the public way that it was used earlier in this question session.

With regards to my question, it turns to the presentation which Sam Kinkaid made on C7 or historic review of cases. In July of this year, he wrote to some of the Omagh families and indicated that he had not yet received full forensic and other reports from the Garda. Do you know or can you tell us when you expect to receive that information and have you any opinion to offer as to why that information is not being given to you?

Secondly, with regards to the Claudy atrocity, when do you hope to be in a position to bring forward a report into Claudy.

**Assistant Chief Constable, Mr Sam Kinkaid:**

I spoke to the SIO in Omagh this morning. I was asked by the Omagh Relatives Group in relation to some forensic samples that we have been asking from the Republic since last year and I want to make it clear, that there is no criticism of An Garda Siochana in any words that I say. I will be careful how I word this, but yes we have made requests through the formal systems through the Northern Ireland, Office, which then go to the Irish Government and then to the Guards, in relation to some samples they took last year.

Unfortunately, we are heading to

13 months and I still have not had those samples sent to me. Quite properly, Mr Gallagher, the head of the Omagh Group, was aware of this. He had been to meetings in the Republic and he wrote to me. In the spirit of transparency

that we currently have, I tried to give him details as to when we made this request.

I spoke to the SIO this morning and he informed me that the material has not yet been sent up for my attention. Now I will write to the Security Minister and try to expedite that material.

In relation to Claudy, we have spoken to the families and we still have a standing team. There are 'live' lines of enquiry still ongoing in relation to Claudy. It may be though at a future date that we will speak to the Board in private session, after we have spoken to the families and update you then.

**Mr Ian Paisley Jnr:**

Chairman, my main question is to the Chief Constable. If you can detail if any of the victims or suspected perpetrators of recent serious crimes of murder, attempted murder, firearms and explosives offences, including the previous loyalist feud, if any of those offenders have been on bail for other crimes when they were either attacked or involved in any of those incidents.

**Chairman, Professor Desmond Rea:**

I am taking questions on ACC Kinkaid's main report at this stage, do you want to hold that over? Thank you, I will call you.

**Mr Alex Attwood:**

Just as a matter of observation, Sam Kinkaid did agree at the private session of the Board, that the principles outlined in my question 14, including that no agents are involved in serious criminal activity was appropriate to proceed with, in terms of questions.

**Lord Kilclooney:**

Chairman, a small point. On the request for information from the Garda Siochana, am I to understand that the PSNI have to go through the NIO and the Security Minister rather than relate directly to Garda Siochana. Do you

have to go through a United Kingdom Minister to get information from police in Scotland?

**Assistant Chief Constable, Mr Sam Kinkaid:**

In relation to outside governments, there is a system where we go through the prosecuting authority. For example, if I am wanting material from the Dutch, I have to go through the Director of Public Prosecutions who basically says this material is required as a bona fide part of an investigation. It is not unusual to have a political link in the chain of getting the information. The same applies to incoming requests into Britain. Clearly, England, Scotland and Wales is a completely different situation but in relation to this, yes, we are used to having to go through Government, and other Forces having to go through Government to come to us. What is slightly unusual in this case is the length of time, bearing in mind the serious nature of the investigation and the time it has taken for this material to come North. I can say that publicly because we have already expedited this a number of times and it has not happened. The families have a right to know how the situation has developed.

**Chairman, Professor Desmond Rea:**

Ian if you want to put your question now as Sam is ready to take it.

**Mr Ian Paisley Jnr:**

It was a question to the Chief Constable with regard to people who have been on bail if any of the victims or suspected perpetrators of recent serious crimes of murder, attempted murder, firearms and explosives offences, including the previous loyalist feud, have been on bail for other crimes when they were either attacked or involved in any of those incidents?

**Assistant Chief Constable, Mr Sam Kinkaid:**

I will be honest and say we did not have a system in place to automatically pick up, in relation to persons coming forward who were offending on bail. I am hopeful, through the new PPS and the Causeway systems that that kind of information will be relatively accessible off the new computerised system

for prosecutions. We have got a number of incidents clearly highlighted to us that indicate that people on bail, not only have been perpetrators but have actually been victims of further crime themselves whilst they have been out on bail. I was aware that you asked in your question either attacked or involved in any incident and for example, we had one in connection with the loyalist feud who was on bail for assault and then carried out an assault. We have a series of people at times on bail for serious motoring offences who are then arrested for other serious crime. We have had a number of cases in Coleraine, Down, Dungannon and North Down of people being bailed for offences like drugs who then have been intimidated either in terms of punishment assaults on them whilst on bail or suspicious items being left at their houses to intimidate them out of areas, simply because the public knowledge coming into the community.

What I would like to do, if it is possible, is to go back and talk to Judith Gillespie and see if we can come back with a more formal system in terms of numbers and what type of offences. I do not think our present systems properly pick up the summary offences at the Magistrates Court. In terms of the districts, where there could be some of the worst problems, you have people in for minor criminal damage or relatively minor criminal damage getting bail for offences and then re-offending in car thefts. We do not a system whereby I can give you figures that we could statistically stand over.

**Mr Ian Paisley Jnr:**

From anecdotal evidence the experience is that the bail system is not working.

**Assistant Chief Constable, Mr Sam Kinkaid:**

All police officers at times feel unhappy with the bail system. The Human Rights Act makes it clear and quite strict the grounds in which people's freedom can be taken off them. But we are keen to have developments and systems whereby, if people are getting bail there is much tighter restrictions and clearly as well, police power to deal with people, when they break the

restrictions. I think there has been a history in Northern Ireland, in some situations, of people getting bail where the Chief Constable has noted he believes would not happen in similar cases in England. Perhaps the Chief Constable could speak on that.

**Chairman, Professor Desmond Rea:**

I am going to take one final question on ACC Kinkaid's presentation, Mr Sam Foster.

**Mr Sam Foster:**

Thank you Chairman. The ACC referred to the fact that there were 1800 unsolved murders in Northern Ireland and then he went on to refer to the fact that he had met different groupings throughout the province who had been victims relatives as it were. Could you clarify the situation where in fact you referred to Loughgall people meeting the Chief Constable? Are you really trying to equate the armed gang who were killed in action at Loughgall with the murdered innocent victims such as those at Enniskillen or anywhere else? That seems to me rather offensive.

