

NORTHERN IRELAND POLICING BOARD

**MINUTES OF THE 25th MEETING IN PUBLIC OF THE NORTHERN
IRELAND POLICING BOARD HELD ON WEDNESDAY, 7 JULY 2004 AT
12:00 NOON IN WATERSIDE TOWER, BELFAST**

PRESENT:

MEMBERS:

Professor Desmond Rea (Chairman)
Mr Denis Bradley (Vice Chairman)
Viscount Brookeborough
Mr Joe Byrne
Mr Fred Cobain
Mr Sam Foster
Mr Willie Hay
Mrs Pauline McCabe
Mr Alan McFarland
Mr Eddie McGrady
Mrs Rosaleen Moore
Mr Ian Paisley Jnr
Mr Sammy Wilson

**POLICE SERVICE OF
NORTHERN IRELAND IN
ATTENDANCE:**

Mr Hugh Orde (Chief Constable)
Mr Paul Leighton (Deputy Chief
Constable)
Mr Sam Kinkaid (Assistant Chief
Constable, Crime Operations)
Mr Duncan McCausland (Assistant Chief
Constable, Urban Region)
Ms Sinead McSweeney (Head of
Communications)
Chief Superintendent Ian Cameron,
Corporate Management
Chief Inspector, Command Secretariat

**OFFICIALS IN
ATTENDANCE:**

Mr Trevor Reaney (Chief Executive)
Director of Community Affairs
Director of Communications
Director of Corporate Services
Director of Policy & Accountability
Director of Service Delivery
One Board Official

Apologies

Apologies were received from the Mr Attwood, Mr Dougherty, Mr Gilligan and Mr Kelly and Mr Sharma.

Chairman, Professor Desmond Rea:

On behalf of the Policing Board I am delighted to welcome members of the public and journalists to the 33rd meeting of the Board. An equally sincere welcome to the 'third estate'. As all of you no doubt know by this stage, we do meet in private session with the Chief Constable and his colleagues, then we move into a public session. In terms of the questions, just by way of outline to you, they either come from individual Members of the Board or they come through the Committees of the Board. We also sometime meet with interest groups. We have met in the past with interest groups to do with the elderly and they have provided us with questions they would like answers to and we have facilitated them that way. However, two preliminaries to the commencement of this public session today.

The first one is, we have visitors from Macedonia. Could we say a very sincere welcome to this public session. I know that the Chief Executive spoke to you on Monday last; I hope you had a valuable session with him and that you have had a very enjoyable visit to Northern Ireland. You are very welcome to this meeting today.

Another pleasant duty to perform, Barbara Stephenson, the US Consul is with us and I would like her to come up and join me. Barbara has been with us 3 years and you return to the United States on the 20th of this month. What are you going to do?

The US Consul, Ms Barbara Stephenson:

I am going to head the State Department's Office of Terrorism, Finance and Sanctions.

Chairman, Professor Desmond Rea:

Could I say on behalf of the Board and no doubt also the PSNI, you have made a very important contribution to our lives in this province. You have taken a great interest in policing. You have taken an equally great interest in the Board and its work and it has been very easy to work with you. On behalf of all of the Members of the Board, could we wish you and your family every success in your new job and every blessing.

The US Consul, Ms Barbara Stephenson:

Could I just say what pleasure it gives me to look around and see this Policing Board sitting and still contributing to the vision of Patten. Can you remember when everybody who knew anything knew that this Policing Board was going to split on sectarian lines, fail on its first mission and never work. Now here we are years later and you are the one organisation that is really still functioning so you just keep at it. I am so proud of the Policing Board. Thank you very much.

Chairman, Professor Desmond Rea:

Chief Constable, you have some introductory comments.

Chief Constable, Mr Hugh Orde:

I will keep it brief, as I am aware there is a presentation.

In terms of being nearly 3 months into the next financial year and the next recording year, I have picked out just a couple of things in relation to performance. I think the most worrying one is in relation to drink driving detections, which are up substantially from last year. In the last 12 months we have arrested 726 people for drinking and driving offences compared to 486 for the same period last year. That is an increase of 240 and I think it is worth noting that the power of arrest for disqualified driving comes in very shortly.

The power of arrest for disqualified driving comes in at the end of this month. It is a vital power. We lobbied the Government since I started and supported

by the Board have managed to get this power in a piece of legislation. My plan will be, that if we arrest people for disqualified driving, we will put them in front of the next available court. You have only to look at the rate of deaths on our roads to see just how important this power of arrest is to us. The indications are that people still think it is alright to drink and drive.

One of the new measures that we would have been required to report on is the clearance rate for murder and manslaughter. Just to report for year to date, our clear up rate is up to 85.7% an increase from 67% in the previous year. I think to some extent this may reflect the reorganisation and the work of Crime Operations Group, although the numbers are thankfully fairly small. In terms of the bulk crime, burglary continues its downward trend. For the first 3 months of this year compared to the first 3 months of last year it is down a further 16%, car crime is down a further 22%. Those are the headline figures just for your information.

I raised this at a private session and the vast majority of this is raised now at the public session following the Board's agreement.

In relation to the marching season, I think it is fair to reflect, that so far the marching season has gone extremely well. I think this is a reflection, not only of the substantial effort of the police officers and their leaders in organising it, but it reflects on the commitment of the communities, in particular those players who have interacted between the groups to act as catalysts to bring about what has currently been a very peaceful marching season. I was out last week at Drumcree. It went extremely well from a policing perspective and I think also from a community perspective, within the bounds of that determination. We look forward to this weekend and we remain confident that we can police whatever determination the Parades Commission finally comes up with.

What is important I think is to deal with the rumour that on occasion grips Northern Ireland at these times. In particular you will remember the Mater

Hospital incident that happened a little while ago. Just to quote the headlines from UTV and BBC on those days “loyalist rampage in Belfast Hospital”, “crowd numbering 80 terrorise staff and patients”, “staff fled mob of loyalists”, “group of youths go on rampage”, “most serious disruption I have ever seen”, “they tried to force their way into hospital and they got through the doors”. This played for some time and substantial work by my officers to investigate it and to respond to the incident, because we were criticised for our speed of response. This has led me to believe it is important to show a very short video to Members of the Board.

We are happy to take questions on it, as to the reality of what took place, which was not a riot.

There were a large number of people milling around. We think they were trying to use the toilets in the hospital. Their behaviour has not been deemed illegal and this video has been seen by the Director of Public Prosecutions. Whilst I am sure the staff were concerned because of the volume, I will leave the Members to make their own judgement as to whether this merited those sort of headlines and reflect on the potential damage such headlines can do, when we are trying to deliver a peaceful marching season and convince communities to work together.

Chairman, Professor Desmond Rea:

Thank you very much, I should say that the Board did ask the police to share this video with members of the public and we are asking the journalists present, in particular, to note its contents.

Assistant Chief Constable, Mr Duncan McCausland:

Chairman, with your approval I will take the Board through the video. This is the CD video system from outside the hospital showing the actual hospital entrance. You will see on the top left hand side, the parade will start or the

feeder parade that was moving away from the main parade, will start to go up the road. There are people milling around.

