

NORTHERN IRELAND POLICING BOARD

MINUTES OF THE 38th MEETING IN PUBLIC OF THE NORTHERN IRELAND POLICING BOARD HELD ON THURSDAY, 7 DECEMBER 2005 AT 12:00 NOON IN WATERSIDE TOWER, BELFAST

PRESENT:

MEMBERS:

Professor Sir Desmond Rea (Chairman)
Mr Denis Bradley (Vice- Chairman)
Mr Alex Attwood
Viscount Brookeborough
Mr Joe Byrne
Mr Brian Dougherty
Mr Sam Foster
Mr Barry Gilligan
Mrs Pauline McCabe
Mr Alan McFarland
Mr Eddie McGrady
Mr Ian Paisley
Mr Sammy Wilson

POLICE SERVICE OF NORTHERN IRELAND IN ATTENDANCE:

Mr Paul Leighton (Deputy Chief
Constable)
Mrs Judith Gillespie (ACC Criminal
Justice)
Mr Peter Sheridan (ACC Rural Region)
D/chief Superintendent, Crime
Operations
Chief Superintendent, Urban Region
Chief Superintendent, Command
Secretariat
Chief Inspector, Command Secretariat

OFFICIALS IN ATTENDANCE:

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

Apologies

Apologies for non-attendance were received from Mr Hay, Mr Kelly and Mrs Moore. NOTED.

Chairman, Professor Sir Desmond Rea:

Good afternoon and apologies for running late, some times the private session does overrun.

Welcome to this 50th meeting of the Policing Board, another milestone in the life of this Board.

Deputy Chief Constable, we welcome you and your colleagues, Police Staff Association representatives, colleagues from partner organisations, the press and particularly members of the public to this session.

The Chief Constable gave his apologies some time ago and I know that he is on his way to the United States.

In a few moments, I will invite the Deputy Chief Constable to make his opening remarks. After that, Board Members will put a number of questions to the Deputy Chief Constable on a range of important topics, but before I invite the Deputy Chief Constable, Mr Paul Leighton to begin, I would like to make a few comments.

First, I would like to offer the Board's condolences to the family of Constable Sharon Beshenivsky and also to the current Chief Constable, Colin Cramphorn and his colleagues in West Yorkshire. As Members and no doubt the press know, Colin Cramphorn was a former Deputy Chief Constable here in Northern Ireland.

Secondly, the Northern Ireland Policing Board today publishes the findings of an Independent Report on its role and work over the last 4 years. The report which also considers key areas of work for future action, contains 16 recommendations and was produced by a panel of 5 independent experts chaired by former Her Majesty's Chief Inspector of Constabulary, Sir Keith Povey.

Commissioned by the Board in May 2005, the Panel was tasked with assessing the performance and effectiveness of the Board and identifying the key learning experiences in the following 3 areas:

- (a) The effect to which the Board has fulfilled the Patten vision of its role;
- (b) The impact the Board has had within the new policy arrangements; and
- (c) The statutory framework within which the Board operates and the extent to which it has fulfilled its statutory obligations.

In carrying out its work, the Independent Assessment Panel met with a wide range of stakeholders who have extensive dealings with the Policing Board, including representatives of the PSNI, the Police Ombudsman, the Police Oversight Commissioner, representative District Policing Partnership members, political party representatives and other interested groups. The Panel also reviewed a wide range of published material and written submissions made to it.

The report focuses on 5 key areas of scrutiny. First, Leadership and Strategic Planning, secondly, Performance Management, thirdly, Community Engagement, fourthly, Corporate Governments and lastly, Structures and Human Rights and it contains as I have said, 16 recommendations in total. In making the recommendations, the Panel report that they have carefully considered the views which have been expressed by key stakeholders and have formulated a number of specific recommendations for the Board to consider as it continues its important work. The Review Panel also notes, that whilst the report does identify important areas for further development, the substantial achievements of the Board during its first 4 years should not be under-estimated and that the very survival of the Board in a political climate not envisaged by Patten has been a major achievement in itself.

The Board is committed to delivering its important oversight responsibilities on behalf of the community in the most effective and efficient way. The Board is pleased to note the Panel's positive comments on its contribution to policing and overall operation since its inception. There are, as have been said, a number of very specific recommendations which the Board must consider. The Board will

take the time to study the report's findings in detail and use the recommendations made to strengthen and to build on the work of the Board to date for the future.

The Board also welcomes the publication of the Oversight Commissioner's second Thematic Report on Training. That was published, as most of you know, yesterday and in particular the Board welcomes his comments in relation to funding for the Police College. This is an area of concern to the Board and following endorsement of the revised Outline Business Case last month, as Chairman of the Board I wrote to Government on this issue. It is the unanimous view of this Board that Government made a commitment to fund the project and this commitment must, in the view of this Board, be honoured.

Finally, a few brief words on Restorative Justice. This has been an issue which has topped the Board's agenda and on Monday, Board Members met with Minister Hanson. The Minister listened carefully as each and every Member present outlined the initial views on the guidelines. It was a frank meeting, during which Board Members took the opportunity to reiterate concerns about the operation and funding of Community Restorative Justice Schemes.

The Board's position on Community Restorative Justice remains unchanged in that, first, Members believe that Restorative Justice is, in principle, a good concept but the Board would only support any such initiative where good practice and robust protocols surround it.

Secondly, Members are adamant that Restorative Justice System Schemes must not only include the Police Service of Northern Ireland but the establishment of any form of 2 tier system would be extremely damaging to policing. In other words, we are saying police must be involved and if they are not, that would do a grave disservice to the Northern Ireland community.

Thirdly and perhaps most importantly, Members unanimously agreed that Government should not be progressing any initiatives of this nature unless and until all political parties have endorsed the existing police structures. Only then will the time be right for such initiatives and only then can the Board be assured that

the PSNI will be involved, will remain involved and will not be ousted at some point in the future because of the political imperatives of the day.

The guidelines provided to us and to the wider public, those guidelines will be considered in detail by the Board and we will be asking the PSNI for considered views on the protocols published. A full response to the NIO's consultation process will be produced and the Board is grateful that the Minister has agreed to meet again before the end of the consultation period to discuss the Board's considered written response to the draft guidelines.

