

## **NORTHERN IRELAND POLICING BOARD**

### **MINUTES OF THE 40<sup>th</sup> MEETING IN PUBLIC OF THE NORTHERN IRELAND POLICING BOARD HELD ON WEDNESDAY, 1 MARCH 2006 AT 12:00 NOON IN WATERSIDE TOWER, BELFAST**

#### **PRESENT:**

#### **MEMBERS:**

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

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

Sir Hugh Orde (Chief Constable)  
Mr Duncan McCausland (ACC Urban  
Region)  
Mr Roy Toner (ACC Operational  
Support)  
Chief Superintendent Harris, Craigavon  
DCU  
Chief Superintendent, Crime Operations  
Chief Superintendent, Rural Region  
Mr Joe Stewart, Director of Human  
Resources  
Ms Sinead McSweeney, Director of  
Media and PR  
Inspector, Command Secretariat  
One Official, Command Secretariat

#### **OFFICIALS IN ATTENDANCE:**

Mr Trevor Reaney (Chief Executive)  
Mr David Jackson (Director of  
Community Affairs)  
Mr David Wilson (Director of Planning)  
Mrs Sinead Simpson (Director of Policy)  
2 Board Officials

## **Apologies**

Apologies for non-attendance were received from Viscount Brookeborough.

NOTED.

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

Good afternoon and welcome to this, the 53<sup>rd</sup> meeting of the Policing Board and 40<sup>th</sup> meeting in public.

Chief Constable – welcome to you and your colleagues, to the police staff association representatives, to colleagues from partner organisations, to the press, and in particular to members of the public.

Before I invite the Chief Constable to begin, I would like to make a few comments.

This is of course, the last meeting in public of the Policing Board prior to its reconstitution on 1 April 2006.

It is hard to believe that it is over 4 and half years ago when we entered into this new era of policing. At midnight on 4 November 2001 when the Police Service of Northern Ireland and the Policing Board came into being, the Board was entrusted with ensuring for all the people of Northern Ireland the delivery of an effective, efficient and impartial police service which would secure the confidence of the whole community. An important task but I do not need to stress to you, not a simple one. The Board has therefore understood its role to be:

- First, to support the Chief Constable and the PSNI towards the ends of effective and efficient policing and;
- Secondly, through the Chief Constable to hold the PSNI to account for the delivery of those ends.

Given the nature of our history, the times that the Board found itself, the absence of complete political support for policing, the threats and intimidation, the controversial issues Members had to deal with, and ongoing political uncertainty, one of the Board's most remarkable achievements is, perhaps, that it survived at

all, and still accomplished what it was set up to do. If the Board has had a maxim it was and is, that regardless of the vicissitudes of the moment, to get on with the business and this is what the Board has done, and continues to do.

Until midnight on 31 March 2006, when after 1,607 days this first Policing Board comes to an end, we will continue to serve and ensure the delivery of an effective, efficient and impartial police service.

The time between 1 November 2001 and today has seen radical and complex change in policing on a road to a normal future. It has also been coupled with significant progress which we believe has laid a solid foundation for those that follow.

We have come a long way since 2001 and that progress has been achieved without full political and public support for policing, although the latter has moved steadily upwards. This Board trusts that that will come, and when it does come that those that once did not engage may wonder why it took them so long.

Given the evolution of policing in Northern Ireland and the requirement to deliver a substantial change programme, the level of scrutiny provided by the Board and the policing architecture in place, has been a necessary requirement to build public confidence in policing and deliver an open and transparent policing service which is fully accountable to the community it serves. The model in place in Northern Ireland provides lessons on effective accountability mechanisms for policing.

Without the PSNI the Board would not exist. In the past I have paid tribute to Sir Ronnie Flanagan for embracing so much of the change programme, but it was and is Sir Hugh Orde who has driven it, he has done so with skill, wisdom, openness and a participative style.

But we are not standing still and in respect of oversight of policing we too are evolving and learning on how we can further improve the oversight mechanisms in place. Both the PSNI and the Board must begin to think of even newer and even better ways of doing things, especially as we look down the road with the budgetary constraints likely to be pressing.