At around 22:05hrs people start to go inside the hospital, which is a fairly confined space in terms of the reception area. It was around that time that the hospital staff became alarmed. At 22:05hrs they contacted the police. There is some media speculation it took up to 10 minutes for the police to arrive. You will see at 22:08hrs the first of multiple land rovers arriving because the police were in effect at Carlisle Circus in large numbers dealing with the main parade and seeing it peacefully away. If we could stop this video and move to inside the hospital, you can see that within 2 or 3 minutes the whole situation was resolved.

This actually shows you the inside of the casualty reception. You will see that the door opening and closing which was the door that was allegedly supposed to be locked and to be forced. It is a standard door which is kept locked at all times, patients as you can see are coming and going. Again, 22:04hrs the crowd is outside. 22:05hrs people start to mill around looking for the toilets. There is no-one forcing any doors, there is no-one trying to fight their way into the hospital. I do not see anyone fighting or causing any major disruptions. Certainly, hospital staff would have been alarmed in terms of large numbers in a confined space, but I would suggest that does not justify the headlines that the Chief Constable has read out.

I would make an appeal to the media to ensure that the headlines that are being used are reflecting what is happening, because the whole of Northern Ireland is going through a sensitive time, we have got to be aware that they can heighten tensions. You can see the video has moved on, 22:09hrs the hospital has returned to normal. I think the pictures speak more than I or the Chief Constable can possibly say and I would certainly leave everyone to reflect on these. That is the end of the presentation.

Chairman, Professor Desmond Rea:

Thank you. Could I say Chief Constable, and through you to the members of your Service, I am sure I speak not simply for the Board but also for the wider community, thank you for the hard work that you and your colleagues have been putting in, in terms of what has taken place already this summer, parades etc and the progress that has been made. Could I also say our appreciation to those groups who have been using their good offices. It would thin both identities to ensure a peaceful summer and I know I include within that, some Members of this Board who have been putting in a great deal of effort to ensure a peaceful summer for all of us. Perhaps that could be put on the record.

Any questions from Members on the statistics that Members have before them.

Viscount Alan Brookeborough:

Could I just say something about what we have just seen. Would it not be reasonable to expect that the press, especially with those headlines, should give some sort of apology for what would appear to be grossly exaggerated press reports under the circumstances?

Chief Constable, Mr Hugh Orde:

I think that is a matter for the press and we did rebut it very firmly and gave our assessment of what we thought had gone on. Sadly that was not reflected in the days that followed and the impact of that was more in the area of Belfast where this was going on, than it was in the national media. The world moves on. I understand that, but we did our best to put in what our assessment was. It simply was not picked up. It is a matter for the press to decide if they think their reporting was appropriate or not.

Mr William Hay:

I think it also appropriate Chairman, that Bishop Walsh saw the video as well.

Assistant Chief Constable, Mr Duncan McCausland:

Yes Chairman, I have personally shown the video to Bishop Walsh and he is content with the police action and what went on. He fully understands and has also agreed that we will have an overt presence in and around the hospital for reassurance more than anything. As I emphasise again and the Chief Constable has also emphasised, a large number of people milling around within that confined space would have been alarming for the staff. We are not under-estimating that. We have said publicly that if anyone wishes to come forward and make any specific complaints we will investigate those complaints.

Mr William Hay:

Have there been any so far?

Assistant Chief Constable, Mr Duncan McCausland:

There have been none so far. One person was arrested, a 14 year old who is being dealt with through the juvenile scheme. That was for disorderly behaviour in relation to his attitude towards the police and how he behaved on that evening.

Chairman, Professor Desmond Rea:

Sammy Wilson.

Mr Sammy Wilson:

Chairman, given the damaging effect that this can have in a difficult situation which pertains in North Belfast at present, I know Fred Cobain and another colleague Nigel Dodds have both been working quite hard to try and defuse the tensions which arise at this particular time of year. Given the kind of damage which the headlines and the ongoing press reports can cause in an

area where there is already tension, has the Chief Constable any plans to make representation at the highest levels within the various media organisations to ensure that the kind of exaggeration which seems to have occurred in this place is not repeated. Also, given the fact that the police quickly rebutted the kind of allegations that were made in the press reports, is he disappointed that the press allowed the desire for a good or bad story to get in the way of the facts that the police were presenting at the time?

Chairman, Professor Desmond Rea:

I will ask Fred Cobain to comment before the Chief Constable replies.

Mr Fred Cobain:

Chairman, just to say a couple of things. I think everyone knows in North Belfast at the moment things are very tense and I think that both the political representatives, community activist and the press all have a role to play here. I think enormous damage could be done if stories like this are allowed to go unchallenged. I know this particular story has caused a fair bit of tension in North Belfast.

I am glad to see that the police have placed on record the video. What disappointed me more than anything was that we did not get a statement from the hospital which I thought could have defused the situation quickly. The hospital allowed the rumours to generate and stories to be circulated quite quickly. There is no sense going into the blame game as that does not get us anywhere but I think everyone has to realise the responsibilities we have to play in these areas, especially over the next 10 to 15 days.

Chairman, Professor Desmond Rea:

Chief Constable.

Chief Constable, Mr Hugh Orde:

As I mentioned, we did give what we thought was a robust response at the time – fast time is important. Our concern was, the suggestion that the police had not responded to the call. The evidence clearly shows that within 2 or 3 minutes we had too many police officers there and not too few. We responded very effectively and made sure that members of the staff were reassured by a substantial police presence and a longer-term solution that Duncan mentioned.

I can only speak for my organisation. This is just an observation not a criticism of the press. I think it is a matter for the press to decide how they report it in the context of the world in which we are living. The success of the last 2 weeks is a reflection of a huge amount of effort by everyone, not only police but communities, community leaders and elected representatives. This does play in that world and it does make those peoples jobs an awful lot harder to mediate between the 2 sides, with rumour and speculation built on reporting.

Chairman, Professor Desmond Rea:

Do you have any other opening comments? Can I take question 1, Mr Cobain?

Mr Fred Cobain:

Thank you, Chairman. Could the Chief Constable describe the progress which is being made in creating a continuous improvement culture within the PSNI and in implementing the requirements of the Police (Northern Ireland) Act 2000 regarding continuous improvement and best value?

Chief Constable, Mr Hugh Orde:

I will ask Chief Superintendent Ian Cameron to lead on the detail of that question if I may. Just in broad terms, in addition to the specific requirements of the legislation, one needs to look at over the last 18 months, I think, to show the

PSNI's commitment to change and improvement. We now have a Crime Operation Group. I have reflected on the clear up rates for murders in this briefing already which I think is a direct result of the Criminal Justice Department we have created which is driving the Causeway Project, which will drive huge efficiencies around criminal justice and our partnership to police generally.

We are now, as Members will be aware, looking at our structure at district level to see if we can become more efficient and deliver a more effective front line policing service. This includes, of course, our estates strategy and a review of what police stations need to stay open and what stations do not. In terms of the actual detail of continuous improvement, I will hand over to Ian.

Chief Superintendent Ian Cameron:

Thank you. Just in relation to best value and continuous improvement. Following a report by the HMIC and the National Audit Office, the PSNI is currently reviewing the best value methodology, which is based on good practice identified in other police forces in the UK and in the Home Office Best Value and Planning Guidance for Police Authorities and Forces 2003. Their revised methodology will include an assessment matrix for identifying areas for future reviews, a structured approach to the review process and will propose a closer working relationship with the Board through the Audit and Best Value Committee. We recently requested the appointment of liaison officers from the Board to assist in a number of the Best Value Reviews that are taking place and those have now been appointed.