I will invite the Deputy Chief Constable to make his opening remarks and then we will take questions from Members. Questions can come as I have said to you before, from a number of sources. First, they come typically from Committees of the Board. Secondly, they can come from individual Members. Thirdly, they can come from external organisations and finally, from individual members of the public. In respect of questions from external organisations and members of the public, these questions are then put by Board Members and that is in accord with our Standing Orders and today we have received 2 questions from a member of the public, Ms Charlotte Vij and we will deal with these questions in the course of this business.

Mr Ian Paisley Jnr:

Chairman, before you commence and I am sure it was unintentional on your part, but I think it would be remiss not to mention also the significant appointment of our former Chief Constable, Sir Ronnie Flanagan by the Minister of Defence and I think that should be acknowledged by the Board.

Chairman, Professor Sir Desmond Rea:

Sir Ronnie Flanagan is a Senior Her Majesty's Inspector and he has been asked to carry out an exercise for a former Secretary of State here who is now Minister of Defence and he is carrying that out in Iraq for the British Government and we wish him well in that task.

Deputy Chief Constable, Mr Paul Leighton:

First of all, can I reiterate your welcome to the Oversight Commissioner's comments on the Police College, I think they were very helpful and hopefully we will move that on in the near future.

Many significant events have happened since the last Board meeting and I will try and summarise them as briefly as I can. Very significant developments in the investigation into the murders of Andrew Robb and David McIlwaine which occurred in February 2000. In early November we had a Crime Watch broadcast taken by Tim Hanley, one of our Senior Investigating Officers (SIO), that resulted in a response of over 20 calls and specifically one of the 2 men who have now been charged with the murders, came forward and stated that he had been motivated to surrender himself to police. So, 2 men have now been charged with the murder and the Public Prosecution Service (PPS) are hopeful that the trial will commence in 2006.

The investigation into the Omagh bomb events obviously continues, one man Sean Howey remains in custody charged with 58 terrorist offences including the murder of the 29 victims in Omagh on 15 August 1998 but detectives pursuing a number of other lines of enquiry have also arrested a man from County Louth on the 22 November 2005 and he was released without charge pending further enquiries. We remain hopeful that other members of the gang responsible for the bomb will be charged.

An update on the Northern Bank robbery. As we approach the anniversary you will have read that a 24 year old male has now been charged with robbery. His detention period was extended beyond 7 days for the first time in Northern Ireland, it is the first time such powers have been used. The use of these powers was a reflection of the seriousness and the complexity of the investigation and his detention was reviewed by 2 Judges and a High Court Judge all confirming the legality of the application. As part of that investigation and linked to the arrest and charge of this person, a search at Casement Park took place. A full community impact assessment was conducted during the planning of the operation. It occurred at 11:00am after the premises had opened. In planning the resourcing for the operation, the fewest possible resources were committed commensurate

with the task. Officers of the club were contacted as the search began and part of the briefing they were given included the information and the likely duration of the task and we received total co-operation from the members of the club. Four land rovers were used in this event, one unmarked van and one unmarked car also visited the location during the task. This represents the significant reduction in the resources that can reasonably have been expected to be committed 12 months ago.

In the Northern Bank robbery to date, 13 persons have been arrested in connection with the robbery. Six persons have been charged, one has been charged with robbery, 2 have been charged with false imprisonment, one with possession of a firearm in order to commit an indictable offence, one with making a false statement and one with gathering information likely to be useful to terrorists. Twenty two searches have been conducted and 5,215 actions have been raised. As part of the searches, £28,000 and 10,000 cigarettes were seized, so in the Northern Bank robbery the investigations obviously still continues and there are many developments.

The Organised Crime Squad has been busy. The total value of goods seized so far is £3.7 million, this includes DVDs, CDs, games for computer consoles, clothing and over £3.5 million worth of cigarettes.

The Financial Investigation Unit continues to be effective, total cash seizures of £163,700, that excludes the seizures already mentioned in connection with the Northern Bank. One Order of Forfeiture of £60,000 in connection to a drugs operation and 3 Orders of Confiscation for £37,000 in relation to drugs trafficking.

The Drugs Squads themselves have been very busy. On the 16 November 2005, 18 grams of heroin were seized in Ballymena and one person arrested and charged. On the 18 November 2005, 67.75 kilograms of cannabis resin were seized in the Shore Road in Belfast, 3 arrests were made and 2 people subsequently charged with possession and possession with intent to supply.

On Friday, 2 December 2005, an intelligence lead search operation was carried out in Magherafelt, as a result of that search the following drugs were recovered concealed in the base of a divan bed – 4¾ kilos of class ‘A’ cocaine with a street value of £380,000; 50,000 class ‘A’ Ecstasy tablets street value £250,000 and 2 kilos of amphetamine which is a class ‘B’ drug with a street value of £20,000 so the total value recovered £650,000, quite a significant operation.

During the period also we have had the trial and conviction of Abus Boutrab and Members will be aware that there is another person awaiting terrorist trial still in custody.

We have had significant operations in Jonesborough around the market. Officers from the Serious Organised Crime Squad and Newry and Mourne District have been involved in a protracted investigation which resulted in an extensive search and seizure operation in Jonesborough on Sunday, 4 December 2005. A substantial quantity of counterfeit goods were seized, that is a bit of an understatement. Total goods seized 70,000 to 100,000 DVDs, ½ million cigarettes, a large quantity of alcohol which we are still collating, 1 ½ tons of fireworks, 10 vehicles of which the majority were lorries and an on-site production capability for the manufacture of CD and DVDs. A follow-up operation also uncovered a fuel laundering plant in a lorry.

The current seizures follow on from search operations carried out over 2 previous weekends on the 17/18 September and the 24/25 September 2005. Just to remind Members, during those searches 20,000 copied counterfeit optical disks, both CDs and DVDs were seized, 2 – 30ft containers of fireworks, 3 vans and trailers, a large amount of cigarettes and counterfeiting equipment and over 60 cases of counterfeit Smirnoff vodka and numerous items of branded clothing. So police are continuing to work very actively in that area to try and stop counterfeit trading. We are aware that there is a great deal of public acceptance of this activity in the area.