**Chief Constable, Mr Hugh Orde:**

I will deal with that, as I was the one who met the 2 people from that particular group.

What we have said in terms of dealing with history is, until someone else takes up the baton and looks at other ways of dealing with the whole of the history of Northern Ireland rather than in any one dimensional way, we find ourselves pretty much in the middle. I met 2 members of the Kelly family because they asked to meet in relation to a specific question. Their question very much was around the circumstances surrounding the death of their brother. The feedback, which is a matter of public record, that I gave them, was my assessment of that particular gang was it was extremely dangerous. It was a killer gang. It had a substantial history and had I been the Chief Constable at the time there would be a high likelihood that I would have

likewise employed the SAS for that, as a tactical option, very much in the same way as the Commissioner of Metropolitan Police several years before, did with all the resources available to him, chose to use the SAS to end the Iranian Embassy Seize.

The interesting part of the conversation was that these people were just interested, as many people are, in understanding more about the history and circumstances in which their relatives came to meet their deaths, regardless of the circumstances. I make no comments on the pluses or minuses, that is not my role.

What is important I think is, that this particular burden is taken in a far wider way than simply asking police officers to investigate to evidential standards. That case is a closed case in terms of prosecutions and any issues around it. It was simply a matter of meeting people who want to talk to someone. Currently my officers find themselves continually dealing with these because other people do not seem to want to engage. There is work afoot, Sam mentioned it. We are prepared and we are committed to looking at every single case from a police perspective. I would make a point that I am the first Chief Constable to deploy dedicated resources into looking backwards. We are looking at all cases. We are looking at the murders of police officers, police colleagues who have been killed, we are also looking at issues such as Claudy, mentioned by one of the Members, and other issues as well. There are also public inquiries playing in this domain. The point is, that until others take up the mantle, I will continue to meet all the communities because we are now responsible for policing those communities.

**Mr Sam Foster:**

One further point if I may Chairman. Are you now trying to classify the Loughgall deaths as murders? That is an indictment surely, Chief Constable?

**Chief Constable, Mr Hugh Orde:**

I do not think I said that at all Chairman, I think I made my position perfectly clear. I was asked to make an operational assessment on the situation around Loughgall. That is what I did and that is what I fed back.

**Chairman, Professor Desmond Rea:**

In line with the revised programme that I outlined to members of the public and press at the beginning, we now move to Part 2 – the policing of the marching season. I would ask the Chief Constable and ACC Rural, Peter Sheridan and ACC Urban, Duncan McCausland now to present.

Could I say a very sincere thank you on behalf of the Board and I am sure on behalf of members of the public and the press to ACC Kinkaid for the very frank and open way he presented to us.

**Chief Constable, Mr Hugh Orde:**

Thank you Chairman. I will try and keep this at a broad strategic level and give my assessment of the marching season in totality. My colleagues Peter and Duncan will then give more detail on some of the specific marches that took place this year. I am also mindful of your observations that the Board has yet to discuss or receive the Human Rights Adviser's view on this, which we see as a very important part of the process, as it increases the transparency of the whole event.

My overall assessment of the marching season is an optimistic one and is a positive one. I think if we step back from some of the detail which will be covered, Northern Ireland experienced an overwhelmingly peaceful marching season for the second year in a row.

Up until the end of August and I stress these figures are provisional, there were 2,157 parades, a substantial number. The vast majority of these passed off peacefully and with minimum policing. The reason for this in my assessment was the level of engagement by all parties, the negotiations

beforehand and the commitment and common sense of the overwhelming majority to stick to the agreements reached and with the determinations made. There was disorder at 16 of these events in total. Some of that disorder was extremely minor.

I will contend that professional, proactive and proportionate policing made a major contribution to this year's generally peaceful outcome. My local and regional commanders were critical to that process and I think they deserve credit for their efforts.

I am not saying we got it right all of the time, but I was out and about at nearly all of the major parades, as was my Deputy, Paul Leighton and I am of the view that we did our absolute best, often in difficult and imprecise and changing circumstances, to deliver an effective policing response to the whole season. Human Rights and the Police Service's Code of Ethics have been central to all our planning processes. Our main briefing was attended, not only by all my senior District Commanders but also the Police Ombudsman for Northern Ireland representatives and the Policing Board's Human Rights team. We have sought throughout to uphold the rights of people to march, as long as they do so peacefully, within the law and the Parades Commission's determinations. In addition we have sought to uphold the rights of those who wish to protest against marches and parades peacefully and legally. That can be a difficult balance but I think we did our honest best.

First and foremost our job is clear. It is to preserve life, protect property and keep the peace. We also seek to prevent disorder, to resolve difficulties, particularly at the community interfaces, and I was at many of them, and to minimise disruption and to reassure the whole community.

Clearly, they were some incidents, in particular North Belfast on the 12 July and Lurgan on the 13 July, which attracted high profile media attention. It also provoked some reaction from a number of politicians and community

representatives. As I have said, Duncan McCausland and Peter Sheridan will cover those particular events in more detail in a moment.

I am fully conscious of the strong emotional reactions from some people in the community which ranged from confusion and bewilderment through to anger and hurt. I actually think we were all upset to varying degrees by the events on those days and I certainly do not want people to think that we do not understand their frustrations and their concerns and their fears. I would ask them to take my word for the fact that we do and certainly being involved in many of the debriefs post-event, I would say that with absolute sincerity. We do need to know why people were upset and why they feel like that because I do think we learn from those experiences.

Some of these incidents have now been referred to the Police Ombudsman for Northern Ireland so I am quite rightly restrained about what we can say. However, what I would say about both North Belfast and Lurgan, was that Commanders took decisions on the ground on the basis of their judgements and the likelihood of preventing greater disorder. These decisions were taken with the Parades Commission's determination at the forefront of our minds and in response to unfolding events.

It is sometimes the case, that however hard we all work to ensure a peaceful event, unpredictable matters can arise and can unfold that require quick decisions in imprecise circumstances.

I also understand that some people will disagree with judgements we have made. We need to talk these issues through and in many cases, we already have done so, with people from all sides. I am not saying we have reached agreement, I am saying we have entered into the debate.