In addition to the comments the Chief Constable has made, the HMIC has recognised the drive that the PSNI has put in to fulfil the requirements and recommendations contained in the Patten report and the other issues mentioned by the Chief Constable. A lot of this work has clearly delivered an

improvement in policing services and this was highlighted to the HMIC during the course of the best value inspection.

The Inspection Review Team within Corporate Development, which is responsible for Best Value Reviews, is now, as of June this year, up to full strength with an establishment of a Chief Inspector, 3 Inspectors, 2 civilian staff at EOI level and a part-time management accountant. The operational specialist experience of the team members will provide a wealth of knowledge into the best value review process.

Finally, as you are aware, ACC Corporate Development sits on the Policing Board's Continuous Improvement Strategic Working Group, which contains representatives from the Association of Police Authorities, the Northern Ireland Office, the HMIC, the Board and the National Audit Office. It advises the Board and the PSNI in relation to developing and implementing a continuous improvement cultural within our organisation.

Chairman, Professor Desmond Rea:

Question 6, Mrs McCabe and I am going to take 6, 10 and 11 as supplementaries. This is to do with calling handling, Mrs McCabe.

Mrs Pauline McCabe:

Following the recent report of HM Inspector of Constabulary into 23 key activities in English Police Services, in which call handling emerged as one of the major concerns, could the Chief Constable update us on the progress and implementation of the PSNI call grading policy and indicate when he expects to be in a position to report actual performance achieved against the targets in the policy? I know that this was an area that a number of the District Policing Partnerships last time around, were very keen to actually have

included in the local Policing Plans so it would be helpful to have a progress report.

Chairman, Professor Desmond Rea:

Do you want me to take the other questions before you answer? Question 10 is Joe Byrne.

Mr Joe Byrne:

Chairman, could the Chief Constable outline the merits of having a single call handling system for the emergency services of Northern Ireland and would he also agree that whatever call handling system is finally settled on, the key test will be the public's confidence in how that system will be able to respond to queries when members of the public want to phone the police?

Chairman, Professor Desmond Rea:

Could you take question 11 as well, Joe.

Mr Joe Byrne:

Can the Chief Constable also outline how civilian staff can be utilised and fully used in relation to how the emergency services operate.

Chief Constable, Mr Hugh Orde:

I will ask Duncan to explain the details, he leads for me on this particular area. In terms of the baseline reviews you rightly identified, this is a national problem around call handling. In our own particular baseline review, it is one of the areas that was identified as of concern to us. We are currently not best fitted to be as efficient as we should be and I will ask Duncan to outline what our plan and vision is.

Assistant Chief Constable, Mr Duncan McCausland:

Chairman, to answer the questions in some degree of order. First of all, Mrs McCabe's question. We have a call grading policy which is outlined in our General Order of 22 January 2003 which is available to the Board. The policy is based on the ACPO guidance and is currently in place across all 29 district command units. The policy does not currently include specific targets for call grading and response as it was decided that such targets were the responsibility of District Commanders. For the rural region and for my region, it would be Chief Inspector Belfast Regional Control. The responsibility for monitoring these targets rests with these individuals. For example, how quickly we answer 999 calls. Any Members that have visited Belfast Regional Control will see it is monitored electronically. You can actually see the response time as you go in the door.

Corporate Development Department is currently working with myself to develop and organise an organisation-wide approach to call handling and the implementation of new technology to improve service delivery in this area. This is a key project for us in terms of our IS Strategy. To this end, the project to pilot a new call handling system is planned for later this year, in relation to 3 district command units, probably South Belfast, Lisburn and Craigavon. The results of the pilot will be carefully evaluated and as expected, the implementation of a new call handling arrangement will commence in 2005.

This is a major undertaking and will result in significant changes to existing business processes and the technology in terms of the systems we use. The new arrangements will result in major benefits for both ourselves and the general public in the whole of Northern Ireland. Investment will be required to support this initiative and support to obtain the funding necessary will be sought from the Northern Ireland Office. We acknowledge the importance and effectiveness of call management and we will strive to deliver the importance in this area. However, the majority of forces within the United Kingdom have found call handling to be complex and a challenging area.

Moving to the other 2 questions. What I would propose and have already written to the Chairman in the last few days, is that rather than delay Members today we will come down in September or October and give a full detailed presentation to the Corporate Policy Committee which, I hope Chairman, would be open to all Members to consider. We feel the Board have a key role to play in this, particularly in terms of, as we make strategic decisions, how these are communicated to the community in terms of public reassurance as to how their calls are going to be handled, not just in terms of the 999 calls, but this deals with all contact with the police in terms of non-emergency and emergency calls. On the basis of that, the issues that you raise, such as, central call handling, location or the use of civilian staff, are key elements in that to be decided and obviously the Board will be informed and your views will be taken onboard as we are making those decisions. Chairman, if you are content I would defer the questions to September or October to that Corporate Policy Committee meeting.

Chairman, Professor Desmond Rea:

We would very much welcome that.

Could I take question 9, Mrs Moore.

Mrs Rosaleen Moore:

Chief Constable, could you advise the Board if any of the recommendations made in the Bichard and Flanagan Reports have implications for or need to be addressed by PSNI?

Chief Constable, Mr Hugh Orde:

I will ask Sam to give the details. The short answer is yes they do. I have nearly gone through the whole report. It is a substantial piece of work of 197 pages long. There are some major issues around information sharing and certainly not only within the Police Service but also across Social Services. Sam, if you would cover what our plans are.

Assistant Chief Constable, Mr Sam Kinkaid:

This cuts across about 3 main departments inside the police and the work that is done within the various regions. Quite clearly the size of those reports and the significance of the many recommendations mean we are taking great care in setting up a team to take this forward. It will involve Crime Operations Department, Criminal Justice and also the regions.

The issues coming out of these reports are not just how your computers operate or how you weed information. Some very important issues in relation to how information is put on, how investigations are carried out, proactive operations against paedophiles and sex offenders. What I would be proposing at a later date, like the previous question, is to come back to the Board perhaps to one of the committees and give a presentation, perhaps with ACC Gillespie, as to the extent of the changes we feel we would have to bring into place.

Chairman, Professor Desmond Rea:

Question 7, Mr Willie Hay

Mr Willie Hay:

Would the Chief Constable detail the number of serious threats received and made against police officers over the past 12 months in Northern Ireland compared to the previous 12 months? What is the nature of these threats and can the Chief Constable identify the organisations behind these threats and how many police officers have had to move home under SPED arrangements because of these threats?

Chief Constable, Mr Hugh Orde:

I will ask Sam to cover that.

Assistant Chief Constable, Mr Sam Kinkaid:

Members may be surprised at some of the figures. In the last 12 months, that is from 1 July 2003 to 30 June 2004, a total of 38 threats of significance have been received and would relate to our officers. Those breakdown as 13 coming from loyalist and 25 coming from republican organisations. Of the 25 that come from republican, 23 would be from dissidents. That compares with the previous year

1 July 2003 to 30 June 2003 when there was a total of 65 threats, the majority coming from loyalist sources. The nature of the threats include issues like targeting, intelligence being gathered on personal details and things like compromises coming from burglaries or thefts of motor vehicles. It is important to note that an individual threat can give rise to a considerable number of officers maybe having to be told. In some cases it is just a one on one although it does not work like that all the time.