Other stories we think are significant in this period. We have started obviously many of our Christmas campaigns, the "Get Home Safe" campaign commenced on the 6 October 2005, it will run through to New Years Eve. The Community Safety Partnership with Belfast City Council, the Federation of Retail Licensing Trade and Belfast City Centre Management along with Belfast Chamber of Trade and Commerce and all Belfast Districts are involved in the present campaign. The poster campaign is about keeping your property safe in cars and making sure you look after your goods in the run up to Christmas are ongoing.

East Belfast are working in partnership with Coco Cola at the Odyssey and they Coca Cola are supplying free Coco Cola to designated drivers.

West Belfast are working with the Black Taxi Association to encourage them to promote pickup points at hotspot premises identified by the police. This is a good approach to try and address the old issue of getting people away from premises once they have left the nightclubs or pubs.

South Belfast are working on a night time transport provision with local licensees. This includes many local inns, Translink, Belfast City Council and others and indeed we have given some funding towards this initiative from the 'Policing with the Community' fund and hopefully they will be ready to launch that in the New Year.

South Belfast in the present campaign have gone back to basics and have deployed the video truck on patrol again and the police cell van and they are finding that that is quite effective.

Other incidents, in Lisburn on the 12 November 2005 shortly after midnight, a woman confronted a 19 year old male armed with a knife in her son's bedroom. The man had forced entry to the house through a kitchen window where he had obtained the knife, the woman was then raped. The police responded to the victim's address and around the victim's address and there was an excellent scene management put in place and shortly afterwards a man was arrested. He has now been charged with 15 offences including rape, attempted rape, gross indecency,

burglary with intent, assault occasioning actual bodily harm, unlawful imprisonment and aggravated burglary.

In Enniskillen on Tuesday, 8 November 2005 a member of the public contacted Enniskillen police station and stated that a digger was being used to remove the ATM from the wall of the Post Office in the town. Police response resulted in 2 males being arrested and charged as a result of DNA evidence obtained. The damage caused exceeded £60,000 and the ATM contained a large amount of cash.

In Ballymoney we had an attempted murder on Thursday, 29 September 2005 at 2:30am when a pipe bomb was placed in the front living room window of a house in Carnary Drive. This exploded, a male, his girlfriend and a 3 year old child narrowly escaped injury and people will remember incidents in Ballymoney in the past, where unfortunately children lost their lives. A male has been interviewed for this and has been charged with 2 counts of intimidation and remanded into custody.

In Foyle we had an excellent drugs operation. One drug dealer arrested when he was spotted driving from Belfast to Derry and when his car was stopped entering the city, £250,000 worth of drugs were seized. A further house search operation in the city resulted in £240,000 in cash and various drugs being seized. Still in Derry, CID used forensic evidence to link 2 well known burglars to 3 schools that had been burgled and damaged during the summer months. Members may remember that one school actually received £100,000 worth of damage. The total cost of the damage with which the 2 are charged is £105,000 so it shows that that one school was a major part of it.

The team responsible for burglaries, quad and plant thefts from Dunamanagh in Foyle to Limavady DCU over the past 6 months have been caught while committing similar offences and have since been remanded.

On the 11 September 2005, the homes of a number of non-national families, people from Eastern Europe residing in the area of the Ballygawley Road housing estate in Dungannon were attacked. The families were mainly from Poland and Lithuania and 7 were forced to vacate their homes. A DNA sample was located from one of the crime scenes and from this a suspect was identified and he has subsequently been charged with 19 offences, including burglary, criminal damage, theft and intimidation.

On the 17 November 2005 at about 10:00pm, a man walking his dog in Dungannon observed his dog pull out a black bin liner from the undergrowth, he examined it and it was later found to consist of 1.6 kilograms of suspected cocaine with £114,000 street value, so quite significant incidents happening all around the province.

Our performance generally has to be said to have some very good points but have points that we need to take note of. Domestic burglaries are still down 6.6% on the same period last year, vehicle crimes are down 17.6% on the same period last year. Overall crime has risen slightly by 3.7% although I am assured that this is up until the end of last month and I am assured that even today's figures show a slightly less increase.

Our drugs seizures, as illustrated by what I have just said, are up significantly by 12.6% on the same period last year so Members will be aware that there is a lot of work ongoing and I am happy to take any questions on any matters that have been mentioned.

Chairman, Professor Sir Desmond Rea:

Mr Attwood, you have a question in respect of the search operation at Casement Park, do you have a supplementary to the Deputy Chief Constable, question 18.

Mr Alex Attwood:

Thank you Chairman. As the Police Ombudsman outlined in an article in the Irish News recently, some of the success the police are having in respect of criminal investigation reflect the fact that both on the investigative side and on the intelligence side, where the police are is different from where they were even a

short time ago and that all the stuff that you outlined and including stuff that you have not mentioned in respect of high profile prosecutions of individuals in Belfast and beyond does reflect very favourably upon how the police have turned round the intelligence and investigative capacity.

It is welcomed that you outlined how the police approached the search operation in respect of Casement Park, some of that is not in the public domain and that is important in order to reassure people that when the police do conduct searches and seizures and arrests that they are informed by best practice and by a sufficient level of evidence. But I do think I need to stress to the Deputy Chief Constable that that raid in particular did stretch people within the community in terms of the police operation.

Chairman, Professor Sir Desmond Rea:

Could you get to your question, please.

Mr Alex Attwood:

It is more by way of a statementjust to stress to the police that when you do conduct searches especially at profile places that the police do conduct all rigor when it comes to the impact upon the community.

Deputy Chief Constable, Mr Paul Leighton:

Can I respond briefly Chairman because I want to correct something that I did say? Apparently I said there were 6 people charged in the Northern Bank robbery, it is actually 4, 6 was the number of charges put before Mr Ward, but I take Mr Attwood's point about the way that we conduct our operations, it is a very sound point.

Chairman, Professor Sir Desmond Rea:

Could I say to other Members of the Board that I am happy to take questions on performance figures.

