

NORTHERN IRELAND POLICING BOARD

MINUTES OF THE 34th MEETING IN PUBLIC OF THE NORTHERN IRELAND POLICING BOARD HELD ON THURSDAY, 30 JUNE 2005 AT 12:30PM IN RAMADA HOTEL, BELFAST

PRESENT:

MEMBERS:

Professor Sir 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 William Hay
Mr Tom Kelly
Mrs Pauline McCabe
Mr Alan McFarland
Mr Eddie McGrady
Mrs Rosaleen Moore
Mr Ian Paisley Jnr
Mr Suneil Sharma
Mr Sammy Wilson

POLICE SERVICE OF NORTHERN IRELAND IN ATTENDANCE:

Sir Hugh Orde, (Chief Constable)
Mr Paul Leighton (Deputy Chief
Constable)
Mr Duncan McCausland (ACC Urban
Region)
Mr Peter Sheridan (ACC Rural Region)
Mr Roy Toner (ACC Corporate
Development)
Mr Norman Topping (Acting ACC Crime
Operations)
Ms Sinead McSweeney (Head of Media)
Director of Human Resources
Chief Inspector, Command Secretariat

**OFFICIALS IN
ATTENDANCE:**

Mr Trevor Reaney (Chief Executive)
Mr Sam Hagen (Director of Corporate
Services)
Mr Peter Holt (Director of
Communications)
Mr David Jackson (Director of
Community Affairs)
Mrs Sinead Simpson (Director of Policy)
Mr David Wilson (Director of Planning)
Four Board Officials

Apologies

Apologies for non-attendance were received from Lord Kilclooney.

Chairman, Professor Sir Desmond Rea:

First of all, we welcome members of the public to this meeting, also we have earlier welcomed members of the District Policing Partnerships and we had a session with them before opening up the meeting. Lastly, I would emphasise that we welcomed the Chief Constable earlier.

Chief Constable, you want to speak first of all to your performance figures, this is the Quarterly Report and I would ask you to do so now.

Chief Constable, Sir Hugh Orde:

Thank you Chairman. This is our 3 monthly report where we update on the early trends for this year. This is for the first 2 months of this year and reports where we are going in terms of the major crime picture at the strategic level. As you will see again, we have done our best to compare with similar Forces so Members can get a benchmark on how we are performing in terms of policing in the United Kingdom.

I can report, in terms of the figures you can see behind me, show the 1 April to 31 May, the first 2 months of this year and the first 2 months of this year in terms of total crime, it is down by 10% on the same time last year. That is slightly up on

last year's overall figure which was crime was down 7.7% so under 20,000 crimes are reported to police and you will see there, in comparison to other Forces that is similar to most other Forces, with the exception of Kent where there has been a slight increase.

If I could move on to crime comparison, which again giving you a benchmark, you will see, certainly in terms of domestic burglary which is the first one. Again that is down 12% and vehicle crime is down 21%. Both of these reduced last year by roughly similar figures, if I remember right burglary were down 14% so the trends are continuing, albeit that the health warning here is, it is fairly early days in the year so we are certainly not being complacent.

In terms of asking the question why is that happening, if one looks at tackling domestic burglary, you will see the trend on the graph is continuing downwards. I think a number of factors kick-in here, one is certainly, as we mentioned to the Board earlier, a focus on prolific offenders using the National Intelligence Model and using targeting and crime analysis techniques, we have identified (a) the hotspots and (b) the people who we think are responsible for a large number of the crimes. We are pursuing those with some substantial results. Certainly, if you speak to Districts and District Policing Partnerships will obviously do that on a regular basis, a number are commenting on the number of people currently in custody who they would see as responsible for a lot of their crimes.

This is also supported by a far more sophisticated forensic strategy in many districts now. Scenes of crime officers attend every single burglary and look at every car where they think they will get a recovery from, so forensic evidence is also being used to contribute to taking people in front of a court. That is supported by high visibility patrolling of hotspot areas and I have seen and hope Members have also seen an increasing number of officers in the shiny yellow jackets patrolling areas where we have identified increasing burglary problems. Just a couple of examples, certainly in Coleraine, 2 prolific offenders were arrested which resulted

in 40 detections, again it just proves a point that a small number of people commit the majority of the crime. There is a major initiative in ACC McCausland's region around creeper burglaries which on occasions we have seen is increasing. These are burglaries, where people steal high performance cars by breaking into the house simply to steal the keys and then take the car away. A substantial operation was recently undertaken in urban region which resulted in 6 arrests for that type of crime.

If we look at vehicle crime, again a similar success in terms of reducing it. A number of initiatives are running across the province. In Lisburn is the well known the West Belfast initiative where, over the last 12 months, the auto crime teams arrested 217 people, recovered 234 vehicles and remanded 22 individuals into custody.

Dungannon and South Tyrone have also done a number of initiatives. They have identified a trend where people going to church were targeted, their cars were being targeted and again by crime prevention leaflets and working with other agencies, they have managed to reduce crime in that area.

In Carrickfergus, there has been a publicity campaign around reducing car crime. Look at your car before you lock it and leave it to make sure you are not leaving anything in your car. The problem with identifying a hotspot in Carrickfergus is, that they are only having one vehicle crime per week, so again substantial success there and similar operations in Armagh.

If we move to criminal damage, which overall accounts for over a quarter of all recorded crime in Northern Ireland, again we see the trend is slightly more static there but it is down on the year to date. We have identified some seasonal trends and sadly at the moment we move towards the marching season. There is a chance that it will increase, there have been a number of vehicles and property

damaged already during some of the marches. Again we continue and there are a number of initiatives listed which are showing substantial reductions as a result. One of them is East Belfast, is a School Watch where members of the community are involved in countering vandalism suffered by schools. I try to keep the schools safe and certainly the use of leaflets and analysis between youths causing annoyance, criminal damage and drinking and so by combating under age drinking what we are also doing, is reducing criminal damage.