If you look at the number of officers whom we have issued threat forms to in relation to their personal details being revealed. To date from 1 July 2003 to 30 June 2004, 160 officers have been so informed. It is difficult to compare that with previous years because in the previous 12 months there was an enormous number that came from one investigation. It is 160 to date this year that have been informed.

If you look in relation to officers moving home, again this might surprise Members. In 2002, 128 police officers had to move home and 9 members availed of emergency accommodation. In 2003, 43 officers moved home and 9 availed of emergency accommodation. From 1 January to 29 June this year, 5 officers have moved home and a further 5 applications are currently being processed, 4 members have availed of emergency accommodation. Although these have seen reductions, in terms of what goes on nationally, the problem of intimidation of police officers in Northern Ireland still remains at a

clearly unacceptable level and has major implications for us and welfare officers.

Mr Willie Hay:

There is no doubt from the figures that have been given today that policing is still under a very serious threat, especially individual police officers, wherever that comes from. I would have to say Chairman, that over the last number of months, the police officers that have come to me, who are seriously concerned about their security, would indicate to me on occasions, when it comes to their security, they are sometimes being treated differently to other people who have been under serious security threat in Northern Ireland. Some officers are concerned that it ends up sometimes a paper trail. You still have that officer and especially his family under threat and it takes quite a while to reveal whether the threat is serious or not. There is also the feeling from some officers that there is a lack of resources from the Northern Ireland Office.

I think Chairman, that we all need to be reassured by the Chief Constable and his officers team, that when it comes to security of police officers, there is not a lack of resources from the Northern Ireland Office and that there is also a will from the Chief Constable and his management team to deal with officers as some are feeling this is not the case.

Chairman, Professor Desmond Rea:

Is there anything you wish to add Chief Constable.

Chief Constable, Mr Hugh Orde:

We do our best I think is the short answer. I know there is a lot of commitment and certainly a lot of effort goes into these cases. Comparing

cases is difficult because each case has to be looked at on its merits and that is the way it works.

I support exactly what Sam has said, this is far too high. This is unique in the United Kingdom where threats tend to be from organised criminals in the main, rather than paramilitary groups but the trend is going down. There is some positive message that whilst it is still a very important and significant piece of business for us, the trend is looking slightly more positive than it was a couple of years ago.

Chairman, Professor Desmond Rea:

Question 14, Mr Ian Paisley Jnr.

Mr Ian Paisley Jnr:

Thank you Chairman. I must say, the figures just received have been breathtaking and absolutely amazing that in this day and age, those types of threats are going on. I could not let that go without comment.

Can the Chief Constable report on the cost of patrolling and protecting polling stations during the recent European Election? Can you indicate to us which stations have been the most expensive to protect and obviously, by contrast, which have caused you the least bother? Can you also report on any attacks on police officers and indeed on poll clerks in the City of Londonderry? Have any arrests been made as a result of those terrible attacks? Were any baton rounds deployed because of the petrol bombing? Can you give the specific costs of protecting and I am sure like myself, you were horrified to learn that the mayor of that town described the petrol bombing as a recreational bombing. Certainly that caused a great deal of concern in the public mind about the attitude there is to attacking poll clerks and police officers?

Chief Constable, Mr Hugh Orde:

I will ask Paul to deal with the detail. What I can say very quickly is, that no baton rounds have been fired in Northern Ireland for the last 2 years. The philosophy change in terms of the policing of the election this year, in keeping

with empowerment of districts, District Commanders made their assessments and their decisions based on the threats. It was a very mixed response depending on where we were in Northern Ireland, so it is hard to compare but I will ask Paul to cover the detail.

Deputy Chief Constable, Mr Paul Leighton:

To put it all in context, the total payroll costs for the policing of the elections on

10 June 2004 was about £650,000 for Northern Ireland.

Most expensive DCU was North Belfast and the relevant cost there was just under £68,500. Risk assessment there was carried out in respect of each polling station. There was 28 in North Belfast so it is quite a high number. Seven were assessed as to need a prostatic police presence and the remaining 21 were covered by 7 mobile patrols covering 3 stations each. The risk assessments were based on religious and political divide, geographical location, previous history of disorder. The deployment was assessed in light of recent elections that have been held in Northern Ireland and was reduced.

The least expensive DCU was Coleraine with a cost, I am told, of approximately £2,686.

With regard to Foyle DCU there were no injuries, no arrests, no charges and no baton rounds fired as the Chief Constable has already said. Video evidence is still being examined although there is not an awful lot of it because one of the roof mounted cameras was damaged during the event. At one stage, prior to moving to the Holy Child election station, 2 water canon were forward deployed in the Strand Road and that was as far as it got. There was no actual deployment out in the streets.

Subsequent to the election, the DCU Commander has met with the Chief Electoral Officer to discuss future elections. He has to meet with Derry City Council in an effort to mobilise some multi-agency preventive action for the

next election, which is due in May 2005, so we are working ahead. We are also reviewing tactics and deployments but it has to be said that this is not an uncommon experience in the city.

There were 5 polling stations petrol bombed on the night of the election and in total we counted 48 petrol bombs. They were ranging from 9 o'clock until about midnight at those polling stations.

The total cost for Foyle was around £39,000. The additional cost for Foyle because of the problems of the 5 polling stations that were petrol bombed, we estimate at around £7,500.

Chairman, Professor Desmond Rea:

Question 15, Mr Joe Byrne, supplementary Mrs McCabe.

Mr Joe Byrne:

Chairman, I should say that Brian Dougherty submitted this question. It is on the racial equality issue and following on from the Stephen Lawrence commentary and investigations on how Police Services in England and Wales are not meeting the statutory obligations regarding racial equality. In relation to racial equality here, could the Chief Constable assure the Board that all aspects of the PSNI particularly the training regime, is capable and positively willing to ensure that all statutory obligations in respect of racial equality agenda is being implemented here?

Chief Constable, Mr Hugh Orde:

In broad terms, the first thing I would like to underline is I think our training structure, without doubt, is the best in Europe and certainly the best in the United Kingdom. We are maintaining our initial training for example, at over 20 weeks. The rest of the UK is about to drop to 12 weeks, which I simply think is unsustainable. In terms of our commitment to training it remains at the same level and is completed in compliance with the Patten recommendations.

In terms of our statutory duty, we operate on slightly different systems. You will be aware of the section 75 scheme and we do take that very seriously. Our schemes have been approved by the Equality Commission in February 2003. I have met the Equality Commission on a number of occasions since I have been here and we will continue to strive to continue to meet our obligations, which are outlined there. We will be submitting a progress report to the Commission on the 31 August 2004 and I hope that will show that our continued commitment is there.

If you turn specifically to training, we deliver diversity training in a unique way. I have been very interested and involved in what we have been doing. Our recent pilot we are running is a 3-day model that is taken outside the training school itself. The learning is that, this training is best delivered by (a) external experts not by police officers and (b) out of the police training environment. Members here will be aware of my attempts last year to raise additional funding to try and run a slightly different process a week long for new people who have been identified and selected as police officers, before they even joined, because I think we could further underpin our processes. I have not given up on that. It simply is a funding issue and I am still in negotiations with people who are looking to help us.