Mr Sammy Wilson:

Can I first of all welcome the seizures of counterfeit goods at Jonesborough market and that has always been a difficult place for seizures and the fact that the police had such a successful raid on the market, I think is pleasing. Could I just ask 3 questions on it.

First of all, you indicated the kind of goods that you seized, how many arrests were made?

Secondly, were any of those arrested identified as being associated with any paramilitary groupings. Thirdly, how quickly do you intend to bring prosecutions, because the one thing I have found in these particular cases is that sometimes it is notoriously slow. I can think of one case in Belfast City Council in St George's Market where after a 1½ years the person still had not been taken to court and was allowed to trade freely in the meantime because there had not been any criminal charge, so how quickly do you anticipate the charge going to court.

Lastly, you seized vehicles. Assistant Chief Constable Kinkaid told us last month that you had difficulty holding onto vehicles, especially in regard to waste management. Are you able to hold onto these vehicles?

Deputy Chief Constable, Mr Paul Leighton:

I will ask Assistant Chief Constable Sheridan to give more detail because it has obviously occurred in rural region.

Most of the seizures are actually around and in the vicinity of Jonesborough market, they were not in Jonesborough market. Yes, a number of people were arrested and yes, we are applying for the power to be able to keep vehicles, but that is not yet with us.

With regards to the speed with which we prepare our prosecution cases, this has been approached in a very constructive and comprehensive way by the local DCU and the Organised Crime Squad. I would be very hopeful that we will not be too long in putting files before the Director of Public Prosecutor (DPP) but I will ask Assistant Chief Constable Sheridan to give more detail.

Assistant Chief Constable, Mr Peter Sheridan:

In response to arrests. There were 2 arrests on the day, one was a young person who threw eggs at the police and he was taken home and one other individual was arrested in relation to the counterfeit goods. One of the difficulties, of course in counterfeit goods, is tying the person to the counterfeit goods. In other words when you go to a stall and somebody is standing at the stall, it is making the link between them and the property. You have to have something more and that can be some of the difficulties particularly when it is somewhere like Jonesborough where it takes time to get down and you cannot just arrive out of the blue, but there is some gathering of evidence to try and identify people involved in it, but there are difficulties associated with it. This is part of an ongoing operation, it has been going on for a number of months and it was not just at Jonesborough market, it was also intercepting goods from people on their way to Jonesborough market on other occasions and it will continue.

Mr Sammy Wilson:

This is a supplementary question. If you are intercepting the people, presumably they are driving vans or cars, how is there a difficulty in linking them?

Assistant Chief Constable, Mr Peter Sheridan:

There is no difficulty, those are ones that have gone passed, this is now the culmination of that, as part of the operation one of the things the police could have done at the start is instead of doing pre-operations is to have done the operation in Jonesborough market, but what we did do is on the run-up to that operation in the weeks and months previous to it, we have been intercepting vehicles and people and they have been arrested.

Mr Sammy Wilson:

Have any of those people arrested been associated with paramilitary groups?

Assistant Chief Constable, Mr Peter Sheridan:

None of the people that have been involved to date in Jonesborough market have been involved or linked with paramilitaries.

Chairman, Professor Sir Desmond Rea:

Mr Ian Paisley Jnr.

Mr Ian Paisley Jnr:

As you know, there has been some material put into the media by the BBC which suggests that a security briefing indicated that the IRA gangs involved in the bank robbery were prepared to kill. Do you intend at some point to bring forward someone on an attempted murder charge with regards to the Northern Bank robbery?

Deputy Chief Constable, Mr Paul Leighton:

Obviously these are comments that were made to a BBC correspondent by the Chief Constable. I am not going to comment on the Chief Constable's opinions, that is for him to do. We will have to look very carefully at all the circumstances around the detention of people during this horrendous crime, because it was a horrendous crime for the families involved, believe you me it was terrible. We will have to look very carefully at that to see whether further charges can be brought, but it will be part of an overall investigation.

Chairman, Professor Sir Desmond Rea:

Mr Joe Byrne.

Mr Joe Byrne:

Chairman, I welcome the report that the Deputy Chief Constable has given on a whole range of issues across Northern Ireland. There is one particular case, can I formally ask the police to bring a report to us soon on that is the Arlene Arkinson case. Every 3 months or so we hear another story about an investigation trying to locate the body, but we have never yet heard anything conclusive and I would like to hear a formal report soon on that.

Chairman, Professor Sir Desmond Rea:

No doubt the Deputy Chief Constable will note that.

Chairman, Professor Sir Desmond Rea:

Mr Brian Dougherty.

Mr Brian Dougherty

Chairman, to go back briefly to the issue of counterfeit cigarettes and goods. If you look at any shop in Derry for example, counterfeit cigarettes are still sold openly and I remember this issue being raised about one year ago and we were told at the time that the police will basically turn a blind eye to any outlet they believe have assets of less than £10,000 and instead devote resources in going after the main suppliers. Is that still the case?

Deputy Chief Constable, Mr Paul Leighton:

The police obviously have to prioritise their resources and as in drugs we will go after the suppliers and the people who actually manufacture these. If Assistant Chief Constable Sheridan wants to comment further about the situation in the city, I am happy to let him do that.

Assistant Chief Constable, Mr Peter Sheridan:

It is the same principle, we target the big dealers but also at the same time, target the street level dealers. There have been over the past few months, cigarettes taken from shops and people in Derry and that will continue in the same way as we remove drugs from people who are using them, but also the importance of taking 20 million cigarettes out as we did recently has a big impact on that market availability in those shops.

Chairman, Professor Sir Desmond Rea:

A question in terms of clearance rates, the performance figures are disappointing, Deputy Chief Constable, would you like to comment on that?

Deputy Chief Constable, Mr Paul Leighton:

The clearance rate at the moment is sitting at 2.3% lower than the percentage cleared in 2004/05, but that is a comparison against the end of year figure in 2004/05, because obviously the clearance rate is a complete year figure that we are comparing back against and we are comparing where we are to date in this financial year.