In Strabane, we have a number of leaflet operations. Dropping leaflets, high visibility patrolling the hotspots, again using the analysis to make sure our patrols are focused and there are many other examples that are similar. I think one of the more interesting ones is in Coleraine, where we are working with the Fire Brigade because again, not only are police officers and police vehicles attacked sometimes by stone throwing, Fire Brigade vehicles are getting damaged by stone throwing. By working together and getting into schools, what we are doing is encouraging young people not to attack emergency vehicles and likewise, highlighting the dangers of fire. It was not that long ago that sadly a young man was found dead in a building which had probably been subject to an arson attack.

If I just touch on Anti-Social Behaviour Orders, Members will be aware that there is a slight difficulty currently in Northern Ireland, unique to Northern Ireland. The Equality Commission has decided a proper process was not gone through by the Northern Ireland Office and that is now being reviewed. That does not stop us applying for Anti-Social Behaviour Orders, but I am not sure how Magistrates would see an application until that particular matter is resolved. That having been said, we are taking action around Anti-Social Behaviour. Certainly, my personal view is, that I see Anti-Social Behaviour Orders as the end of a process and if we can stop young people being subject to them because of interactions beforehand, that is a better long term solution. Certainly acceptable behaviour contracts are coming in, there are over 80 anti-social behaviour contracts in urban regional already. We are taking this bit of legislation very seriously but it needs to be focused and it needs to be done in a way, that hopefully, decriminalises people rather than makes them subject to criminalisation at an early age.

If I just touch on cannabis, a Board Member did ask a question around the reclassification and the impact of reclassification in Northern Ireland. In Northern Ireland whilst the Drugs Squad does concentrate on Class 'A' drugs, cocaine in particular currently, we do still spend a reasonable amount of time on looking at cannabis because of its link to paramilitary operations and paramilitary funding. Our analysis to date shows that reclassification has had little impact in Northern Ireland, there has been a slight decrease in the quantities seized and a slight decrease in the number of arrests but where we are arresting people, we are charging a greater percentage of them. There is no particular indication received that the cannabis market is changing substantially.

If I can touch on violent crime, again the figures behind me show that violent crime is decreasing and personally I would rather see less victims of violent crime than an increased clear-up rate although we have to attack both ends of that equation to become more effective, but there are less victims of crime. Much of this has been down to the initiatives highlighted on the Night Time Economy, the drinking culture, stopping people drinking, removing drink from young people has been a focus not only on the Night Time Economy but also on some of the marches recently. Certainly in Lurgan where I was 3 weeks ago, a lot of police effort was to stop illegal drinking or excessive drinking and had a major impact on the parade and the enjoyment of those watching the parade.

If I could just pick out Foyle out of those by way of example, an 8 week programme is currently underway there looking at changes in high visibility patrolling to make sure they are out at weekends, out dealing with the Night Time Economy and the valuation of that pilot is currently underway. We also have things like doorman registration schemes, radio schemes operating in many of the city bars and CCTV and mobile CCTV which some Members may have seen. We have a mobile CCTV vehicle out there today which again contributes to decreasing crime.

(tape unclear) a number of successful police operations have led to robbers being caught in the act. I can report to the Board that earlier this month, 6 people caught committing a robbery in Antrim in January 2003 received substantial sentences. One received 9 years, one received 5½ years, 2 received 6 years but 2 failed to appear. Five other people who had committed that crime were on bail prior to sentencing which is probably why they did not bother to turn up.

In terms of intellectual property crime , the Police Service of Northern Ireland seizes more counterfeit goods than the other 43 Forces put together. Some major operations over the last month have resulted in substantial seizures and major DVD counterfeiting operations being disrupted. We would link those to dissident republican terrorism. In particular, on the 24 June 2005, a large DVD counterfeiting operation was disrupted. Very sophisticated, a lot of equipment was seized, thousands of DVDs being produced, many were ready for sale. They look like the real thing of course, they are not and they fund the illegal economy and to a large extent, the paramilitary economy.

Moving on to the next one which is custody and bail which is a target set to us by the Board, we are still not hitting that target. We have increased our performance in this region, it is still an area that causes me concern and my colleagues, a lot of work is going on. The Public Prosecution Service was officially launched on the 13 June this year which covers a large number of our DCUs. Electronic case transfer is now becoming the norm so we are getting the technology behind us which I think I am confident will increase our performance in this area. That is the broad overview Chairman.

Chairman, Professor Sir Desmond Rea:

Thank you very much.

Could I have the questions if I can refer to the red figures, could I have any questions on clearance rates, that is 4.1.1, 4.2.1 or 4.4.1. Any questions on clearance rates?

Any questions on drugs that is 4.3.1?

Turning then to car crime, excess speed offences, detections for driving whilst impaired through drink etc, any questions there?

Any other questions in terms of the figures in your paper and the presentation that is being provided to you?

If not, then let us move to the questions. I should explain for the benefit of members of the public, questions typically come from individual Board Members or through the Committees of the Board or sometimes people write to Members or the Chairman or the Vice-Chairman and questions are filtered in, in that particular way and so we have a list of questions today.

Chief Constable, do you want to make a general comment.

Chief Constable, Sir Hugh Orde:

Very briefly. I thought it would be helpful to update the Board on the situation around parades. I know there are some questions, but bearing in mind there is a slightly larger audience, it is worth making a point.

In Northern Ireland there are over 3,000 parades held annually. Last year we had 3,045 the vast majority of which took place incredibly peacefully. There was only disorder at 27. An awful lot of work has gone in this year. My officers and many Members I know around this table and many community groups and many of the marching orders to try and deliver a peaceful and successful marching season, where those who wish to march can march and those that wish to demonstrate can demonstrate. We can do that in a responsible and peaceful way.