In a slightly wider perspective, we are also engaged with Peace 2 funding through Joe Stewart. We are looking to do additional joint working in this area with

An Garda Siochana using that money, should we be successful. We have got through to the audit stage, so we are being looked at as a serious contender for additional funding. We are not complacent. I cannot guarantee that we do everything correctly but I think what we have got is a very good audit trail of our commitment. Our record to date has been good.

Chairman, Professor Desmond Rea:

Mrs McCabe, supplementary.

Mrs Pauline McCabe:

I think it is such an important question and it is obviously a very challenging area because I think it is quite stark, the fact that this investigation showed that in fact 90% were failing across a whole range of issues, not just recruitment and training to promote race equality. I wondered in the light of that, would the Chief Constable agree that it would now be helpful if we were to start showing our ethnic minority recruitment statistics as a separate category.

Chief Constable, Mr Hugh Orde:

It is certainly achievable. Visible ethnic minorities in Northern Ireland are 0.87 of 1%. Currently, if I remember my figures right, we would reflect about 0.24% of 1% so the numbers are very small but it does not mean they are unimportant. I would be more interested in what we are doing to get this better. By way of an example, there is a meler coming up where we have engaged, through our Community Safety Branch, with the organisers. We have invited colleagues from other Police Services to come over and patrol Botanic Gardens in uniform, which should be interesting. We are going to have the recruiting tent there. We are going to have our officers there. We are going to have community safety units there. There are other ways, I think, of attracting people to see it as an attractive operation and we can do both, it is not difficult.

Chairman, Professor Desmond Rea:

Question 16 on notifiable memberships from Mr McGrady.

Mr Eddie McGrady:

Chief Constable, as a Member of this Board, which was widely consulted about the implementation of the statutory and the legal requirement to have a register of notifiable memberships, the Act of 2000 some 4 years ago, I was very surprised to read in the press that the process was suspended.

I understand it was suspended because 4 out of 4,000 officers applied to the courts for permission for a judicial review together, of course, with the secret society of the Masonic Order. Is this a proper way to proceed, in view of the fact that the leave to take judicial review is quite a common practice. The actual implementation of the leave i.e. the judicial inquiry is not so readily granted. Was it not precipitous to suspend a very important weapon of openness and transparency that the register would provide and confidence that it provides to the entire community of whatever hue or nature?

Chief Constable, Mr Hugh Orde:

I will ask Paul to lead on this but there are a couple of points I would like to make.

Firstly, I am as unhappy as you are about the fact we have had to suspend it. The legal advice I have received is such, that our commitment to delivering this through fairly clear Chief Constable's Notes of Guidance are such that they would not be lawful. I have gone too far because I, like you, am determined to get a system that has the confidence of the community as well as the confidence of my officers. I filled my form in very quickly as did 4,000 of my colleagues who have already sent their forms back in. We are looking at that. It is unsatisfactory and I accept that.

Deputy Chief Constable, Mr Paul Leighton

I cannot add an awful lot to what the Chief Constable has said. We have received nearly 4,000 replies and the legal advice we received from Senior Council was, that we should suspend once leave for the judicial review had been granted. It is unfortunate that Members found out through the media. We did take effort to make sure that the Board were given some slight advance notice. We have undertaken that if the Notes for Guidance are reviewed that that will come back to the Board for consultation before anything will be published again.

Mr Eddie McGrady:

Would you anticipate that the review, which you are intending unilaterally of the Chief Constable's Notes of Guidance, would be sufficient in your opinion to address the concerns of the 4 officers?

Deputy Chief Constable, Mr Paul Leighton:

What we had originally asked for and I think what the Northern Ireland Office also asked for, was a definitive list in legislation of organisations which would have to be referred. What actually came out in the legislation was not a definitive list. What we are now trying to do is to go back and review what we have put in our Notes for Guidance to make it even firmer, so that there is less subjectivity and more objectivity about the reporting. Obviously we have to wait now for the outcome of the judicial review. We will do everything in light of the results of the judicial review.

Chairman, Professor Desmond Rea:

Earlier there was a question on threats to police officers. Sammy Wilson has a question broader than that, Question 19.

Mr Sammy Wilson:

Chief Constable, could you give us information on the number of people who have been warned by the police about threats to their lives, either police officers, prison officers or members of the public, from both loyalists and republicans, within the last 6 months.

Chief Constable, Mr Hugh Orde:

I will ask Sam to cover the details.

Assistant Chief Constable, Mr Sam Kinkaid:

I think this question came in yesterday. This would certainly require a manual check. It is not held centrally. Is the Board happy if I could come back in September with those figures?

Mr Joe Byrne:

Chairman, could I just ask a supplementary in relation to that general issue that Sammy has raised, in particular, in relation to the North West? I think Chairman, the Chief Constable will be very aware of the ongoing situation that has pertained in the North West for over a year, where people associated with policing, including officers that Willie Hay referred to earlier on, and also people associated with District Policing Partnerships, have been suffering threats and a sense of some intimidation. Thankfully there were some arrests by the police in recent months but I have to say, I am very concerned, in relation to the legal process. It would appear that the legal process is going to go soft on some of the people that were arrested. Can the Chief Constable assure the Board that the police have got a clear handle on the situation in relation to dissidents or otherwise who may be threatening people associated with policing?

Chief Constable, Mr Hugh Orde:

In broad terms, my current threat assessment on dissidents is they remain determined to cause as much disruption as they can. We remain equally determined to disrupt them in that activity and a number are currently in custody awaiting trial for substantial offences but that does not mean we take our foot off the pedal. We are very aware that those who have signed up to policing and been prepared to engage with us have been subjected to substantial intimidation.

The commitment of our officers to protect them remains substantial. In the Strabane area I have spoken personally with the District Commander, who I

know takes this matter almost personally and does whatever he can to provide that reassurance. We will continue to target the dissidents and hopefully by that activity continue to have them on the back foot. I think the significant arrests last month have made a major contribution currently to keeping that part of the province safe.

Mr Willie Hay:

I think Chairman, when the people are brought to court the point is that they have to be dealt with effectively and that is not happening.

Chief Constable, Mr Hugh Orde:

Our responsibility is to put forward the best evidence we can to allow the judges to make a decision on the basis of the evidence. I have paid particular attention to recent judgements. We are reviewing all the judges' observations to make sure that we can learn from them. If there are issues we need to address, then we will address them.

Chairman, Professor Desmond Rea:

A final question before we move to the presentation, Eddie McGrady.

Mr Eddie McGrady:

Chief Constable, I am sorry I was unable to give you prior notice of this question but it is of immediate importance. That is, your response or the force's response, to the incidents at Craigyhill, Larne last night where my colleague and more particular his mother, was hospitalised by the abuse received from known members of the UDA, on the erection of flags outside their home and at other places. Also the press release which the PSNI made this morning, which seems to confuse the issue for me, in that you appear to be saying that you have a legal obligation to remove paramilitary flags but no legal obligation to remove other flags. Would you clarify that?

Thirdly, consultation was made with your senior officers in the Larne area last week and certain assurances were given that if certain things happened then action would be taken. Those assurances were not fulfilled in any shape or

form, in fact, there has been no response whatsoever. I am not depending on press reports for this; I verified the facts for myself. I am very concerned because this is systematic of intimidation and harassment by flag flying, by illegal paramilitaries and many communities are exasperated as usual at this time of year.