It is also right that if people or groups feel that our actions should be investigated that they raise their concerns with the Police Ombudsman and that has been done. If following any investigation, her Office makes

recommendations as to how we should do things differently, I will fully implement those recommendations and we stand on our record of always implementing the Ombudsman's recommendations.

However, looking at how the whole season went and the fact I think that a broad success was shared by police and communities working together, I do not accept that as a consequence of these hiccups in the process, for the want of a better description, there has been a substantial loss in confidence in policing.

Policing public order in Northern Ireland is a very expensive business. Contentious parades place enormous pressure on our resources and again Duncan and Peter will go into more detail on that, but we have not yet got a final figure as to the cost of this year's marching season, but it will run into millions of pounds. That is my broad overview Chairman and I will ask Duncan and Peter to go through the particular events that Members may find useful.

**Assistant Chief Constable, Mr Duncan McCausland**

Chairman, what we would propose to do now is to put up what we can to clear highlights of the marching season that I am sure Members would be interested in. As the Chief Constable has said, in total there can be over 3,000 marches when the entire year is completed but we just want to bring to the attention of the Board the key ones.

Starting with Urban Region, in Belfast at Easter, the Parades Commission gave a determination in relation to the Ardoyne shop fronts, that the band and lodge would be allowed to pass. They passed successfully and peacefully. There was a small protest and the police operation was scaled down due to the fact that there was acceptance on all sides that there was agreement to allow the band and lodge past and that a peaceful protest would take place. I think it is important to note that at that point, for one of the first times, we were

able to put officers in non-riot public order equipment into position, which was our key aim to try and de-escalate the situation.

We move on then to the Tour of the North which took place on Friday, 18 June 2004. Members may be aware there are 2 routes for the Tour of the North and this year was, as described by the press, "the contentious route". The Parades Commission determination placed some restrictions. There was clear tension in certain areas of North Belfast, particularly Duncairn Gardens and community representatives were approached and assisted on both sides to help defuse the tension. The parade passed off without incident and as the Board has discussed previously, the Mater Hospital incident did occur at the end of the event and that has been fully aired with the Board. Again, a significant police deployment in terms of resources that we had to deploy.

We then move to the Whiterock parade on Saturday, 26 June 2004. The Parades Commission initially made a determination which banned the parade from the Springfield Road. Obviously tensions rose as a result of that, in the area, on all sides of the community, and there was a possibility of serious disorder which was taken onboard and commented on, both in the media and by all community representatives. The local residents from the loyalist side sporadically blocked roads in the area short of a review that the Parades Commission was undertaking. An investigation is ongoing in relation to those blockages. The Parades Commission then carried out a review and decided to permit the parade, with certain restrictions, and again the parade passed off without incident. Again, I have to emphasise the role of community representatives in coming to negotiations in terms of coming up with a situation where the event could pass peacefully. The nationalist residents protested peacefully and legally on the Springfield Road. Subsequently there were protests which were illegal, blocking roads for a short duration in Belfast and again, as I mentioned in the previous Tour of the North, investigations in relation to those are ongoing. Once again Members, a significant and heavy police commitment was involved.

We then move to the 1 July 2004, in particular East Belfast. Again, I would at this point just emphasise these are the parades that we are drawing to your attention, there are numerous other parades going on across the Province. The Parades Commission made a determination which allowed the East Belfast parade to proceed, with certain restrictions. There was a major security operation, particularly along the Short Strand area and the parade passed without any incident and again a residents legal protest was facilitated. There were a number of breaches of the determination which are under investigation and have been reported and will be followed up to the Parades Commission.

That moves me to hand over to my colleague Peter in relation to Drumcree.

**Assistant Chief Constable, Mr Peter Sheridan:**

Chairman, Members will be aware that Drumcree has often in the past decade been a byword for disorder, violence, attacks on the police and damage to property. I am pleased to say that this year's parade passed off very peacefully without any incidents of disorder. Local Commanders invested heavily in engaging with all of those concerned, the Orange Order, Garvaghy Road residents and people of influence in the Portadown community. Whilst this has not always worked, it did on this occasion and it created an atmosphere where we were able to move to this year's peaceful outcome.

We have sought to make planning for the parade as open and transparent as possible and whilst we had hoped for the best, we also had to plan for the worst. This year the central thrust was to reduce dramatically the physical security measures and to respond quickly and positively to events on the ground and that happened on the day. The parade, following the protest on Drumcree, dispersed just before 1.30 pm. By mid afternoon the barriers started to come down, all of them were cleared by the middle of the night. However, despite this success, this was an expensive policing operation and

it will be our intention next year to further reduce our resource commitment to the event.

**Assistant Chief Constable, Mr Duncan McCausland:**

If we could then turn to the 12 July parades. In particular, the Parades Commission made certain determinations restricting some of the parades and I refer specifically to the parades in North Belfast and the Ardoyne shop fronts. Again the morning parade passed off peacefully and there was a protest. The evening parades, the Ardoyne shop fronts and East Belfast gave serious cause for concern to police commanders and I would emphasise, as Peter emphasised, there was extensive and I cannot underline that word enough, extensive negotiations and attempts to plan the process and what was going to happen and to deliver the Parades Commission determination. As the Chairman has already commented at the start, you have an extensive report being submitted on this from Mr Starmer which you will have time to review and consider and then obviously discuss with us, which will be more than welcome.

In relation to East Belfast, the return parade in East Belfast and remember for Members benefit, this is the District parade, stopped at Middlepass Street. That is being reported to the Parades Commission, in terms of a breach of delay in the return of the parade.