You will be aware that there was some local disorder at the Tour of the North. I personally reviewed that on the Saturday and it was not anything like at the level of the disorder on the Ardoyne shop fronts the year before on the 12th July, but it was a worrying development.

A lot of work has been put in and we would welcome certainly the development in Londonderry which we see as a model that others may wish to adopt. It shows that talking does work and it looks like those marches will take place and will be accommodated by all communities whether they wish to march or whether they wish to demonstrate. I would like to reiterate to all persons here and wider, that we will work with all those who are engaged in marching, the organisation of the marching, the residents groups and the wider communities where we can to minimise disruption and to minimise tension. I would appeal to those who are engaged in that process to do their best to ensure that we can deliver a marching season that does not reach the international community for negative reasons, but if it does reach an international audience, it is for positive reasons that it has been a peaceful and successful marching season.

Chairman, Professor Sir Desmond Rea:

Could I add to what the Chief Constable has said my appreciation to those Board Members who I know have been spending a great deal of time trying to ease tensions in respect of parades. Thank you very much indeed for that.

There are some questions relating to parades. Sammy Wilson, you have a question, question 9 and there are 2 supplementaries, that is question 18 and 24.

Mr Sammy Wilson:

Chief Constable, I know what you have said about the desire that there is and indeed the need that there is, to reduce tension around parades but it is a fact that tension in connection with parades has been exacerbated, especially in East Belfast, as a result of the way in which the police and the Parades Commission handled the applications, which were made by people to parade.

I would just like to know first of all, did the police seek or the Parades Commission seek, legal advice as to the permissibility of the way in which District 6 decided to fill in the forms, not giving certain names for very good reasons? If that legal advice was sought, when was it received? How long have the police known about that legal advice and that being the case, why is it that the police are still continuing to pursue individuals who had applied for parades and who had not filled the form in, according to the police at that stage, in the correct way? Why are

they still continuing to pursue them, even to the point that a 65 year old man is now having his health put under severe attack, as a result of police attention to a form that he filled in for a parade in February and a form that it is now being said is legally acceptable?

Chief Constable, Sir Hugh Orde:

I cannot and will not speak for the Parades Commission in terms of what they do but Members will be aware we police determinations. We accept the forms, an officer of the rank of Sergeant or above will accept the form 11/1 which is then forwarded to the Parades Commission, who decide on its acceptability or not. I will ask ACC McCausland to cover the detail as it is his particular area.

Assistant Chief Constable, Mr Duncan McCausland:

In relation to this specific question, the PSNI did seek legal advice regarding the situation pertaining to the forms 11/1 which is the parade form and this legal advice was received on the 6 June. The Ombudsman has reviewed this issue and has written to Ballymacarrett District currently as to an update on the complaint that they have lodged. The PSNI are not in a position to reveal what the content of this legal advice was, because it is privileged in relation to disclosure and as the Chief Constable has said, it would be inappropriate for PSNI to comment on the legal advice received by the Parades Commission.

In relation to the specific question you asked in terms of the 19 February parade. PSNI are required to report to the Director of Public Prosecutions, who will decide if there is a prosecution to proceed.

Mr Sammy Wilson:

Can I just have a supplementary on that Chairman? When I asked a similar question about a Strabane parade, we were told that the police had not pursued those who were involved in the Strabane parade because, first of all, they were seeking from the Director of Public Prosecution, a view as to whether or not charges that might be brought would successfully be taken to the court. Now it took 3 months, because I asked the question at the May meeting and the reason why I was told at that stage, that there would be no action taken in the case of Strabane was to come on to another question was because they had to wait for a

view from the Director of Public Prosecution so as not to waste police time. Can you tell me ACC McCausland, did the same thing happen in East Belfast? Did the police first of all go to the Director of Public Prosecution, give him the facts and say, is it likely that this would be successfully pursued. If so, how come the Director of Public Prosecution, if that did happen, was able to give the police in East Belfast an answer in 2 weeks, because that is when the first investigation started and it took him 3 months in the case of Strabane?

Assistant Chief Constable, Mr Duncan McCausland:

I cannot answer for the Director of Public Prosecutions but I can tell you yes, the police in East Belfast did go and they were given a preliminary indication by the Director that he would receive a file on the issue.

Chairman, Professor Sir Desmond Rea:

Alex Attwood has a supplementary.

Mr Alex Attwood:

Thank you Chair. There is no doubt that tensions can get exacerbated. One of the factors and there are a number of factors, the inability of people to control protestors exacerbates tensions and we saw that at the Tour of the North, but one of the factors is, that there is elements in the Orange Order in Belfast who are attempting, in a number of ways, to challenge the proper authority of the PSNI and the Parades Commission. I say elements in Belfast because, as we have seen from the example in Derry, there are other elements in the Orange Order who are prepared to work in an appropriate and proper manner in order not to exacerbated tensions but actually to ease tensions and allay fears and that has to be acknowledged, welcomed and it should be followed by elements within Belfast.

My question however is this to the Chief Constable. As is clear from the questions tabled by Sammy Wilson and Ian Paisley Jnr, the DUP and clearly the Orange Order do appear to have a good working knowledge of whatever it was the legal advice of the PSNI obtained in respect of the legal issues around form 11/1. It is quite clear that a certain political party, that certain elements in the Orange Order seem to have a considerable knowledge of what that legal advice was. So much so, that elements in the Orange Order who might not have much sympathy with

the Office of the Police Ombudsman went and lodged a complaint. Now given what appears to be a good knowledge of whatever that legal advice is and given that the Assistant Chief Constable has quite properly said that that legal advice is confidential and privileged, how is it that people appear to have a good working knowledge of what that legal advice, which was privileged and confidential, might have been. That gives rise to the concern that one way or the other that legal advice is made known to the Orange Order. If that was the case then that would be undesirable, improper, destabilising and would lead people to draw adverse conclusions about what may or may not have happened. So, the question is to seek a reassurance from the Chief Constable and from the Assistant Chief Constable that whilst the Orange Order and the DUP seem to have a good knowledge of what that legal advice was, that that knowledge was not gained from within the PSNI.