Chief Constable, Mr Hugh Orde:

I will ask Duncan who is the ACC for Urban to cover the details. In broad terms, this time of year, we find it equally difficult in managing the process, so we can progress people away from paramilitary flags in a way that they take them down, rather than we take them down. We have had some success in that area because it tends to be a longer-term solution.

In relation to Larne generally, in terms of the commitment of my senior team, I have not got a more committed team in dealing with paramilitary violence. One has only to look at the figures over the last 2 years, since Superintendent Haylett has been in charge, to show the drop in paramilitary assaults, for example that has taken place in that area. As an individual I know he is personally very committed to this.

I will ask Duncan to deal with the details because it is a very concerning case.

Assistant Chief Constable, Mr Duncan McCausland:

Chairman, first of all we can reassure Members. I have already spoken to Mr Durkan before I arrived and he is arranging a meeting between myself, himself and Mr O'Connor to discuss this with the District Commander so that addresses the concerns you raise in relation to what was or was not said. We look to deal with that up front with the people concerned.

Urban region, as rural region, has a clear policy in terms of flags and the display of flags. The Chief Constable has addressed this in the media on numerous occasions. It is to do with paramilitary flags, and the power under the Terrorism Act to remove paramilitary flags, which we look to do through community impact, through negotiation and through enforcement. We have

successfully done that on a number of occasions which the Board are aware of.

In terms of particular issues that are ongoing and prevalent to Larne, I think they have been rehearsed considerably in the press. There is an aspect that the main Twelfth of July demonstration for that area is being held in Larne this year. There have been some debates in the Council Chamber, which I will not rehearse here, which obviously have caused some tension and ill feeling in terms of the town itself. It is a result of, I am led to believe, flags being put up in terms of this issue, that have caused the problem that has come about here today.

There is a full police investigation that has already commenced in relation to the issue that happened outside Mr O'Connor's house. That is to say, there are investigations and allegations in relation to threats to kill and damage to property, which have been made and will be followed up and are currently being followed up.

I can say that in terms of the paramilitary flags, we have removed in the last 24 hours or had removed in the last 24 hours a number of paramilitary flags in the Larne area. We continue to negotiate and go through the policy in the outlying area in terms of the removal of those flags. What is happening is that those flags are being taken down and being disposed of. There are flags, which are either Union flags or the Red Hand of Ulster flag, being put up in their place. Again we are asking people to be sensitive in terms of the public order legislation in terms of provocative conduct. Under Article 19 there is an issue in terms of provocative conduct of any flag or any emblem and obviously that is considered and looked at.

We want and what we have always emphasised is, there is no policing solution to this issue of flags, it is a community solution. That is what we are trying to encourage in Larne and that is what we are working through at the moment.

As I said at the start of this, I have arrangements made to actually speak with Mr Durkan and Mr O'Connor, with the District Commander who has, as the Chief Constable said, made a personal commitment to doing this. The figures I have before me are very clear, Chairman. He has with his command team and the police officers in Larne and the community of Larne tackled the sectarian incidents that have happened over the last 2 years. From having, for example, 15 a month they are now less than 1 or 2 a month, which is not acceptable in any sense, we do not want any a month but it shows the community are pulling together to make a real difference. Sadly, this is now highlighted and we have to start and rebuild the trust that was building up in and around Larne.

Chairman, Professor Desmond Rea:

There was a question that was dropped just to try to speed up the business but there was a supplementary to it. It refers to Question 13. Mr Foster would like to put the supplementary.

Mr Sam Foster:

Thank you Chairman. There is some concern in the community, Chief Constable from time to time, that the law process is not done in an impartial manner. Really the gist of the question is, is there a real objective law process taken on those who are law breakers or do police, on occasions, act according to how politically expedient such process might subscribe? Are you bound by political expediency from time to time? I would like that clarified please.

Chief Constable, Mr Hugh Orde:

The short answer is no. In terms of enforcement, Members will be aware that when I took over, my commitment was to let my District Commanders decide on their priorities and build on the Policing Board priorities in consultation with local communities. That is what we have got. There is no central control in a way of how we enforce the law at local level because that is not a way of

running this sort of organisation. The headline “Chief Constable loses control” would not be helpful but the point is, we have given control to those who are best placed to make the decisions to protect their communities.

In terms of specific offences around paramilitary activity, over the last 3 years sometimes we have arrested more loyalists than republicans and sometimes it has been the other way around. There is no trend, in fact the trend this year has been towards arresting more republican than loyalists people. The year before it was the other way around, so there is no political control on how we do our business is the short answer.

Chairman, Professor Desmond Rea:

I would invite ACC Sam Kinkaid to make his presentation.

Assistant Chief Constable, Mr Sam Kinkaid:

Thank you Chairman. At the last meeting in the private session, I was asked to give an update on the issue of how police share information relating to police investigations. This was raised at a number of cases in relation to specific cases and today I just want to explain to the Board and to the general public the process that is involved.

First of all, murder investigations in terms of requests for information are very much a thirst for information, in relation to the amount of requests that have come into us. That may reflect the issues that go on on television, in relation to detective stories being so prevalent. The fact is that these are the sort of parts of policing that take much of the press and publicity in Northern Ireland. Information on murders is exaggerated and to a certain extent intensified by the large number of historic unsolved cases that we currently handle, which proportionately, for the size of the population, would be greater than the rest of the United Kingdom and many parts of Europe. That is a reflection of the Troubles.

You will see on the short presentation, that clearly there are areas that cause great difficulty in interpretation and judgement calls from the police. That is reflected even if you look at the Patten recommendations that there are rubbings between different recommendations in this area. The requirements at the beginning of Patten where it talks about human rights, which includes the rights of suspects and the later recommendations in Patten on transparency. It is not always possible to do both things at the same time.

The 3 key areas that I want to look at very quickly are “family liaison” (that is an important way of passing information on murder investigations); the “role of the media” (they are present and it is simply to highlight some of the issues in relation to how we give information to the media and take information from them) and also, which is very important, “judicial proceedings” and how we handle information in judicial proceedings.

If I could talk first of all about “family liaison”. There was some recent press in the Newsletter talking about the quality of family liaison work being done by the PSNI and the RUC. It is important to realise that it is only relatively recently that national standards have come in throughout the UK in relation to this and like many other Police Services across the United Kingdom, it has been recently that the PSNI have developed a professional approach in relation to family liaison work.

Blakey in his HMI made recommendations that we will talk about later and that we have specifically implemented.

The Family Liaison Officers (FLOs) are an important way of passing information on live murder investigations and ones we have reopened. In a number of cases, as you may be aware, the significance of the case is such that we may have an ACC giving the briefings. The Omagh investigation would be an example of that. The extent of the briefings that we can give in family liaison do depend a lot on confidentiality. Here, I will quote your own directions to us because this is from the PSNI Code of Ethics, which the

Board have placed upon the police. It says “that subject to the rules governing confidentiality, victims shall be updated on the progress of any relevant investigation”. Here is the first interpretation. What does it mean in terms of what is confidential. That is an issue that we have to train our liaison officers on, clearly when you are updating families on the death of a relative and issues like the identification of key suspects, it is not always easy to pass that information across.