In relation to the Ardoyne shop fronts, the Parades Commission's determination only allowed the lodge to parade pass. The bands involved passed the shop fronts by bus and the lodge paraded pass the shop fronts. Then the issue which obviously caused serious concern for everyone in the community was the concern in relation to the issue of supporters and followers. The police marshalled and escorted 250 supporters and followers past after the parade had been concluded. As a result of the situation and as I mentioned earlier, there was anticipation there could be difficulty. Serious disorder broke out for a period of time in the Ardoyne Road and then at

Brompton Park. As a result of that breaking out, disorder, 25 police officers were injured and 6 soldiers, none have suffered, I am sure the Board will be pleased to hear, serious injuries. We had to, as a result of that disorder breaking out, deploy significant public order units and equipment to help separate or contain the disturbance within the areas I have just mentioned, the Ardoyne Road and Brompton Park and also to contain the disorder. Members will be pleased to know that no baton rounds were fired and there are a significant number of follow-up investigations ongoing. We have identified at least 21 people who are being brought forward shortly for prosecution. But again, I would put this into context, all other parades across the entire Northern Ireland, in terms of the 12 July, both in the rest of my area and Peter's region, passed off without incident. Those are a significant number of parades. There could have been up to 100,000 people involved in parades and or watching the parades and again, except for the difficulty of Ardoyne, which we do not under-estimate by any sense of the imagination, the rest of the 12 July passed off peacefully.

We then move to the 13 July and I will pass back to Peter.

**Assistant Chief Constable, Mr Peter Sheridan:**

The 13 July was the Royal Black Preceptory parade in Lurgan and as the Chief Constable has already said, a complaint has been made to the Ombudsman's Office. In fact, there are a number of complaints made to the Ombudsman's Office concerning the failure of the police to protect the train leaving Lurgan with parade participants onboard. Also a further complaint has been made to the Ombudsman's Office concerning the policing of the event in the evening parade, therefore there is little I can say in terms of detail. However, as the Chief Constable has said, it is clear that there was a strong emotional reaction from people from both sides of the community and their representatives. We respect and understand that and will take it into consideration in our future planning for parades in Lurgan.

It was a difficult day throughout. The morning parade of around 400 marchers and 6 bands took place peacefully. However, when they got on the train it was attacked by a number of youths with paint and petrol bombs and other missiles and obviously a train hit with petrol bombs and people on board is a very serious matter. In a bid to ensure the safety of the marchers and after consultation with Translink, the train was substituted by a bus, for the return journey in the evening time.

As the evening parade was marching to an agreed turning point, a motorist drove a car into the agreed turning point and refused to move it. A potential stand-off was developing and as a result, the senior officer on the ground, using his powers under Section 9 of the Public Processions Act 1998, directed that the parade be allowed to walk a further distance, past the original turning point, to return to the notified route. Towards the end of the parade, a vehicle was hijacked and set on fire near the railway line and a group of around 60 youths threw bottles and stones at the parade route. Later stones and petrol bombs were thrown into the police station damaging vehicles. Both the owner and the driver of the vehicle have been interviewed by police and a file has been prepared for the Director of Public Prosecution. Investigations continue into other disorder on the day.

### **Assistant Chief Constable, Mr Duncan McCausland**

If we then move to the Apprentice Boys parade on Saturday, 14 August and the series of parades, Belfast is highlighted because it had a feeder parade, again past the Ardoyne shop fronts was proposed. The Parades Commission determination banned the parade passing the Ardoyne shop fronts, but under review, allowed the bands and lodges to traverse by bus. The Parades Commission determination stated that the Parades Commission and we welcome this, will hope to lead an initiative in the Autumn regarding Ardoyne parades to attempt to come up with a solution. We have said constantly and repeat it and make no apologies for doing, that there is no policing solution to the problem at the Ardoyne shop fronts, it has to be a community resolution.

In terms of the actual event itself, it passed off peacefully. There was a protest at the Ardoyne shop fronts on the morning of the parade and the lodge and band traversed by bus without incident.

I would then hand back to Peter in relation to the larger Apprentice Boys parades on that day.

**Assistant Chief Constable, Mr Peter Sheridan:**

The main Apprentice Boys parade, Chairman, took place on the 14 August. There were 127 bands and around 6,000 marchers. The parade was peaceful with only minor incidents along the parade route. At one stage petrol bombs were thrown in the Gobnascale area. Four people were arrested for provocative conduct, assault and disorderly behaviour and 12 bands are being investigated for their conduct in the Diamond area. Where evidence is available of provocative conduct or other public order offences, a report will be sent to the DPP.

On the same day, the local Apprentice Boys Club in Maghera, one band and around 75 marchers, paraded the town en route to the main Apprentice Boys demonstration. No Parades Commission determination was made concerning this parade. The protest demonstration was organised by Maghera Concerned Residents Group at Upper Main Street. Notice had been served on the police and the District Commander imposed conditions on the protest organisers. On that morning, around 100 people lined both sides of the road causing a block. Despite efforts by the police and a representative of the Parades Commission who were present and representatives of the protest group, no agreement was reached.

As the parade approached the junction of Glen Road and Upper Main Street, a bread van was hijacked and set on fire. The members of the Apprentice Boys Club decided to forego their right to continue the approved route and returned to their dispersal point. This action avoided the need for the police

to forcibly remove protestors from the route of the parade. Given that the protestors included men, women and children, this would have been difficult for the police to achieve. To date, 4 persons involved in leading the protest have been interviewed with a view to prosecution and further interviews with others are in progress. Two persons have been arrested under terrorism legislation in connection with the highjacking and burning of the van. They have been interviewed and have been released, and enquiries are continuing.

**Assistant Chief Constable, Mr Duncan McCausland:**

If we then move to Saturday, 28 August and the Royal Black Preceptory parades. In relation to the Ardoyne shop fronts, a determination was made to allow the lodge and band to traverse the Ardoyne shop fronts by bus. Again this was done with a small protest at the front of the Ardoyne shop fronts.

Again, Chairman and Members, to highlight to you the commitment from the police, I had to deploy 11 tactical to ensure that that was achieved. On the morning, as I emphasised, it passed off without incident and all other Royal Black Preceptory parades passed without incident.

In the evening there was a minor disturbance in relation to parade returning to Whitewell, which is under investigation. There was an incident in relation to the Whitewell, where the police had to deploy and ensure both sides of the community were kept apart, until the tension had calmed down in the area.

It is fair to say that all other parades in relation to the Royal Black Preceptory on that day passed off without incident.

Chairman, that would conclude the highlights to date of the marching season but again I would emphasise that Peter still has the main issues in terms of Foyle District concerning the Apprentice Boys in December. Obviously that is still an issue which needs to be borne in Members minds, in terms of the policing of the environment and events.