There are still challenges ahead for policing and some are political. The Board is concerned that plans for transfer of national security will reverse the progress made in the procedures for managing intelligence during the last 3 years. The future devolution of policing and justice to a new Assembly will provide many challenges, but will also deliver one of the final parts of the political jigsaw.

But I believe that this Board has met all the tasks set for it and it has certainly got on with the business. I am not going to recount the huge agenda for change, it is all on public record. In this Boardroom, real police accountability exists.

I have 2 comments to make.

- First, I trust Chief Constable, that in fulfilling our role of supporting the police towards effective and efficient policing and in holding the police to account through you for effective and efficient policing, that you and your colleagues believe that we as a Board have done so, that we have done it effectively, done it efficiently and done it with fairness.
- Secondly, District Policing Partnerships are essential to the delivery of policing and of policing in particular with the community, and these, both the PSNI and the Board must protect.

It will be for others to judge the achievements of this Policing Board. Before they do I would like to pay tribute as I have done to the Chief Constable, his officers and staff, all the members of the District Policing Partnerships, Her Majesty's Inspector of Constabulary, Police Ombudsman, Northern Ireland Office, Criminal Justice Inspectorate, Independent Custody Visitors and the Independent Community Observers.

Each Member who has served and has had the privilege to serve on this Board, we have all brought our own unique and individual skills and experiences to the table. We would all agree, I believe, that this has been a journey well worth travelling.

We are also grateful to the Board's staff who have supported us in our task. The Board would not have functioned as well as it has done without an excellent and supportive staff.

The work of this Board will continue right up to the 31 March 2006, we will stick to the maxim that we simply get on with the business and we fulfil the oversight role that we have been tasked to do.

**Chief Constable, Sir Hugh Orde:**

Thank you Chairman and for those observations. Briefly in response, could I and my senior management team thank the Board for their huge interest in what we do. I think the point you make that the Policing Board is still here is a very important one. If you look at what work surrounds us, the Policing Board is still here and is still delivering. It does hold me to account in the most public way of any Police Force in the United Kingdom to my knowledge. It has worked with us developing a Policing Plan, working with the community reflecting the areas that concern them and making sure they are properly in front of our minds when we deliver frontline policing. You also, quite rightly, highlighted the role of DPPs and I think that is a very important part of the structure, again now seen as best practice in the latest Government White Paper on Police Reform in the United Kingdom because they drive that accountability level down to my District Commanders. I am grateful again for the interest of members in those District Policing Partnerships and visiting and supporting them and indeed sustaining them.

Another success is around partnership working, and whilst there is more to do, I think there is now a clear recognition that policing is far more than just what does the Police Service do, it is what the Police Service in partnership with all other organisations deliver.

Briefly in terms of internal successes that have been driven through with your support. I think Crime Operations Group stands on its record quite frankly as being absolutely fit for purpose and delivering. The Historic Enquiry Team from vision to reality in about 18 months, with a £2 million of additional funding, is a major success for all of us.

The style of policing, the increasing number of yellow jackets on the streets, the increasing number of vehicles and reducing number of helicopters, the increased use of pedal cycles rather than vehicles. The modernising of our police estate, increasing engagement with local communities, I think also show that the style of policing has fundamentally changed over the period you have been in force.

In terms of a hard edge and the result of all that, while crime is at its lowest level for 6 years and indeed we continue to drive down domestic burglary which is still down 2% this year despite the substantial decreases year on year and car crime down by a further 17% this year. So, the crimes through the District Policing Partnerships through the Policing Plan clearly impact on people are still being taken very seriously. I think all that having been said, there are substantial challenges we still face. Continuing to reduce crime gets progressively harder as we get more efficient clearing up those that perhaps are at the slightly easier end of the spectrum and we have seen a slight increase in crime this year which we discussed at length at the last Board meeting. Early indications and analysis does show that we are seeing an increase in crime in certain areas of Northern Ireland, in particular the nationalist communities, and I think that is important in terms of greater confidence and willingness to report matters to us.

The number of hate crimes, I think it is one big issue now facing Northern Ireland, it is the increasing diversity of our population we are responsible for protecting and I am pleased to report, that whilst hate crimes are slightly up, our clear up rate is improving substantially although we have some way to go yet.