Article 6 rights of those suspects for future cases apply, if the murder is part of a feud. You have situations that are Article 8 rights. They may live in the locality. Then there is the whole issue of the information that may relate to covert tactics being used by the Police Service as part of the investigation. We find that we have to ask for judgements calls. There is a wide range of information that is passed, but it does vary. You have also to remember that in domestic murders, it is often the case that a member of the family may be a suspect and that is a key issue for the Family Liaison Officer.

The officers concerned have an objective to provide care, support and information in a sensitive and compassionate manner to the family, who are themselves victims of crime. It raises considerable issues for us in relation to training of officers and ensuring that the FLO system is working correctly. That is now fully involved in the 28-day review system that we have on live murder investigations where people have not been charged.

Blakey himself in his report had 2 key recommendations to improve the flow of information to relatives of victims of murder. That was the creation of a Family Liaison Manager and a Family Liaison Co-ordinator. Those have both now been implemented. We have a superintendent who carries out the role of the manager in line with other duties and we have a full-time co-ordinator. Family Liaison Officers in particular, have to pay great attention to their health and welfare in relation to the type of jobs that they are carrying out.

Moving on to briefing the media on murder investigations. First of all the role of the media, as someone who has been an Senior Investigating Officer in murder investigations in a previous life, in support of our investigations is absolutely essential and important. We are genuinely grateful for the many opportunities the media give us to pass the message in relation to investigations. At the same time, we are sensible enough to realise that murder investigations make good stories and the press do try and develop contacts within policing and other criminal justice agencies. It is their job to do that so consequently there has to be systems in place in relation to the handling of information relating to murder investigations.

Yet again, I go back to your own requirements, which you have placed upon us, which comes from Appendix 'B' of the Code of Ethics. It says, that in all cases, when comments are made about serious crime investigations, the senior investigating officer must clear those comments. It is important you realise that that does not just apply to the Detective Constable in the murder investigation team, it applies to District Commanders in the sense that they should be speaking to the senior investigating officer. It applies to myself, the Deputy Chief Constable and the Chief Constable if we are being asked for comments, that we should at least speak to the SIO to ask what is the line that I can take on that. The one exception sometimes is, that when we do have gold commanders they often can lead on the press. It is an important area.

It fits in with the next aspect of the Code of Ethics, which makes a clear requirement on the senior investigating officer to have a strategy devised as part of the investigation. The key things when we are passing information from murders in that situation is, that we want, for example, to maximise the

number of witnesses who are available. We are hopeful of evidence to materialise. We are often looking for cars and suspicious items that are lost and to gain community support for investigations. That has been particularly very relevant recently. We have a variety of press contacts we would use to pass information in those situations, ranging from briefing individual journalists and press conferences to the most stressful of all, which is the Crime Watch UK.

There are media pitfalls that I think I should highlight here, that the SIO has to be aware of. The first big issue for us all is the concept of educating suspects. Even when an inquiry may currently be going nowhere there is the opportunity that something may happen very quickly in the future. Consequently, we have to be concerned about the information going out that educates suspects (tape unclear) simply by watching the information that is passed. I have used this term educating nuisances. In Northern Ireland, I have to be honest, we have a number of professional confessors. We have a number of people who phone in and say, "I did it". You are required under the HOLMES investigation to sit down and interview

them. What you usually find is that your own press briefings are bounced back to you across the interview room. Consequently, it is often the case that the police withhold certain key points that may not be necessarily relevant to the drawing of witnesses but it allows you to tell whether the person is genuine with the confession in front of you.

Influencing witnesses is also an issue at times that you have to be aware of, particularly where identification parades are taking place. This goes back to the whole point of the senior investigating officer wanting to have his input into what wording and what requests are going out. It may at times help to explain why, if something happens, the Chief Constable, Deputy Chief Constable, myself or the ACC for the region, are not jumping to get an

explanation as to what happened in a murder. It is simply trying to find out exactly what line the SIO wants us to take.

The third area is judicial proceedings. Here I will emphasise two areas in question on contentious cases. This is of course, where a lot of the recent publicity has come from. It is fair to say that in Northern Ireland at times there are issues for example, to do with national security. Other issues do crop up in relation to murder investigations, but I must emphasise, there is nothing unique about what happens over here, particularly when you look at what happens in England and Wales where organised crime investigations take place. The same problems arise regularly, as to what can or cannot be placed before the court.

In the area of inquests, it is important to note that we have had some significant changes recently. I would draw your attention, in particular, to the ruling of Mr Justice Weatherup in January of this year. This is relevant to inquests in relation to murders, some of which are currently pending. I do not want to talk about individual cases but I do think I can help with the process.

The first important thing is, that the Coroner is now the Arbitrator and decides what exactly is relevant to his hearing. We have a system in place now where the Coroner sees everything, often may be accompanied by his legal advisers. That initial sight is done in great confidence. He comes in and we put on the table all the various material that we have. The vast majority of material is just simply what the coroner says he wants and we deliver it, even in contentious cases. The police highlight to the Coroner issues that they think are potentially sensitive. The Coroner looks at those and decides what are relevant. He may think that some are not relevant.

There are sensitive issues that can lie because they are ancillary to his purpose. In many cases, there are agreements made to amendments and it is important to realise what we are talking about here. We are talking about

situations where, for example, we may have statements that are relevant to a death in a feud between paramilitaries. Those statements may be of police officers, which may indicate people who they have arrested and brought in for interview in relation to the death of the person concerned. Those interviews, for example, have shown that the person had nothing to do with the particular death. They would however indicate, if the names and address are released, the identity of someone who may be from the rival fraction. Consequently, the police have an obligation under Article 2 of the Human Rights Act to ensure that they give what they can in those situations but there is some redaction of identities of people so as to prevent them becoming the subject of a further murder down the line, as a part of the feud.

There are also issues to do with police methodology. It is one thing to get a photograph across for example, it is another thing in certain cases to show the technical apparatus that produced that photograph. People would like to know how far away it was from the particular location, what the quality was etc. Those are things that are only going to educate them in certain cases, as to how to run their criminal activities, to prevent themselves from being detected.

If you look at the last couple of points, where we feel there are issues that should not go, then this is a matter for the Chief Constable following legal advice, usually from Crown Counsel. There is the Right of Appeal currently to the Secretary of State.

If you look at contentious cases, there is tight legislation on how that handles. We do not really operate much differently to the rest of the United Kingdom. There is a couple of key principles you may want to think about in terms of

passing information on murders. Disclosures under the Act should assist the accused in the timely preparation and presentation of their case and assist the court to focus on all the relevant issues in the trial. That is a key point for our disclosure officers, who are trained in that regard.

Another 2 key issues; every accused person has the right to a fair trial guaranteed under Article 6 and a fair trial is the proper object and expectation of all participants in the trial process. How does that reflect in situations where there may be issues about certain types of material coming forward.

The last few slides are about Public Interest Immunity (PII). Basically what happens in most murder cases, when the prosecution is coming forward, is that we prepare what are called “disclosure schedules”. There is a sensitive one and a non-sensitive one and as you can imagine, in most murders, the non-sensitive one is huge and you have a smaller sensitive disclosure schedule. Examples of sensitive schedules would be matters relating to covert operations. What actually happens here is, that when the police look at what material they hold they consult with the Director of Public Prosecutions, the very bottom bullet point summarises the key test of what it is all about.