The Chief Constable mentioned the cost of which is in millions of pounds. Just to give an example for my region, it would amount now, just for the tactical support units, of an excess of £1 million just in deploying them to police these parades. That is not the effect on the districts and the effect that that has in terms of the non-financial aspects that we can equate to vis a vis, removing police from frontline crime fighting.

**Chairman, Professor Desmond Rea:**

Chief Constable.

**Chief Constable, Mr Hugh Orde:**

Chairman, just to sum up really, I hope that has provided a useful overview to Members and those who have come to listen on how we see it going at the strategic level. I hope it also may have answered some of the questions that I see are listed for today in terms of the marching season.

I think what it really shows is that my officers are truly 'in the middle' of the situation and only part of a solution. There has been a debate over legislation that is, in reality, a matter for others, but I do believe strongly in the Parades Commission and its role in the process. If the latest judgement, the Weatherup judgement, in relation to followers needs clarification, then I do hope that is carried out before the next marching season.

Currently, it seems to me and I am not a lawyer, that the law excludes followers from the determination, thus limiting what the Commission can do. We, that is my officers and I, are not comfortable with any situation that can lead to misunderstanding and ambiguity. We are determined to do the best we can but quite frankly would rather not be there in the middle, in the numbers we currently have to deploy. Success for us is a Commission supported by strong engagement with all communities and Orders because that will lead to minimal policing and allow me to release resources for routine policing.

On that subject of resources, I do not think the time can be far off when everyone, the Police Service, those who want to march, those who wish to protest and other key stakeholders in the community, recognise that this level of commitment is simply not sustainable.

How we move forward is a matter for others. It is a matter for the communities and increasingly I think, forums like the District Policing Partnerships, where we are talking to local people about how best to use police resources. Their concerns, and many of Members here have been to many of them, are not normally around contentious parades. They are around fighting crime, the fear of crime and making our roads safer and making our neighbourhoods safer. Now it seems to me that this is all “fixable” in terms of the marching season and if you can fix the marching season, we can release resources mentioned by Duncan and Peter for more constructive and positive policing. For me, it is something around engagement and that is about being up front with all parties and between parties and the Commission. It is around elected representatives working together and with us in open debate. I would describe open debate as sitting around a table not situations where one of my officers have to ring an intermediary who will then ring somebody else, who will not speak to my people directly.

I think the time has come for people to face up to their responsibilities and to sit around and discuss these issues with us. What I would say from my side is, we are more than willing to learn. We already have planned debriefings and discussions with the Parades Commission to learn from our experiences and to see what we can do better jointly. We will have an equal debrief with all the army involved to see how we use them and how they responded and how they worked, sometimes in extremely difficult and dangerous circumstances. Likewise, we review ourselves and what we have done. We will listen very carefully to the Human Rights findings from your advisor and we will build all that into how we deal with next year.

Drumcree has been mentioned and I think Drumcree was a huge success story this year. I was actually out at the Garvaghy Road and the tension was extremely low. We think we can police that in a very different way next year subject to all other things being equal. That shows just what can be done with engagement and real benefits for policing. We released people within hours of the protest this year, who were then made available back to District Commanders to be deployed on local policing and it seems to me, that is the way we need to go.

As a final point, when we have finished all our debriefings I will be more than happy to come back to the Board to explain what we think we have learned and if it would be helpful, I am sure others may wish to engage in that as well.

**Chairman, Professor Desmond Rea:**

I have some questions listed and I will try and take them in the order of the slide that was on the board a moment ago. The 12 July maybe, if that slide could go up again it would be helpful. Question 2 relating to Belfast on the 12 July,

Mr Sam Foster.

**Mr Sam Foster:**

Thank you Chairman. I do appreciate the difficulties which there are in so far as the Chief Constable and the officers are concerned. It is not an easy task whatsoever. Having said that, I am obliged to ask why the PSNI and the members of Her Majesty's Forces, under your command on the evening of the

12 July 2004 in North Belfast, were so exposed to the wrath of a very hostile mob filled with hatred and extreme bitterness. In the television footage, rioters are seen as one raging and raining hammer blows on the head of a young soldier cut off from his comrades, other soldiers were being bayoneted with a branch of a tree, whilst others were being pelted with bricks and bottles, much humiliated by the angry mob. How much were those personnel expected to take before they could properly defend themselves? I would commend them indeed sir, for their great restraint and they are to be

congratulated on their discipline which has been typical of them and the RUC over many years of murder and intimidation by the republicans inspired mobs.

Can I ask, were you short of personnel for such an occasion. Was it beyond control or is there no other way to contend with such mobs, who had they captured the personnel, would in their hatred, in my opinion, have done the same to them as to what happened to the 2 corporals some years ago in West Belfast?

So can I conclude sir, by saying, can you give us an assurance that those protectors of law and order will not be subjected to such danger and such humiliation on such other occasions?

**Chief Constable, Mr Hugh Orde:**

I think we have covered most of the concerns raised by the Member in the presentation. In terms of the observations on restraint, I would agree. I was actually in the control room watching that event unfold. There was incredible restraint shown by members of the Parachute Regiment and a fairly quick response by police officers to try and get to support them.

As I have mentioned before, there is not a policing solution to this. There has to be a community solution. Community workers and representatives did make substantial efforts to try and get the situation back to normal but we had a very difficult 10 minutes. We deployed people as quickly as we could. I was not short of resources. It was just a matter of redeploying them from where we had not had a problem to where we had a problem. That will very much be part of the debrief, to learn if we could have responded quicker. In a way, we let the army down to the extent that if we could have got to them more quickly we would have done. It was just simply trying to move officers quickly from one point to another, in the face of a very quickly developing situation.

The only thing I would say, I would repeat the observation from Duncan which was, it was serious disorder, it was fairly quickly dealt with, in the context of

the whole marching season and it needs to be taken in the context of the whole marching season. The other point was no baton rounds were fired, no petrol bombs were thrown in that situation and we managed to deal with the situation by resort to no more than a water cannon.

**Chairman, Professor Desmond Rea:**

Question 18 as amended Mr Attwood.

**Mr Alex Attwood:**

Chairman. As the Chief Constable indicated a lot of what he has outlined may answer some of the questions. So arising from all of that and trying to look at it in a strategic way these are the questions I would ask.