Chief Constable, Sir Hugh Orde:

What I need is to deliver a peaceful marching season because my officers are the officers in the middle. It is for everyone to behave responsibly, that is the first point and that includes all elected members, all members of the marching orders and all those who work and speak for their communities at the areas where we have demonstrations and sadly, that to date, has not been the case. We need that responsible behaviour if we are to deliver and to uphold everybody's rights, be they to march or be they to demonstrate. I cannot resolve this. Communities can resolve it and we will work very closely with them to do whatever we can. If there is disorder, we will deal with it and people need to remember, the more the tension rises, the more the desire to be awkward, for the want of a better description, continues and the more officers I have to deploy policing public order who are the same officers who will or should be policing communities if they were allowed to do it. Last week, had the march taken place, well over 1000 officers would have been deployed. That is a 1000 officers I cannot put into the communities where the communities and the District Policing Partnership members tell me they want them. That is not regarding never mind the cost.

In terms of legal advice, that was my legal advice. I shared it with no-one, my officers shared it with no-one, it has gone nowhere because it is my legal advice and my legal opinion. It would not be surprising however, for other agencies to have similar legal opinions because, if lawyers are operating to the same criminal code, they may well reach the same criminal conclusions. As the point has been made, people have been interviewed in relation to some of these offences, it would hardly be surprising for those people to be able to work out what lines of enquiry had been followed and why they had been following it. But if you want reassurance you can have it. I have shared it with no-one, my officers have shared it with no-one, with obviously the exception of the Ombudsman whom I am obliged to, because she is obliged to investigate me and she is absolutely entitled to anything I own under the legislation and we complied fully with those requirements.

Chairman, Professor Sir Desmond Rea:

Ian Paisley, do you wish to pursue your question 24? You do.

Mr Ian Paisley Jnr:

Thank you Mr Chairman. Can I say first of all that I note the comments that the Chief Constable has made in terms of his preferred workable model. I think it is interesting to note that that does not include the Parades Commission. That is a point that is not lost on many people in Northern Ireland who are opposed to the way in which the Parades Commission has actually inflamed tension around a number of these areas. The Chief Constable rightly pointed to the issue of tension and tensions being orchestrated. I believe they have been deliberately orchestrated by IRA Sinn Fein and I also believe that it is unhelpful when those tensions continue to be orchestrated, even by the SDLP husband of the Policing Ombudsman and Chairman of a local DPP who expresses opposition to police activities in Ballymena whenever republicans attack the police and whenever he could get nothing on a very peaceful parade by loyalist bandsmen. The issue which I think interests me most about the current controversy is, that the Chief Constable has this legal opinion. He has obviously instructed his officers to police in a certain way as a result of that opinion and it is also interesting to note that he has passed it to the Police Ombudsman not to the DUP. Maybe you should check there for your leak Mr Attwood.

The issue which I would really like to check with the Chief Constable is, if he cannot reveal the totality of the legal opinion, surely he can indicate to us what its import was and is he aware of any conflicting advice on the same matter that may have been taken by other organisations involved in parading, namely the Parades Commission. If he is aware of that legal advice, does it match with the legal advice that he has received?

Chief Constable, Sir Hugh Orde:

As I said earlier, we police the determinations made by the Parades Commission. Success is, of course, that the Parades Commission does not have to make a determination because everyone is happy that the marchers agreed, a deal has been done and everyone can move on. It would be fair to say of the 3,000 plus marches, the vast majority have no determinations made because they are exactly that sort of march.

In terms of the legal advice, we are still going around in circles Chairman. It is subject to legal privilege. I have no intention of compromising that position. I do not know if ACC McCausland wants to cover any particular details on it and that is all I have to say on the matter.

Assistant Chief Constable, Mr Duncan McCausland:

I think the matter has been well covered Chairman. The Parades Commission made a statement, as did the Minister of State, in the House of Commons. The matter is as such, that as I have said before, the parades in relation to the 19 February, 24 April and 12 June were ruled as non-compliant and they will be reported to the Director of Public Prosecutions. It will be up to the Director independently to decide what happens.

Mr Ian Paisley Jnr:

Does the Minister of State have the legal advice?

Assistant Chief Constable, Mr Duncan McCausland:

The Minister of State, in relation to the legal situation, did not share, as far as I am aware, the legal advice but what happened was, that the legal advisor to the Police Service of Northern Ireland, the legal advisor to the Parades Commission and the Northern Ireland Office, came together and as a result of that the Minister made his statement.

Chairman, Professor Sir Desmond Rea:

Question on CS Spray, Eddie McGrady, question 3.

Mr Eddie McGrady:

Thank you Chairman. Would the Chief Constable be aware that CS Spray has been used on several occasions for which it was not actually designed. The reports coming to the Human Rights and Professional Standards Committee indicated the occasions on which this happened. What I want to ask of the Chief Constable is, what action he has taken, either disciplinary or otherwise, as a result of these inappropriate actions to make sure they do not happen in the future?

Chief Constable, Sir Hugh Orde:

I will ask my Deputy Chief Constable to deal with that as he covers discipline matters.