The round of Section 78 accountability meetings have just finished and as Members will be aware, because many of you have sat in on the Section 78 meetings, these are very constructive, forward looking meetings and normally what we see after that when get a better spread of best practice and get more advice, we see an increase in detection rates, so we are relatively confident Chairman, that we will come back up to or above last year's detection rate.

Chairman, Professor Sir Desmond Rea:

Viscount Brookeborough.

Viscount Brookeborough:

Deputy Chief Constable, I think you said that in the case of the pipe bomb in Ballymoney that one person was being charged with intimidation, is that a holding charge or why was it not a charge of attempted murder?

Deputy Chief Constable:

The case in Ballymoney I obviously cannot go into at the moment because he has been charged and I cannot go into any more detail at this point.

Chairman, Professor Sir Desmond Rea:

Question 2, Mr Alan McFarland. This question relates to officers injured at the Ardoyne parade.

Mr Alan McFarland:

Thank you. Can the Deputy Chief Constable advise why it was that 100 officers were injured during disturbances at the Ardoyne parade on the 12 July 2005. Members understand that there is a process that must be followed before the AEPs, the new baton rounds, are deployed, but do not understand how that failed to activate the use of AEPs before such a large number of injuries were sustained?

Deputy Chief Constable, Mr Paul Leighton:

I can certainly advise why it was that 100 officers were injured, that is because people attacked us with blast bombs and petrol bombs and so on, they were not injured because of anything else. The issues around the firing of AEPs which we did on that date for the first time in quite some months are being investigated, not only by the Police Ombudsman but by the Health and Safety Executive on behalf of the Federation and are subject to a report by the Board's Human Rights Advisor, so there are plenty of investigations ongoing. We ourselves have carried out analysis of the events of the evening in the cold light of day and we are looking very carefully at the timings of various orders that were given. We are satisfied at this point in time that AEPs were authorised properly when they were authorised. The issue of officers getting injured earlier in a riot rather than later is actually part of the nature of a riot. Officers do tend to get injured earlier on when they are first attacked rather than when they get into their positions and actually follow their tactics. It is fair to say also that 70% of the injuries were ear injuries caused by the initial blast bombs being thrown, i.e. temporary deafness or that type of thing which are caused quite early on when a blast is thrown. So, we are looking carefully at it, we obviously await the Police Ombudsman's report, the Health and Safety Executive and the report of the Board's Human Rights Advisors to see if there is anything else we can learn from it, but I come back to the point that 100 officers were injured because we were attacked.

Mr Alan McFarland:

The logic of equipping you with, for example, water cannon, the AEPs and the protective clothing and I appreciate this is not a fine art, because these tend to be chaotic situations, but the logic is that you keep a potentially threatening crowd away from you by using those in turn so that, for example, the body armour and helmets that you are given are a very last resort. There was a suggestion and I wonder if you would comment, that authority to use the AEPs was withheld beyond the time that it might reasonably be expected to be given. I am wondering whether political correctness and the worry that we had not used these for quite some time and there was a concern of authorising them, that perhaps you might get away with not using them at all and I am wondering whether that features in your examination?.

Deputy Chief Constable, Mr Paul Leighton:

The Chief Constable and I were there in the Gold Room, Members of the Board were at the actual parade and saw what happened, there are various investigations ongoing as I say and I would be wrong to prejudge the outcome of those investigations. I await those with interest to see if there is anything that we can do better in the future but I would refute that there is any form of political correctness interfering with the decision to fire AEPs when they are required.

Chairman, Professor Sir Desmond Rea:

A question relating to the policing of potential sites for a new multi purpose stadium, Mr Joe Byrne, question 10.

Mr Joe Byrne:

Chairman, can the Deputy Chief Constable state whether the PSNI have provided any advice to the Strategic Investment Board (SIB) or indeed DCAL regarding security implications for any potential GAA supporters that might attend the national stadium if it were located in the centre of Belfast.

Further, can the Deputy Chief Constable confirm that the decision about the siting of a possible national stadium is not a matter for the police but that the police will be able to provide security for any supporters no matter where the potential stadium is built.

Deputy Chief Constable, Mr Paul Leighton:

I can confirm that we have not provided any written or verbal report to the SIB or to the Department of Culture, Arts and Leisure (DCAL), absolutely none.

You are quite right, it is not a matter for us. Our briefing on any of these matters will be, wherever they site the stadium we will police it.

Chairman, Professor Sir Desmond Rea:

Question relating to CCTV cameras in Belfast, question 3, Mr Ian Paisley Jnr.

Mr Ian Paisley Jnr:

Thank you Chairman. Deputy Chief Constable, can you report to us the criteria operations and supply of CCTV systems in Belfast and maybe indicate to us why they do not apply in West Belfast to the same extent.

Also, in recent days I have noticed that there is a similar problem that appears to have arisen in Dungannon and I wonder if you could, at a later stage, bring to the Board a report on the effectiveness of CCTV systems throughout the province.

Deputy Chief Constable, Mr Paul Leighton:

I would be happy to do a presentation later on the effectiveness of CCTV. Obviously there are different criteria for different systems and with regard to the Belfast question, I am going to ask C/Superintendent Wesley Wilson to answer that question.

Chief Superintendent Wesley Wilson:

There are a number of CCTV systems operating in Belfast and each of these operate independently and were specifically put in to meet a local requirement and a need in the community.

South Belfast CCTV system is mainly funded by the former Police Authority and it was mainly around tackling crime in the city centre.

East and North Belfast CCTV camera systems were mainly put around interfaces to try and reassure communities to monitor public order in those areas and to prevent public disorder in those areas and that is the way those systems have developed.

In relation to West Belfast, that district has looked at this now and they have a number of sites in which they feel cameras could be used and obviously that is being progressed. Such cameras usually go through the Belfast Community Safety Partnership for funding and they have recently in the last few weeks completed a complete scoping study of CCTV cameras across Belfast and obviously that will inform any future development of cameras within the area.