The first is, that towards the end of your presentation Chief Constable, you confirmed your view of the value of the Parades Commission and that the police would not want to regain responsibility for parades in the way that they were before the Parades Commission. Could I also ask to confirm that, given that there was speculation in the media of briefing against the Parades Commission over the summer months, given your stated views in respect of the role and value of the Parades Commission that your organisation certainly is not involved in any briefing against the Parades Commission now or since the 12 July, in terms of how they were involved in Parade Commissions determinations.

The second question is, given that ACC McCausland referred to the fact that there is some uncertainty about whether supporters are or are not governed by the current law, could the police confirm they were not aware of any legal issues around supporters prior to the application for a judicial review on the Friday before the 12 July.

The third question is, given that you referred to the Code of Ethics in your opening words, could the police confirm that when it comes to assessing these difficult matters that the police conduct both a community relations

assessment and a security assessment in terms of making determinations as to how to manage public order situations and in that regard, when it came to Ardoyne, human rights advice was sought and received in respect of all relevant people, namely the Ardoyne residents, the Twaddell residents, supporters, bands and marchers?

**Chief Constable, Mr Hugh Orde:**

First of all, I think I have already answered in terms of the Parades Commission. They have a job which is probably as equally as difficult as my officers have, which is about managing and competing rights and responsibilities and I am on record repeatedly as saying we police the determination and that is what we will continue to do. I do not think I am on record anywhere as criticising anything the Commission has done. I simply say that we respond to their determination, as that is what I am obliged to do in law. In terms of the current law, it is a grey area which would be the best way of describing it. The current Weatherup judgement suggests to me, and I am not a lawyer, that followers are excluded from Parades Commission's determination. My personal view on that is, if that is the case, then it may benefit from some kind of review because I think it may be difficult next year. I am also mindful of the facts that I have already eluded to, that a number of people are subject to complaint to the Police Ombudsman, including myself, and I do not want to go into any further detail as a result of that. In terms of the assessments, I will ask Duncan to give more detail on how we went through the Human Rights Assessment. I think what is important and I mentioned in my original statement, was that the Human Rights Adviser to the Board was present at one of our briefings if not more.

**Chairman, Professor Desmond Rea:**

Could I say that I am surprised that you have asked that question because I understood that particular point was going to be considered by the Human Rights Committee,

**Mr Alex Attwood:**

The point was that it was a question to the police in terms of broad strategic community relations and security assessments do they assess the human rights of all relevant interest parties.

The second thing is, I asked particular questions Chief Constable, in respect of were the police aware of legal issues around supporters prior to the judicial review application on the Friday before the 12 July. I asked a particular question, that there was no briefing from your organisation in respect of the Parades Commission of a negative matter.

**Chief Constable, Mr Hugh Orde:**

I will ask Duncan to discuss this specific issue as our understanding of the law as we deployed. I have never made a statement, neither has my organisation, where it has criticised the Parades Commission. I do not think I can be any clearer than that.

**Assistant Chief Constable, Mr Duncan McCausland:**

*(Tape unclear)*... aware of that and I think I explained that fully to Mr Attwood and to his party when we met them under the Deputy Chief Constable's chairmanship after the event.

In relation to the second part, the community relations assessment, as was explained again on that occasion and again the Chairman has indicated that obviously Mr Starmer's report will address in extent, I assume, the issue of human rights, because he was present throughout the whole event. In terms of the advice sought vis a vis human rights, there is a generic advice sought when the planning was commenced. There was also further advice sought throughout the event. It has and was identified in discussion with Mr Attwood and his party, in relation to specifically going back and asking communities about how the effect of any review of a determination would affect them in

human rights. That has been introduced since the Ardoyne to make absolutely certain and 100% clear in relation to the human rights advice that is given before a determination, and when the determination is given to the police, that it still applies after a determination has been reviewed. That has been introduced and that was applied in the Ardoyne on the 14 August. It was also applied in relation to any review or determination in relation to the 28 August.

**Chairman, Professor Desmond Rea:**

I will ask Mr Fred Cobain.

**Mr Fred Cobain:**

Chairman, just a couple of brief points. Could I ask Mr McCausland two brief points. You stopped a number of parades where the determinations, in the police's view, were not upheld and marchers deviated from the Parades Commission determination, you did not say that about Ardoyne. Was the determination as laid down by the Parades Commission fully endorsed by the loyal orders at Ardoyne?

**Assistant Chief Constable, Mr Duncan McCausland:**

In relation to the issue of breaches of determination, it may well not be that those marching broke from the route, it may well be they broke restrictions imposed by the Parades Commission, vis a vis playing music or other aspects and I want to make that plainly clear.

**Mr Fred Cobain:**

You did not mention Ardoyne.

**Assistant Chief Constable, Mr Duncan McCausland:**

In relation to the 12 July, we have reported to the Parades Commission as we have to do in relation to what went on in Ardoyne. Obviously, it then has to be decided if there has been a breach of the determination. We are not or

were not of the opinion there was a breach of the determination but we stand to be challenged.

**Mr Fred Cobain:**

So from your point of view, the determination imposed by the Parades Commission was upheld by the loyal orders, in fact it was a legal parade in that sense?

**Assistant Chief Constable, Mr Duncan McCauland:**

The determination as defined and again Chairman, I am aware that from our point of view, in terms of the lodges going up the road, in silence, the determination was applied.

**Mr Fred Cobain:**

Could I ask you another point for clarification? You keep referring to people as followers. These are not followers, they are families of Orange Order members and bands. People give this impression that they are followers, these are not people picked up along the way to cause problems. You and I know perfectly well that these people have left their homes, went down with the bands, went to the 'Field' and are coming back and in fact live in that particular area. I take offence that people have this connotation about being followers, as if they come in from outside and cause problems. The families and friends after the lodges were also attacked by republicans and nationalists in Ardoyne. When you were in discussions with republicans and nationalists, did you make it clear that the determination by the Parades Commission was going to be upheld?

Were republicans and nationalists perfectly aware that this was a legal parade, that the determination was going to be enforced by the Orders and that family and friends, who as you said numbered between 200 and 250, was the exact number that they did last year and was a peaceful gathering of individuals going home. Was all that information made available to nationalists and republicans in Ardoyne?