Deputy Chief Constable, Mr Paul Leighton:

To put the use of CS Spray into context and before we introduced it, we went into consultations with the Ombudsman's Office and we considered whether or not automatic referral of every use of CS Spray should be made, as with baton rounds and as with live rounds. The Ombudsman's Office did not feel that was necessary and certainly were involved in the review of our training. As you will be aware, there was quite considerable public concern about the use of CS Spray when it was starting to be rolled-out across the province and I took the decision to ask the Ombudsman again to consider a referral of each and every case. We did this between August and December last year, every single use of CS Spray was referred to the Ombudsman.

In November last year, I went to the Ombudsman and asked for any early learning that we could get from this so we could adjust our training. The two areas that were indicated to me and where we discussed widely and looked at video and CCTV footage, were incidents where CS Spray was used as a dispersal tool, not as an individual issue. In other words, CS Spray was used against a crowd to disperse and the main reason that is not a good idea is because of the cross contamination of other officers and innocent people perhaps being affected by the CS Spray.

The other area that the Ombudsman raised concern about was, where a person was already restrained in some other manner and CS Spray was then used. Those 2 issues were highlighted to all officers under our command and to the trainers who train CS Spray in November, before we actually got the final results from the Ombudsman. We are still awaiting a final report on all the CS Sprays from the Ombudsman's Office that occurred during August and December, although I have been in discussion with her staff and they indicate that there are no additional issues. That those are still the 2 main issues that came out. So, we have reinforced that to the trainers. We have received from them, a composite DVD of training incidents that we can use to help train people in the judgement when they use CS Spray.

With regard to discipline of officers. Several officers have been re-positioned. One officer has been suspended, pending the outcome of investigations, but none of the cases have as yet come to the Misconduct Hearings, some of which are now scheduled. It is interesting to note that the complaints surrounding CS Spray, although it has now been rolled-out across the province, are actually lower than they were during the period when we were doing the automatic referrals, so it does seem that officers are getting the training messages out there.

Chairman, Professor Sir Desmond Rea:

Question relating to the duty of care to police officers in riot situations, question 8
Mr Sam Foster.

Mr Sam Foster:

Thank you Chairman. Chief Constable, first of all congratulations to you Sir on your recent prestigious honour conferred on you by Her Majesty.

In riotous situations, where vitriol, hatred and viciousness abound, does the reluctance to use baton rounds to control such violence, not expose your personnel to serious injury or even death, when they come face to face with a violent mob? The high level of injuries to police officers in public order situations where rioters can inflict severe injuries on personnel is very disturbing. They should not be left exposed to such extent. Whilst accepting that they have a duty to perform, they are flesh and blood and loved ones of others too, and it does concern me the amount of injuries which are coming through, Sir.

Chief Constable, Sir Hugh Orde:

I will ask ACC Toner to deal with the detail and in broad terms, I have met, after the Tour of the North, 18 officers who were injured. I did meet one of my TSG officers who had taken the brunt of the violence very earlier on and, of course, there is always a difficulty when it is a spontaneous event, where things erupt very quickly is where we sustain most injuries rather than the pre-planned events where we can predict where the disorder is going to be and deploy intermediary use of force be it, the whole spectrum available to us including our water cannon. Again of course there are 18 injured at the Whiterock Parade as well, so we take the safety of our officers very seriously. There is no ban at any senior management level on the use of impact rounds, if the circumstances require it and if the proper protocols and authority levels have been given which we are required to do in law. That is where the situation stands and I have reassured my officers that that is the case. It will be a sad day for Northern Ireland if the communities who wish to currently march or demonstrate resort to such a level of disorder that we come under such vicious levels of violence that we have to use these things but it is available to us, but I will ask ACC Toner to give the details.

Assistant Chief Constable, Mr Roy Toner:

The detail is such, as the Chief Constable has highlighted, the authority is still in place for the authorisation of baton guns and impact rounds to be deployed, if required and they are deployed. The Silver Commander on the ground then makes the decision on whether or not they are used, but the tactics that public order teams now use on the ground are such, that we can minimise injuries to officers. For example, the recent 18 officers who were injured at Arodyne, none were hospitalised at all overnight, the most serious was a mild concussion, so in actual fact the protective equipment that officers have now, the tactics on the ground and the use of the water cannon, are all approaches that actually can minimise the risk to officers. If the Silver Commander decides that the deployment is required and that impact rounds have to be fired, there will be no reluctance to use them, if they have to be, but it has to be proportionate, legal and necessary in the circumstances.

Chairman, Professor Sir Desmond Rea:

Question relating to the display of flags, question 19 Mr Alex Attwood.

Mr Alex Attwood:

Chief Constable, as you know from the earlier session with members of the District Policing Partnerships, there is concern about the display of flags in certain situations. Now, mindful that the burden of this issue cannot fall exclusively to the PSNI, that it needs the involvement of both the community, certain organisations and other public bodies. Nonetheless, there was a grave concern last week, when various flags began to be displayed in the village at Dunmurry and subsequently, in other parts of South Belfast and elsewhere, on main arterial routes outside centres of population that are shared space, outside the police station in Dunmurry village. So, could you indicate what is the policy of the PSNI in respect of the display of such flags in arterial routes outside churches, community centres and other places of shared space. Could you give the reassurance to members of the public in the North, that the police will act and act quickly, where necessary, to remove flags from such locations where complaints are raised by the public with the PSNI?

Chief Constable, Sir Hugh Orde:

I will ask ACC McCausland to deal with those particular issues.

Assistant Chief Constable, Mr Duncan McCausland:

In relation to the matters that are raised. Many the issues surrounding the flying of flags cannot be resolved with the policing solution. The matter can only be resolved by local communities and statutory agencies working together to find an acceptable answer.