Mr Ian Paisley Jnr:

In terms of a follow-up to that. If a political party or a community group indicate sensitivities towards one of these systems, do the police take that onboard with a view, that it is too sensitive therefore we will not put the system in? Because the inference that we have read in the press is that these CCTV systems in West Belfast were not put into West Belfast simply because there was political objection to it. Now I think most people would find that an obnoxious way to have policing dictated to in the city.

Deputy Chief Constable, Mr Paul Leighton:

Police never take decisions of where to put CCTV systems in the current day on their own. The point to make about CCTV systems is that they are not only expensive to buy but they are extremely expensive to run, so therefore their deployment is entirely dictated by a need. What is the need in that particular area, so we will abide by that and move forward as best we can with regard to cameras in West Belfast.

Mr Sammy Wilson:

A supplementary to the Deputy Chief Constable's reply. Given the fact that there is one serious interface at Lanark Way in West Belfast which is not covered by a camera, despite the fact that people have requested it and a recent report in the Irish News said that the Falls Road is also the most dangerous road in Belfast and yet there is no traffic camera on it, maybe you could explain why all the security indications would indicate cameras of some sort, traffic or security cameras should be in West Belfast and it is the singular area in the city which does not have them.

Deputy Chief Constable, Mr Paul Leighton:

Obviously traffic cameras are very different from CCTV systems and I have said that we will look at the CCTV systems in West Belfast and see if we can take it forward.

Chairman, Professor Sir Desmond Rea:

Question relating to the proposed OTR legislation and its implication for the Historical Inquiries Team, Mr Alex Attwood, question 13.

Mr Alex Attwood:

Deputy Chief Constable, one of the few original ways that have been developed for dealing with the past has been the Historical Inquiries Team. An increasing number of people recognise that, as a bold initiative and one that the Board and the PSNI have worked up over recent times, and its purpose among other purposes is to bring closure to families from the past and do so as best you can with sensitivity, giving reassurance and information. Do you think Deputy Chief Constable that that approach is intention with or in conflict with a proposal by the British Government whereby IRA, UDA or UVF or for that matter, police killers, can walk free without ever having to face their victims in open court, without having to turn up in public to account for what they did and then to walk free by way of 'de facto amnesty'. Do you think that what you are doing and the Historical Inquiries Team to bring closure to the past for families, sits comfortably next to an approach by the Government, aided and abetted by other people in the community, whereby there is little or no accountability for what people did in respect of the killings around which your Historical Inquiries Team is investigating?

Deputy Chief Constable:

The first thing is, all police killings have now been taken away from the Historical Inquiries Team and given to the Police Ombudsman so there is no question of us feeling that this legislation should apply to us. We do not feel this should apply to police officers or to soldiers, we do not think that is a suitable analogy.

The legislation has not yet been enacted so it is difficult to be definitive about any answer, but certainly in what we have seen and we have discussed this with the people who are running the Historical Inquiry Teams, we do not believe it will have a major impact on their work because as you pointed out at the beginning, the main focus of their work is to bring as much information, openness and closure as we can to the families of people involved in these terrible incidents.

There are 2,000 unresolved cases, there is a relatively small number of people who we believe are 'on the run' so even numerically, there may be many cases that do not involve someone being identified or coming forward, so we do not think it will have a major impact on the Historical Inquiries Team, they will continue to work. There will obviously have to be adjustments to their flowcharts as to at what

point if a certificate is issued, it comes to a stop and what information can be given to a family because that will also have to be subject of a discussion, presumably within the terms of a certificate, by my reading of the drafts that we have seen. So, there will be potential impacts but we do not think it is going to be major and we are quite intent that the Historical Inquiry Teams have to continue with their original goal of trying to bring as much openness to families as they possibly can.

Mr Alex Attwood:

That is a welcomed commitment and I think it would be one that the Board would agree to, but do you think that what you have just said, bring closure to families sits comfortably besides the fact that a UDA or an IRA killer will be able to 'de facto amnesty' without ever having to appear in court, without ever having to account for what they did, for without ever having to face victims or survivors, do you believe there is a tension between the work of Historical Inquiry Team in trying to bring closure and a mechanism that brings about cover up? Do you not accept that that does not add up and that the good work that the Historical Inquiry Team are trying could end up with the bad practice....

Chairman, Professor Sir Desmond Rea:

Mr Attwood, that is a political question.

Mr Sammy Wilson:

With respect, it is not a political question, it is a policing question...

Deputy Chief Constable, Mr Paul Leighton:

If you are asking me as a police officer, do I like legislation which proposes that people who would be put before a court are going to walk away, the answer is very clearly no. That is not why any police officer becomes a police officer, so if you are asking me if I like this, no I do not. But I do not write the legislation or put it through, that is for politicians to do. I do not like it and I do not think any police officers likes the thought of this legislation but we will have to live with whatever legislation is passed. That is as far as I would go in saying anything about the OTR legislation as it stands at the minute.

Chairman, Professor Sir Desmond Rea:

Mr Sammy Wilson.

Mr Sammy Wilson:

The Deputy Chief Constable has indicated that part of the job of the Cold Case Review was to provide information but it is also, and the Chief Constable put this on record, it is also where possible, to bring people to justice for crimes committed. Given that the OTR legislation prevents you, the police, once someone has applied for a certificate, from arresting, questioning, fingerprinting, taking samples and a whole range of other things that would be good in an investigation and an essential part of an investigation, in light of that part of the legislation, do you believe that the legislation compromises the Cold Case Review Team to do its job?

Deputy Chief Constable, Mr Paul Leighton:

We never anticipated and I think we were realistic about this, that there would be a huge number of charges coming out of the Cold Case Review of the Historic Inquiry Teams, but we were hopeful that there would be, with developments in forensic technology and forensic science there would be some **(remainder of answer not taped)**.

Chairman, Professor Sir Desmond Rea:

Question on Restorative Justice, question 8 Mrs Pauline McCabe.