**Assistant Chief Constable, Mr Duncan McCausland:**

The determination as mentioned Chairman and I hope Mr Cobain will accept what I am saying, did not apply to the family, followers or supporters or whatever term wants to be used. It was made plainly clear to everyone, to all community representatives and as the Chief Constable says, on some occasions through third parties, the determination as we were on public record via the media, would be policed, that is the lodges would go up the road. In relation to the people who were wanting to go up the road after that, that was a public order situation and it was made clear to everyone, that was a public order situation we would deal with and police as appropriate.

**Mr Fred Cobain:**

That is not the question I am asking Duncan. I am asking you

**Chairman, Professor Desmond Rea:**

Sorry, can I suggest to you, it is a very specific question and I think we could come back to it another time. It is a legitimate question Mr Cobain but I would prefer if, as we said at the beginning, try to stick to the strategic although I have allowed one.

I quite understand where you are coming from but I would ask for all of you to apply a discipline here and not get too specific in this discussion. That is not to cut out because we will come back to it.

Could I take question 15 as it refers to Lurgan on the 13 July. Bearing in mind, as I understand it, that the matter that is raised there has being referred to the Ombudsman. Mr Attwood.

**Mr Alex Attwood:**

If the police answer in that way then we will have to accept that for the moment but the question would be this.

Did the police in Lurgan, ACC Sheridan have a serious difficulty with what the Parade Commission determination meant when it was issued in respect of the parade on the 13 July? Did you have and did you convey to the Parades Commission any difficulty in respect of what that determination meant or, was it clear to you what it meant and clear to the police in Lurgan what had to be upheld?

**Assistant Chief Constable, Mr Peter Sheridan:**

This would obviously be part of the Ombudsman's investigation but yes it was clear to the police officers what they believed the determination was saying. Subsequent to that, other people had other interpretations of what that determination meant and my best advice is that we will leave that to the Ombudsman's Office to decide on it. We could talk around that all day but it was clear that the police officers believed both they and the people taking part understood the determination. Other people have a different view of it.

**Mr Alex Attwood:**

*(Tape unclear)*... view from that of Parades Commission that is the question and did you convey that to the Parades Commission.

That is the question.

**Assistant Chief Constable, Mr Peter Sheridan:**

The investigation will show that we went back to the Parades Commission and got an interpretation the day before about other issues on it, but our understanding was that the determination was clear enough as to what the marchers were allowed to do and we took that onboard. Subsequent to that other people have different views of that.

**Chairman, Professor Desmond Rea:**

Question 10 which is on Maghera. William Hay.

**Mr William Hay:**

Chairman, Peter has already answered part of it, but moving on from what Peter has said and what I would want to know is, what action was taken by the police to prevent the illegal gathering before it happened and to ask the Chief Constable to identify the republican organisation who was behind the protest and who was certainly behind the hijacking of the bread van?

**Chief Constable, Mr Hugh Orde:**

It is very hard to prevent sudden events and when you get almost spontaneous demonstration, that was entirely spontaneous, they are hard to deal with. I think, what is interesting for me on this case and I will ask Peter to give the details, was we had a situation where one group had decided to act irresponsibly and block a road to deliberately disrupt a march which was quite lawful. What you saw on the other side was a very common sense approach being taken by a group of people who said OK, if this is the way people want to play this we will walk away from it. I think there is huge credibility in people making a rational decision in the face of a situation they did not want to make worse. It seems to me that does illustrate just what community people are capable of, in the face of unreasonable provocation in that case I think that goes very well for the future because the more people talk and stop trying to score points of each other in small cases and look at the big picture and more people are prepared to engage and understand each others difficulties, then the more successful the marching season is likely to become. I think it would be fair to say that decision, by that particular group of Apprentice Boys, on that day, saved me considerable resources and risk to my officers and a considerable breakdown in relationships with all communities. As Peter mentioned, the demonstrators were not young men, they were a group of people with women and children. It would not have looked very good, however, we would have tried to deal with it. It illustrates the difficulty my officers have to deal with on a daily basis and equally illustrates what some people are capable of, in making sensible decisions when they think it is necessary. Peter would you like to go into detail?

**Assistant Chief Constable, Mr Peter Sheridan:**

To put it into context, the previous week a bigger loyalist parade had taken place in Maghera and there was a protest organised. The protest stuck to what it was supposed to do and so there was no reason to believe that on that morning there were be anything different. The police were out an hour in advance to try and take the ground first of all but the crowd built up on both sides of the road and simply moved into the centre of the road. It would have taken substantial amount of resources to have lined both sides of the street to prevent that happening. There was no suggestion that that was going to happen.

With regard to who organised it, the protest was a legitimate notice put into the police and the protest did involve people who local police would identify as mainstream republicans. A number of those were identified as members of Sinn Fein. As I have said, 4 people have been already been interviewed in relation to it, who are the protest organisers. Others will be interviewed in the future and a file will be prepared to the Director on that.

**Chairman, Professor Desmond Rea:**

Willie, could you make your question brief.

**Mr William Hay:**

As somebody who was fairly close to the scene in August and the whole parading issue, this is something that needs to be known over and over again. I would call into question the policing operation in Maghera leading up to the parade and on the day and I would have to say that very sincerely. We have got to remember, there are people in this society who hate the protestant culture so much that they will do anything to stop the protestant culture. We in the City of Londonderry, months before the 12 August parade, had made accommodation through the Londonderry Chamber of Commerce and the business community, signed off by the police and everybody. Leading up to the 12 August people decided, not only to threaten the parade in Londonderry but also to threaten the parade in North Belfast. I have to say Chairman, the Parades Commission came down on the side of people who

could issue the biggest threat, because previous years in North Belfast, as Fred and other people will know, the Apprentice Boys parade passed off peaceful with a peaceful protest and a peaceful parade. What was the difference from previous years to this year? I tell you why. Because there were mobs and this is my fear Chief Constable, if you are going to allow mobs to stop parades both in Maghera or anywhere in Northern Ireland, those mobs will dictate somewhere or anywhere in Northern Ireland that they can gather a mob together knowing it will be difficult for the police to move them.