The issue of the display of flags is clearly an emotive one and the use of flags at instances such as celebrations or festivities is normally not an issue. However, a deliberately provocative display of flags to make out a geographical area or to promote sectarianism or intimidation is wholly unacceptable in a peaceful and tolerant society.

Where police action may be required, our line has been very clear. We consult, negotiate and then take enforcement action. We consult and negotiate with community representatives regarding local feeling on the flags on display and then, if that is not possible, for them to be negotiated down we will remove them.

We have signed recently, a multi-agency partnership initiated by ourselves to tackle the issue of flying of flags in public places and this was launched in Belfast in April of this year. This multi-agency approach includes the Department of Social Development, the Department of Regional Development Roads Services, the Department of Environment Planning Services, the Northern Ireland Housing Executive and it is led by the Office of First and Deputy First Minister.

The aim of this initiative is to address such issues as the removal of flags and emblems from arterial routes and town centres. The removal of all paramilitary flags and displays. The control of displays of flags and emblems in particular areas and as Mr Attwood has highlighted, areas such as schools, hospitals, places of worship and community halls. The flying of flags should be limited to particular times and particular dates. We have emphasised with our partners, that we would

look to see a reasonableness in terms of time-bounding with the flying of these flags.

We have worked together with these partner agencies and look to expand this to include every single district council in Northern Ireland, so that they can come on board with us and with the partner agencies, to ensure the flying of flags are not in the fashion that has been described here. The Office of First and Deputy First Minister has extended and currently holds a database on the removal of flags, emblems, kerb painting and sectarian graffiti.

In relation to the matter that has been raised, obviously the police must work within the law in relation to, either the Terrorism Act Section 13 of *“Displaying an article in relation to be supportive of a prescribed organisation”* or in relation to the Public Order namely *“Provocative conduct in terms of any flag”*. If those laws are breached, we obviously will take action, but again I emphasise the point is, we look to consult, negotiate and then enforce where necessary and we are one of many partner agencies because this is not an issue just for the policing. In effect, it is an issue for the whole community and we need to work together on it.

Mr Alex Attwood:

Could I just very briefly ask, given the very useful information that you provided, how has that been applied now in Dunmurry village?

Assistant Chief Constable, Mr Duncan McCausland:

Specifically in relation to Dunmurry village, I am meeting your party next week to talk about South Belfast with the District Commander and also in relation to Lisburn. If there are offences committed in Dunmurry village in relation to provocative conduct, namely if any flag is flown in a provocative fashion, then clearly the action will be taken in terms of negotiate, consult, to remove the flag and if necessary, then enforcement. But as you yourself emphasised, this is not just an issue for policing. There are issues in relation to our other partner agencies, in terms of where these flags are being displayed, if they are on public lamp posts and aspects like that, then that will be highlighted and at that meeting with your party, will be the other partner agencies representative to listen to your concerns.

Chairman, Professor Sir Desmond Rea:

Could I ask that Members attempt to be as brief as possible in respect of the question.

Earlier Mr Sammy Wilson referred to a republican parade in Strabane on the 25 February and he has a question on that. Question 10.

Mr Sammy Wilson:

Chairman, could I ask first of all, the republican parade in Strabane in February at which there were displays of people wearing paramilitary uniforms etc. Could the Chief Constable tell me first of all, have the organiser of that parade been interviewed, has a file in respect of any offence that would have been made at that parade been sent to the Director of Public Prosecutions? Given that there are at least 12 people photographed on the front page of 3 newspapers, no masks or anything like that, have any of those culprits been identified, have they been questioned and have any charged been preferred?

Assistant Chief Constable, Mr Peter Sheridan:

I will answer that question Chairman.

As I said before, in relation to this question, on a number of occasions that despite the overt nature of the parade, I understand the issue about photographs in the papers and so on, but there is much required in terms of evidence than pictures in papers and the legal issues connected to this parade are far from straightforward. We have had additional legal advice with the PPS since you last raised the question. We have taken the view that with the PPS, that 3 individuals within the parade, against whom the PPS have advised us that the best chances of prosecution are highest, we are now seeking to identify those 3 people. In having put a file to the DPP on those 3 people, we were satisfied that there likely to be a successful prosecution, then there will be a number of other people considered in that. But in so far as the detail of the investigation is concerned, this is a parade that happened on the 20 February, the Commander in Strabane

appointed a Sergeant directly that happened, to investigate it. He has spent 80 hours of police time on this investigation. If this was a simple investigation, then we would have put the evidence before the court or before the DPP already. It is a complicated process in terms of identifying people. Video showings have to be shown to groups of officers, there is a process that has to be gone through, but he has spent a considerable amount of time preparing the investigation papers so far.

Mr Sammy Wilson:

Chairman, I take from the answer that first of all, the names of the people who were on the 11/1, if indeed one was filled in, those people have not yet been interviewed by the police or a file prepared on their involvement in this parade and maybe we could just get an answer. If you are member of the Orange Order and you fill a form in wrongly or in a way in which the police deem to be not acceptable, you are pursued within 2 weeks, you are interviewed by a Detective Inspector and files are sent to the DPP almost immediately. If you organise a republican parade and at which there is a paramilitary display, within 5 months, you still have not even been interviewed. Now is it any wonder, that there are people in our community who are now beginning to believe that the police go soft on republican parades and stamp on Orange parades. Maybe we could just have an answer as to why the organisers of the parade, who you should not have any difficulty in identifying, have not yet been interviewed?

Assistant Chief Constable, Mr Peter Sheridan:

Simply to say, they are completely different circumstances, completely different evidence based and those investigations are completely separate. As I pointed out earlier, this is not a simple investigation but it is being followed through. It has been followed through with the PPS and we are taking all the necessary advice that we require and we are following up that investigation.

Chairman, Professor Sir Desmond Rea:

Question relating to the arrest of Mr Sean Kelly, question 21 Mr Alex Attwood.