Mrs Pauline McCabe:

Deputy Chief Constable, the draft protocol that was published on Monday for regulating CRJ schemes, confirms that rape and sexual assault are crimes that must never be dealt with by Community Restorative Justice Schemes and I think it is important that we acknowledge the very good work that is carried out by many of these schemes. It is, however the case, that there are instances where women in Northern Ireland who have been raped or sexually assaulted, are threatened by people who have links with Community Restorative Justice, to prevent them reporting this crime to the PSNI or are intimidated or harassed if they do so. Given this, are you satisfied that all of the arrangements described in the protocol, about which PSNI have been consulted, ensure that no group involved in

intimidation to prevent victims of crime from reporting their crime to the police, will receive Government funding for any aspect of their work?

Deputy Chief Constable, Mr Paul Leighton:

I will ask ACC Gillespie to deal with the details because she has been involved in the negotiations, but the first point to make is, that Restorative Justice was never envisaged as a response to serious crime, such as rape or domestic violence or sexual assault. It was never envisaged as such and to my knowledge, does not operate as such in any of the schemes that are currently operating in the UK or abroad.

Assistant Chief Constable, Mrs Judith Gillespie:

I am grateful to Mrs McCabe for making it clear that the guidelines clarify that sexual or domestic violence offences are not suitable to be dealt with by a community scheme, and it makes it very clear in paragraph 2. I am also aware from what the Chairman has said already, that the Board will be giving a considered response to the draft guidelines in due course, but I think it is important to point out that the draft guidelines are not about legitimising current arrangements but they are about developing Community Restorative Justice Schemes to the point where they can work with and complement the formal criminal justice system and in particular, work with the police. For this to happen it is obviously vital that schemes operate within the law and where there is evidence of schemes using threats or intimidation, it would be wholly inappropriate to support them in any way. Such incidents would, in fact, amount to a crime and where a complaint of this nature is made to the police, we would obviously investigate it and report to the Public Prosecution Service, the draft guidelines also make this clear.

Chairman, Professor Sir Desmond Rea:

Mr McFarland.

Mr McFarland:

We have had a meeting with the Minister this week and I see from a recent interview, that the Restorative Justice (Ireland) have said that they will not be signing up to the guidelines until the issue of policing has been dealt with. They have also said that 95% of their work is unconnected with the guidelines and that is in the area of anti-social behaviour and such like things, now we are going to have a system here and there is a real sense that the Government are contemplating funding the non-criminal element of this, i.e. funding Restorative Justice in anti-social behaviour. We have heard this week that the PSNI are fully behind an agreement with the guidelines, are you comfortable that 95% of the work that Restorative Justice does, around anti-social behaviour is not covered by any protocols, any human rights issues, are you comfortable with that, and have you given your agreement to that part of the discussions?

Assistant Chief Constable, Mrs Judith Gillespie:

I think it is important to say that there has been a number of issues of debate with the schemes themselves as to what actually constitutes non-criminal issues and some of the issues which the schemes would say are not criminal, we would in fact say, undoubtedly are and these guidelines are very clearly set out to deal with the criminal issues.

In terms of the anti-social behaviour issues, I think it is fair to say, certainly I have been quoted very powerful examples of how schemes have very successfully dealt with anti-social behaviour and this is really about engaging with the schemes to the point that they can share with the police, all of the cases that they deal with so that an informed choice can be made as to what is best for the victim and what is best for the offender.

Chairman, Professor Sir Desmond Rea:

Mr Alex Attwood.

Mr Alex Attwood:

A supplementary question. To go back to Mr McFarland's question. Are the police comfortable with the fact, that in relation to non-criminal and anti-social activities

where Restorative Justice gets involved, that there are no guidelines, no protocols, nothing in terms of laying down requirements in order to protect individuals?

Are you comfortable with the fact that the Government may fund all of that without any guidelines governing all of that, does that not suggest to you that there are opportunities for wrong doing or irregular activity?

Assistant Chief Constable, Mrs Judith Gillespie:

It is my understanding that the Government will not fund any of the schemes until they become accredited by means of these guidelines, that is any of the schemes for any purpose, that is my understanding.

Chairman, Professor Sir Desmond Rea:

Question relating to the slow recruitment of Part-Time Reserve Officers, questions 4 and 5, Mr Sam Foster.

Mr Sam Foster:

Deputy Chief Constable, what is the intent with regard to part-time Officers. I am not an advocate of everything that Patten says, but 3 months ago all the expectations from Patten were slotting gradually into place. The PSNI were getting near to the number of complement of 7,500. The Full-Time Reserve were gradually disappearing whereas the Part-Time membership was far behind in numbers with no obvious attempt presently to remedy the matter of adequate personnel as recommended by Patten. For instance, the recommendation was 2,500 personnel, 3 months ago they had 910 which means a deficit of 1590 and that being so, would you agree that the delay in recruiting 2,500 part-time reserve Officers into policing is having a severe effect on police resources across Northern Ireland?

Deputy Chief Constable:

I would agree it is having an effect and we have been trying to move this forward with the Board and some progress has been made in the time since Patten reported on Recommendation 104. So far we have redefined the role of the part-time police officer in line with national developments in neighbourhood policing and community policing. We have run a pilot recruitment exercise in

2003/04 in 4 districts and we have recruited 171 members. We are retraining our existing part-time officers during 2004/05 to update their skill base and make them more suitable for the job which Patten envisaged and we have certainly opened up the debate with NIPB as to the way forward. We have another meeting with the Board on 16 December 2005 to discuss that and I would hope that we will be able to move it forward. I accept that there is a need for us to fill posts for DCU Commanders to try and move it on and we have not been found wanting in that but the Board will have to make decisions, because we have said we will not move forward without the Board.

Mr Sam Foster:

Chairman, I feel that is an absolute necessity because it has been going on too long, there seems to be a mark time situation going on, we are getting nowhere fast. We keep talking about recruitment, but there is no follow-up on the Part-Time Reserve.

Mrs Pauline McCabe:

A supplementary question. I do not disagree with anything that has been said about the part-time officers and I think it is incumbent on all of us to give it the highest level of priority now to move it forward. Just so there is no misunderstanding, because usually when we talk about this, misunderstanding does follow. Can you also confirm, that as a Service serving this community with the geographicals and everything else that we have got, given that we agreed to retain 680 Full-Time Reserve officers for a further period of 3 years, so we are a Service with 8,180 officers committed, plus we still have something like 1,200 Full-Time Reserve officers yet to leave us, we do not have a resource gap but we recognise the added value that our part-time officers will bring to us.