I am saying that the Chief Constable needs to be reassuring the public that people who act within the law and act towards the law when it comes to legal parades, will get the full protection of the law. I have to say Chief Constable, that did not happen. That is an issue that has to be taken on within the nationalist community and the broader republican movement because on this occasion, there were mobs being created across the province to create havoc whatever they could create for every parade and that, Chairman, needs to be reiterated. There is a time coming and not only for the club in Maghera who acted responsible under difficult circumstances, it could have been worse. We have got to remember that the main parade in Londonderry had already started and it had filtered through that there was a major problem in Maghera and only for ourselves in Londonderry being able to advise and manage the situation. We could have been in a very serious situation also in Londonderry because of a mob of 100 who decided to block a road and threaten violence. Then we find out that the police could not deal with it. I am saying that the police operation Chairman, they got it wrong on the day.

**Chairman, Professor Desmond Rea:**

Could I ask Sammy Wilson, you have a question on Belfast, Maghera and Londonderry.

**Mr Sammy Wilson:**

Chairman, first of all could I say that people across Northern Ireland are pleased that the parades by and large did go off as peacefully as what they

did and for the role that the police played. However, there is some concern and disquiet amongst many of those who were involved in the parades, that were attacked and the 16 areas of disorder. I think the Chief Constable and others have made it quite clear that the disorder was created in most cases by the protestors and by those who opposed the parades not by those who were parading. Many are contrasting what has happened in this situation, with what happened in Drumcree 2 years ago, when immediately there was disorder, people were arrested, charged and taken before the courts. Many were held in custody and refused bail for up to 3 months and were charged with scheduled offences, riotous assembly and other such serious offences. The level of disorder at that stage was significantly less than what we witnessed in Maghera, Ardoyne and other places over July and August.

The concern that I have, and I tried to count it up and maybe we could get it summarised for us, all of the reports we have had are that people are being interviewed. Two people who were charged with terrorist offences as I understand, are still free. They were not denied bail. They are not held in custody pending court cases and I do not know if anyone is currently being held in custody as a result of the serious disorders. I counted up that 4 arrests have been made so far and numerous other people are being interviewed or files are being prepared. I think the message that goes out and this must be true for police officers as well, the message going out to the mobs is that we are not going to lean on you too heavily and for those who have been the victims of those mobs, the message which is going out is that the police have not pursued this all that vigorously.

**Chairman, Professor Desmond Rea:**

Would you like to comment Chief Constable on both Willie Hay's point and Sammy Wilson's?

**Chief Constable, Mr Hugh Orde:**

The first point is one that we keep making. This is an issue that can only be resolved to some extent by policing, if the notion is that we can deploy

sufficient resources across the whole of the province during this unique event of the marching season, to deal with every issue, we simply cannot. The point that I and my colleagues made at the beginning, was by communities working with us we get through the season and the vast majority of it was successful, which proves it works.

I am not keen to snatch defeat from the jaws of victory, this was from a policing and a community perspective, a successful marching season with some notable exceptions, which we fully recognised.

In terms of deploying in relation to particular individual cases, some are subject to investigation. Maghera, I do not think is a subject of complaint and I think Peter has answered the question as best as he can. We deployed what resources we had on a busy day, to deal with that matter and it was dealt with. There was not mob violence as it was described and we moved on. That is what we intend to do and try and make it better for next year.

In terms of the overall prosecution issues, you need evidence and you need evidence that we can take to a court and when we do get evidence we will prosecute. In relation to the Ardoyne shop fronts I think Peter mentioned 21 people have been identified and they will get exactly the same treatment as the people you referred to from Drumcree when they were arrested. It was serious disorder. It was probably at the same level as Drumcree 3 years ago. It was in my view, riotous common law, I was watching it unfold. Those who we can bring to justice mainly through CCTV evidence, we will do so. In terms of prosecution decisions it is a matter for the Director but we are not being light handed on that in any way and I would dispute that notion entirely.

**Chairman, Professor Desmond Rea:**

Ian, as this is the last question on Part 2, could you make it brief.

**Mr Ian Paisley Jnr:**

First of all, by way of comment, that the Chief Constable must appreciate that there is virtually very little public confidence in the Office of the Police Ombudsman who is supposed to investigate and evaluate these issues fairly, given that she is married to an SDLP, the confidence that we can have in that public representative and that certainly calls into question that evaluation, given that her own husband's brings matter to her attention. That really does take the biscuit.

I too, am alarmed that there were masked men who hijacked and burnt a vehicle and that those masked men, whenever they are made amenable get bail. I am wondering if the police have made any representations further up the line regarding this issue of bail on this particular case or on other similar cases over the season.

Are you satisfied Chief Constable that all your human rights requirements upon your organisation have been fulfilled?

**Chief Constable, Mr Hugh Orde:**

I do not understand the second bit, perhaps you could explain.

In terms of the first bit, that investigation has not been put to the Director yet. It is as I understand it, an ongoing investigation so there is some time to go before we get to that stage.

**Assistant Chief Constable, Mr Peter Sheridan:**

I think there is probably a misunderstanding. They were arrested and interviewed. I did not say they were charged, they have been released with no charge. There is insufficient evidence currently but the investigation continues so it is not a case of them being on bail.

**Mr Ian Paisley Jnr:**

Thank you for the clarification on that part.

**Chairman, Professor Desmond Rea:**

On my estimate we have at least another half hour of questions. Could I ask Members that we take some of these questions into private session and those Members who wish their questions to be put on public session, that they be delayed to the next public Board meeting.

Will Members go with that proposal, is that agreed?

***Members indicated agreement.***

**Chairman, Professor Desmond Rea:**

Could I say to Members of the public, thank you for your forbearance today and just with reference to what we have been discussing, obviously in terms of parades and accommodations in this community, we have a long way to go but there is the police, there is the Parades Commission, there is the role of the Ombudsman and the role of the Board. What is important is, that we use what the experience of this season of parades and in particular, regrettably in respect of in particular North Belfast, that we use that, as a learning experience to be fed in as an input to future decision making and that should be, it seems to me, the approach.

Could I commend and thank you Chief Constable and your officers overall, for the way in which you have managed this parading season. Thank you.

(Meeting closed 1:35pm.)