Mr Alex Attwood:

Briefly Chairman, it is necessary that where any individual who is out under licence further to the Good Friday Agreement whatever their paramilitary membership may or may not have been, that where there is reasonable and proper grounds for arrest and detention, those people are arrested and detained, subject to the view of the Life Sentence Commission. Given that that is the context in which we are operating, are you in a position to update the Policing Board on the recent arrest of Mr Sean Kelly, the circumstances rather leading to the arrest of Mr Sean Kelly?

Chief Constable, Sir Hugh Orde:

Chairman, it is very difficult to talk about individual cases and I will ask my Acting ACC to touch on it in a moment, but just so Members are aware, there are specific reasons why, when people are released under licence, are subject to certain conditions which are basically, they do not support specific organisations. That is within Section 3 of the Act or within the meaning of the Act. They do not compass concerning commission, preparation or instigation of acts of terrorism connected with the affairs of Northern Ireland and they do not become a danger to the public, those are the conditions in which they operate. I now ask my Acting ACC to touch on some of the issues that you raise.

Acting Assistant Chief Constable, Mr Norman Topping:

Essentially, the sequence of events were that, following contact from the Northern Ireland Prison Service, the PSNI passed to them, information in its possession relating to the conditions subject to which Mr Sean Kelly was released from prison.

Subsequently, the Secretary of State for Northern Ireland suspended Mr Kelly's licence and recalled him to prison. In pursuance of the suspension and recall, PSNI made arrangements to detain Mr Kelly and return him to HMP Maghaberry

Chairman, Professor Sir Desmond Rea:

Question which relates to Sinn Fein representation on the Board, question 13 may be more appropriate to the Secretary of State, Mr Willie Hay.

Mr Willie Hay:

Chairman, why I have the question down is that on occasions the Chief Constable has been asked the question about Sinn Fein coming on the Board and I think it is important that this Board asks the question to the Chief Constable, because it has been asked to him in public and I think there needs to be some clarity around it.

There needs to be standards that need to be adhered to and certainly I believe that the same standards for putting Sinn Fein into government has to be the same standards that gets them onto this Police Board.

Chief Constable, Sir Hugh Orde:

My views on this are well known, well recorded, and normally in public. It does not actually matter what I think, Sinn Fein have a legal entitlement to be on the Policing Board and have chosen not to take the seats to which it is entitled. That is a matter for it, not a matter for me. My observations are, if we are to please all creeds of Northern Ireland the Board should be as representative as it can be, so that is my personal and public position on it.

I am on record as saying, that the huge progress that has been made by the Police Service and the Policing Board and District Policing Partnerships in terms of moving policing forward it is unfortunate that not all communities are not playing their part or not allowed to play their part in working with the police to make Northern Ireland an even safer place than it currently is. I do think that it goes without saying however, that anyone who wants to be on the Policing Board should be committed to non-violence and exclusively peaceful and democratic means as laid down by the Police Act 2000 again, a legislative matter and not really one for me. I can see it being hardly creditable for a party to be on the Policing Board that has any involvement or participation in ongoing criminality.

Chairman, Professor Sir Desmond Rea:

At the last meeting, that is the meeting in Derry / Londonderry, a lady filtered in a question and that question relates to loyalist paramilitaries and racist attacks and Barry Gilligan is going to put it, question 27.

Mr Barry Gilligan:

Thank you, Chairman. Could the Chief Constable comment on the links between loyalist paramilitaries and racist attacks, perhaps you can tell us what steps the PSNI are taking to identify the perpetrators of such reprehensible attacks.

Chief Constable, Sir Hugh Orde:

I think the issue of race crime is probably one of the biggest challenges currently facing Northern Ireland, not just the Police Service but communities in Northern Ireland. We do have intelligence that suggests that a number of the attacks on individuals have been linked to loyalist paramilitary groups who have carried out these racist attacks. However, what we also think is, it is individual action by people who happen to be members of loyalist paramilitary groups rather than sanctioned by the organisation and we are continuing to work with communities to solve some of the outstanding crimes.

In terms of our procedures, we will vigorously investigate any racist crime reported to us and reports are increasing which we see as increasing confidence or HMIC see as increasing confidence in the Police Service. People are now telling us more about these offences against them and we are working in partnership to solve them. Every District Command Unit has a specialist officer, at least one, to provide appropriate liaison and advice and support to victims of hate crime. I do think we need to do more and I think we are not looking at, in some areas where I think it is predominately happening, the hotspots, we may need to look at forming specific units to take these investigations forward because it is a fact, that our clear up rate compared to the rest of the United Kingdom, is still low.

In relation to hate crime generally, our new draft Hate Crime Policy which is currently out for consultation, which outlines for example, where a perpetrator has not been identified, an officer of at least Chief Inspector rank will review the investigation after 28 days to see what else can be done.

I think it is worth reminding colleagues around this table that the rise last year in terms of reported crime of this nature was 79.5% and that equates to just under one additional crime per day in Northern Ireland, so it is something that we take very seriously.

We do have 24/7 interpretation and translation services available and many districts have undergone and done many different local initiatives, to deal with specific groups who we are responsible for protecting. I do not know if ACC McCausland or ACC Sheridan would like to touch on just perhaps one example, if they have one, just to show what we are doing in more local term.

Assistant Chief Constable, Mr Peter Sheridan:

If we just pick up on Dungannon District Command Unit, given there are quite a number of foreign nationals and migrant workers who live there.

For example, in May of this year, as a result of intelligence, we stopped an individual who had a studded baseball bat in his vehicle and was on his way to carry out an attack on non-nationals. He was subsequently arrested. The bat recovered and was charged and is pending trial.