Deputy Chief Constable, Mr Paul Leighton:

That is correct. The issue of Full-Time and Part-Time Reserve has been confused in the past. The role that Full-Time Reserve officers are employed to do is very different from the role that Part-Time police officers were envisaged by Patten to do and what we are trying to concentrate on, is the role that Patten envisaged, i.e. a link to the community working with the community.

Chairman, Professor Sir Desmond Rea:

Question relating to the implications of people who wish to join the PSNI and their applications for other Police Services, question 7 Mr Ian Paisley Jnr.

Mr Ian Paisley Jnr:

Thank you Chairman. Deputy Chief Constable, can you tell us if you are aware of a policy which appears to exist throughout other UK Police Services. For example, Lothian and Borders, which excludes applications from applicants who have made an unsuccessful application to join any other Force and that only in exceptional circumstances, will an application be accepted from a candidate who has 2 or more unsuccessful applications to any other Service. As you know, with the operation of 50:50 in Northern Ireland, this would have a severe impact on people who have already been excluded, not because they are not of merit, but simply because of their religion. I wonder if you are aware of it and if you are aware of it, do you know how far it extends to other Services throughout the UK, and how do you intend to help us address this double discrimination against the members of the community who wish to join the police?

Deputy Chief Constable, Mr Paul Leighton:

I was quite surprised by this and the question actually has highlighted to us that some other Police Services do operate this policy, we do not operate such a policy just for clarity. People can apply to us as many times as they wish and they will be considered on each individual application. Obviously matters with regard to Lothian and Borders which you have mentioned and other Police Services are matters for them. I think it is fair to say, that we need to point out to them the situation in Northern Ireland. I would be prepared to draft a letter and send it to the Chief Constables of the various Services concerned, just to point out that this may be discriminatory against people from Northern Ireland, not just from the protestant persuasion but from the catholic persuasion too, because I would point out again that at the minute, we had 7,500 expressions of interest in 220 jobs. We had 5,000 applications, those are filling both merit pools and overflowing so this might affect both communities, not just the protestant community, so I think that it would be fair for us to write to other Chief Constables just to point that out, but obviously their policies remain their policies.

Chairman, Professor Sir Desmond Rea:

I explained at the beginning of the meeting, that organisations or members of the public can submit questions. Our Standing Orders provide, that we will filter those questions through Members and we have 2 questions which are going to be brought together. They relate to racist crime, they come in from an individual and Mrs McCabe will put the questions. Questions 16 and 17.

Mrs Pauline McCabe:

As you say, these are 2 important questions about the very important topic of racist crime and I will read them to you as the person who has put them has written them.

The first was to say to you that you mentioned in an answer to a question that was actually presented on the 30 June 2005 that you might have a specialist group to deal with racist crime in Northern Ireland and did anything come of that?

Secondly, could you tell us what your success rate as far as racist crime goes in Northern Ireland is?

Deputy Chief Constable, Mr Paul Leighton:

The illustration that I gave earlier of the work in Dungannon shows that we are not lagging behind in this, we are very active, but I will ask Assistant Chief Constable Gillespie who leads on this to answer this question.

Assistant Chief Constable, Mrs Judith Gillespie:

The new Police Service Hate Crime Policy was approved on the 21 November 2005 and this is about to be circulated throughout the Service. What it includes is, clear guidance on defining and recording and investigative standards for hate incidents. Supervision standards and the fact that, if someone has not been made amenable for a particular hate crime, that the whole case will be reviewed by an officer of Chief Inspector rank or above within 28 days.

It also includes restorative outcomes for hate incidents and a requirement for local training of the hate incident policy. We are very committed to developing and considering more effective ways to tackle hate incidents and this includes considering special units. In fact, the Board may be interested to note, that a special unit has been established in Ballymena district bringing together the Minority Liaison Officer, Detective Resources and Community Safety Resources to deal with all hate crime, not just racist crime. This obviously will be reviewed as it develops and may become good practice for other districts.

In a previous response to a question on racial crime at the Ballymena Board meeting, Assistant Chief Constable Kinkaid referred to the resources of Crime Operations being made available, where appropriate, to investigate and detect racist crime and that obviously includes the full range of covert resources where that is necessary.

In terms of our success as far as racist crime goes, success can be measured in a number of ways. Firstly, encouraging victims to come forward and report crimes and supporting them. Secondly, preventing racist crime and heightening public awareness which we have done through public awareness campaigns. Thirdly, in bringing offenders to justice, and I think it is in the third area that we probably would have most concern and we need to work harder than we have been doing and improve our performance in this area, because our detection rate has slipped. Last year we were at a detection rate of 15.9% and we have slipped to 12.7%. However, as the Deputy Chief Constable has already said, there was one particular incident in the Dungannon area where an individual has been charged with 19 offences, that has not been counted in the detection rate so far and obviously that will have quite a significant effect. That was offences relating to attacks on Polish and Lithuanian families, so that is a considerable success and there are other recent clearances which will improve the detection rate.

I think it is important to point out, that it is very difficult to clear racially motivated crime because of the reluctance of victims sometimes to come forward. That is very often a function of negative experiences of the Police Service in their own country, sometimes in this country as well, but more often in their own country of origin or because they are unsure of their own legal status. Also, whilst there has been an increase in the number of incidents they are still relatively low in numbers, so it is hard to determine patterns.

Victims quite often relocate following crime against them which makes it difficult to follow up. They relocate to their own country, especially in the case of migrant workers and obviously language and cultural barriers can prevent recording and reporting but we are determined, through the implementation of the new Hate Crime policy which I referred to earlier, to support all victims of hate crime, not just racist crime and to bring the perpetrators to justice.

Professor Sir Desmond Rea:

That concludes the business. Could I say a thank you to the DCC and his colleagues. We note the PSNI's recent successes and we thank you for taking our questions and answering them, at times very frank questions. To members of the public, we thank you for attending the meeting and we hope you found it an interesting meeting and also to our journalist colleagues.

(Meeting closed 1:20pm).