Clearly we are under an obligation that if we have material in our possession that undermines our prosecution case or assists the defence, that is material that clearly has to be disclosed to the Director of Public Prosecution who handles the further disclosure down the line. At that stage at times, it is a matter for the police and the Director to look at what they have. For example, if they hold a case that may be of a relatively minor significance in terms of the actual matters that the person is charged with, but to proceed with it we have material of a covert nature that would, for example, assist the defence and we decided not to run with it, at times the decision is made to pull the case. That is a matter of judgement between the various parties.

What is important to realise and this often comes out in the press, you see comments about times when the police are refusing to give information to the court or the police are being gagged. The process for this is that we do not make the decision. We have to go to the Director of Public Prosecution and inform him of the decisions. What actually happens then, is that the Crown Counsel is briefed. It is important to realise then that this goes to a separate court to what is called a Disclosure Judge. He looks and decides whether or not the material has to go across. Again police and the prosecution can make decisions at that stage whether or not they want to proceed with the case or whether to proceed following the guidance of the Disclosure Judge.

We have not got it perfect. We are no different to any other Police Service in the United Kingdom in terms of disclosure. I said I would not mention a case but I will mention one since it reflects on one of our press statements this week. There were comments made by a judge this week in relation to a case that had happened about our disclosure. Again the benefit with having a Serious Crime Review Team, we announced publicly that we have asked the Review Team to carry out a review of how we handled that prosecution case including the disclosure, to make sure that we complied with all our responsibilities. We are already learning lessons for us out of it.

Clearly this is a big issue in terms of the process. I know many times Members ask us questions about individual cases. It is difficult to give hard and fast rules as to what exactly can go forward and when we can go, for example, for protection by KPI, although from our perspective, it is the last recourse that we want to do. For example, on the inquest, you would be absolutely amazed at the amount of redaction that we can do, that allows the majority of the main stuff to go forward to the inquest in negotiation with the Coroner. But in the same situation that we have in Northern Ireland particularly in line of very simple things, we have witnesses in Northern Ireland who give us their support. Witnesses sometimes let us use their property to carry out operations where, for example, it is part of a murder investigation and they still live in a street which is perhaps 2 or 3 streets away

from the suspects, who unfortunately we have been unable to bring to justice. There are clear requirements on us to protect those people at inquests at a later date.

Chairman, Professor Desmond Rea:

Thank you. The Vice-Chairman has a question.

Vice Chairman, Mr Denis Bradley:

This is a specific case Sam but you do make a number of references to covert tactics and so forth and there have been other cases that have come to the public's attention recently. I would like to ask you a question particularly with reference to the case of Brogan, Carol and Dougherty. This is an incident that took place on the 17 September 2002 and you will be aware that two of the people named, namely Brogan and Carol have been released, while the alleged associate Seamus Dougherty remains in prison. Can you give us any comment, any details on that particular case?

Mr Sam Kinkaid, Assistant Chief Constable:

I note the comments of the Deputy Chairman. In light of what you have requested this morning, I have asked the senior investigating officer to forward a report to myself and the Chief Constable on the current state of the investigation, in light of the fact that two of the suspects have been released and there are no cases pending against them. What I undertake to do then is brief the Vice Chairman and the Chairman upon receipt of the reports if you are happy with that.

Vice Chairman, Mr Denis Bradley:

Thank you.

Chairman, Professor Desmond Rea:

Mr Willie Hay.

Mr Willie Hay:

Chairman, certainly the information was useful but on murder investigations in Northern Ireland, how is information shared across regions and across other Police Forces, which would be of interest as well?

Assistant Chief Constable, Mr Sam Kinkaid:

That clearly was a problem in the past, it would be fair to say, in relation to the fact that there were 3 regions running murder investigations, many of which were relevant to their own area. If there was one thing we learnt from Omagh, it was that you needed different systems to deal with those types of investigations where you had the same gang carrying out various attacks in different areas. Then there is the issue about sharing information with other Police Services.

One purpose of creating the Crime Operations Department was to have a corporate province wide response to murders. That was not only to deal with the issue of sharing information but also to deal with the issues of making sure that whether one happened in Derry or Newry or 5 in a weekend at Belfast, there would always be the same quality of response. That has been the benefits we have had to date. We have also, as we have said at previous briefings to the Board, introduced new policies to ensure the maximisation of the sharing of information inside the organisation to those people who have the responsibility of carrying out the investigations.

In relation to other Police Services, we work closely with them. We work closely with the Guards in relation to cross-border incidents. Recently we have been involved in a number of operations of serious crime, not so much murder, with English Police Services, where at times, they are in the lead because there is linked investigations. I think people have to appreciate that we can get very parochial and many of our suspects commit offences elsewhere. Suspects from England and Wales also commit offences here in

Northern Ireland. We have progressed with the systems we have and in some cases other Police Services are in the lead in investigation because they have the best chance of a prosecution.

Chairman, Professor Desmond Rea:

Could I ask Mr Ian Paisley.

Mr Ian Paisley Jnr:

During your presentation you indicated that there are 2 tests for PII's Evidence. There would be helpful to the prosecution and evidence that would be of assistance to the defence. The police obviously are in charge of applying that test to the evidence. Obviously the view is, that depending on how the police apply that test, it could be subjective. I know from my own experience, I was involved in a case of Allan, Hagen, Latimer and Bell in 1992. The UDR four case. In that instance when, a PII certificate was involved, we went through a test to get access to the material. It was lifted and we discovered that what the police were sitting on, very subjectively, could not in any light have been regarded as being unhelpful to the prosecution. I wonder, in terms of guarding against that subjectivity, how stringent are the tests that are applied to material which falls under PII?

Assistant Chief Constable, Mr Sam Kinkaid:

I cannot talk about the previous case as I think it did predate the Act in question but it is important to appreciate that those 2 tests do not relate to PII. They relate to what must be disclosed. It has to be said, that if the police have in their hands, material that would undermine their prosecution case or material that could somehow assist the defence, that has to go. You then have the issues of who makes the decisions about to what extent that is the case. That is why we are at the current situation where we are under an

obligation, quite properly in murders, to provide everything we have to the DPP.

Issues about going in front of a judge to decide whether or not it is a PII is a matter for the Director. We certainly go to the Director with the material and jointly with him those 2 applications are made. This is not a situation that may have existed before the Act, where police officers themselves make those decisions. I certainly would not want to make those decisions. I feel as the person leading Crime Ops and murder investigations for the Chief Constable, I certainly want an experienced lawyer sitting beside me and I think it is absolutely proper in those situations that we have to go to an independent judge and he makes that decision.

Chairman, Professor Desmond Rea:

ACC Kinkaid, would it be possible for you to let Members have copies of your slides?

Assistant Chief Constable, Mr Sam Kinkaid

Yes.

Chairman, Professor Desmond Rea:

Could I say on behalf of the Board to ACC Kinkaid, thank you for a most helpful presentation delivered with your usual clarity.

Thank you to the Chief Constable. At the private session we welcomed the new PSNI Head of Media, Sinead McSweeney and I do so formally as well, in this public session. You are very welcome.

Thanks to members of the public who have attend today. I hope you found the session interesting and also to members of the media.