In September, a local man arrested and charged with disorderly behaviour and shouting racist comments at workers leaving Moy Park. He was detected because police were in the area giving protection to the migrant workers leaving the premises.

In August 2004 a petrol bomb thrown at a group of Portuguese in the Dungannon Square. A local man was arrested and charged again in relation to that.

On the 16 January this year, a Lithuanian was murdered in Dungannon and two people were then subsequently arrested in relation to that murder and have been currently remanded in custody.

Chairman, Professor Sir Desmond Rea:

Question relating to an incident in Violet Street in Derry / Londonderry on the 30 April, Brian Dougherty. Question 17.

Mr Brian Dougherty:

Chairman, you were aware at the meeting in early June of the incident at Violet Street and this morning the Board saw a copy of the DVD. It has obviously received quite a high profile since, so can you give us an update on any investigations that you are carrying out in regard to the incident. Also, as part of the discussion at the last meeting, I asked and you promised to provide information on the recent arrests for disorderly behaviour dependant on perceived community background.

Assistant Chief Constable, Mr Peter Sheridan:

Just in relation to the investigation, the Ombudsman's investigation continues in that matter, assisted by Internal Investigation Branch. One officer has been moved from operational duties pending the outcome of the investigation and there is not much more I can say about the investigation at this stage.

Regarding the breakdown of the perception of people being arrested, I have real concerns about discussing this because we do not collate people's community background when we do arrests so these are very broad brush figures. It is very raw data and would ask you to take it in that manner. It is not something that is very exact science because we do not record peoples community background in arrests. It is a very rough approximation in relation to disorderly behaviour.

From the 1 January this year until 24 June this year in the city, there were 266 people arrested for disorderly behaviour. Out of those, people with addresses on the city side which could be perceived to be catholic or nationalists but not exclusively so, were 188 of those arrests, on the Waterside 78 arrests. Now it is fair to say that not everybody living in city side is catholic or nationalist

and not everybody who live on the Waterside is protestant and it is also fair to say that the majority of the population lives in the city side, the Night Time Economy issues arrests for disorderly behaviour are more likely to happen on the city side in the city centres on a Friday and Saturday night.

There are many more arrests for other public order offences such as assault, indecent behaviour, drunkenness and I have not included those figures in it, but it is just very broad brush figures.

Mr Brian Dougherty:

Sorry Chairman, could I just follow up on that.

It is a broad sweeping generalisation ACC Sheridan as I am sure you are aware, giving the fact also that a number of those arrests city side probably came from the Fountain Estate which is a predominately Unionist area. Even given that, it is still, given the population breakdown of the city, it is still a higher proportion of unionists that have been arrested for disorderly behaviour than nationalists. Would you agree to that?

Assistant Chief Constable, Mr Peter Sheridan:

It is very hard to say. All I can say is that 188 people were arrested in the city side, 78 on the Waterside, that does not follow that everyone of those 78 or everyone of those 188 were one side of the community or other and it is very difficult and unless we start to record community backgrounds of people, it is very difficult to be very more definitive than that.

Chairman, Professor Sir Desmond Rea:

Question relating to injuries to police, question 22 Ian Paisley Jnr.

Mr Ian Paisley Jnr:

I must say, I do commend the action that was taken in the arrest of Sean Kelly that was alluded to earlier. If anyone was on the Shankill Road that day and saw the devastation and the havoc that person reeked, I think they would only recognise that if there was capital punishment, it would fit that capital crime for that particular individual.

How many attacks have there been on members of the Police Force since the last Policing Board meeting and can the Chief Constable report on those injuries caused? How many attacks have there been on police officers over the past year and is it possible to give a breakdown of where those attacks emanate from? How much money do these attacks cost the police, in terms of lost working hours over the past year?

Deputy Chief Constable, Mr Paul Leighton:

There have been a number of attacks on police and it is very important to delineate here, that we take the safety of our officers very very seriously and many of the attacks do not result in injuries.

Obviously since the last Board meeting, there were 19 police officers injured in disturbances at Ardoyne shop fronts. Injuries ranged on that occasion, from concussion (... tape unclear) and a number of petrol and paint bombs were thrown at police in the Henry Street area of North Belfast and no police were injured on that occasion.

In relation to attacks on police over the past year, we have obtained figures from the 1 June 2004 to 31 May 2005, so for that year, officers assaulted and this includes obviously officers who are injured in other forms of assaults rather than attacks by bricks or bottles – 186. The number of officers who went sick was 57 so a considerably number of officers, although reporting an injury or reporting an assault do not go sick. The working days lost to the Service were 1344 as a result of those 57 officers going sick, so the sick range was from 1 day – officers taking one day off to recover to an officer who was reasonably seriously injured and was off for 222 days.

Mr Ian Paisley Jnr:

Thank you.

Chairman, Professor Sir Desmond Rea:

Could I say a sincere thank you to the Chief Constable and his officers for taking our questions patiently and answering them in the way in which they have done.

Could I say thank you to the members of the public who have joined us for this session. To the Members, our colleagues in the District Policing Partnerships who have also joined us from the Belfast area today and last, but not least, to the journalists for joining us today.

Mr Sammy Wilson:

The Chief Constable gives briefings at these Board meetings. I would like to request for a briefing at the next Board meeting as to exactly the process by which the police feed into the Parades Commission what they believe should happen in the event of a parade which is contentious, because the Parades Commission on one hand say that.

Chairman, Professor Sir Desmond Rea:

Mr Wilson, you know if you put that down as a question, it will be addressed so it will be done.

Mr Sammy Wilson:

No, can we have a briefing on it, we know the process, so we do not have this too and fro when the police say they have no input and the Parades Commission say it is the police decision.

Chairman, Professor Sir Desmond Rea:

Again, thank you very much everybody.