Very briefly, in terms of the future, I think the next biggest challenge we face structurally as a police organisation, is the review of public administration that is recently reported. I look forward to working hopefully with a large number of people around this table in the foreseeable future to drive that change through and to make sure we become efficient, so the front end delivery in a way mirrors the success we have had in Crime Operations Group by having District Commands that are of the right size and indeed very much fit for purpose.

Chairman, there are a few updates I have for you on crime before the questions if that is helpful.

A brief review of what has been going on in the last month. In terms of organised crime and in particular intellectual property crime. A further £70,000 worth of goods have been seized, counterfeit property ranging from DVDs, films, tobacco, sunglasses and alcohol. In one particular operation running through January and February, against cigarettes smuggling, substantial seizures of cigarettes have been taken. On the 14 January 2006 - 691,000 on the 23 January 2006 over 4 million cigarettes and on the 1 February 2006 nearly 5 million cigarettes have been seized in one organised crime operation, working with our colleagues in other agencies.

More recently Members will have heard of a substantial firearms seizure in Burmah Street on the 24 February 2006. Officers acting on an intelligence led operation raided a house and recovered 8 assorted hand guns, an AK47 rifle, 1500 rounds of ammunition and more worrying, 9 tubs of power gel which is a commercial explosive weighing 18 kilograms. Two people were in that house and were arrested along with 2 others and 2 of those have been charged with possession of firearms with intent to endanger life, possession of explosives with intent to endanger life and possession of articles likely to be of use to terrorists.

Two days ago on the 28 February 2006 in the middle of Belfast, a security cash in transit robbery took place. Two officers on foot patrols spotted something going wrong, gave chase, supported by mobile colleagues and managed to arrest 2 individuals who are currently arrested and charged and in custody with armed robbery. It is worth noting, one of those offenders has 27 outstanding offences, is on early release on license and has previous convictions for 28 assaults on police officers and indeed robbery, but again that particular gang is in custody and we are investigating similar offences under a similar MO to see if we can solve some other cases in relation to that particular crime.

In relation to burglary, there has been much concern around burglary certainly around elderly people. Recently, a major operation in South Belfast has lead to people being charged with 4 creeper burglaries and we believe this is a gang responsible for over 80 crimes in the Belfast region.

Lisburn DCU arrested 2 people for a burglary of an elderly couple and again they are arrested and charged.

Chairman I will finish as I am mindful of the number of questions.

**Chairman, Professor Sir Desmond Rea:**

Mr Sammy Wilson first and then Mr Ian Paisley Jnr.

**Mr Sammy Wilson:**

Just on 2 of the issues that you raised Chief Constable. The seizure of the counterfeit goods and the cigarettes, were there any arrests in those situations or was it just the goods that were seized? Secondly, on the raid on Burmah Street and the arms that were secured and the arrests, were the people who were arrested associated with any particular terrorist organisation?

**Chief Constable, Sir Hugh Orde:**

In relation to the first question, people have been arrested and charged in relation to the smuggling offences and I can give you a written answer on the details. I do not know if Chief Superintendent Crime Operations can assist on the other matter or what we can say in the public session.

**Chief Superintendent, Crime Operations:**

There are 2 people charged in connection with the offence, I would not want to go into detail of the background of the 2 individuals at this stage, it would be wrong to do so.

**Mr Ian Paisley Jnr:**

Thank you Chairman. First of all, before I ask the question, acknowledging your comments that you brought to the Board which are important comments and should be acknowledged as important but I also think it is important that the Secretary of State and the Government hears a message from this Board that he should not, by some political slight of hand, destroy institutions that are working and over the next 4 weeks he will have the opportunity to ensure that institutions continue to work and I hope that he will allow this quasi political public body to rise to the challenges posed and that he does not, by political slight of hand, destroy it.

In terms of the £70,000 worth of cigarettes seized or the amount of cigarettes seized, could you indicate to us (a) were they counterfeit cigarettes or were they smuggled cigarettes and once again are you in a position to indicate if they are attributed to a organised crime gang and if that organised crime gang is a paramilitary gang or not?

**Chief Constable, Sir Hugh Orde:**

These are real cigarettes with the offences being revenue offences so we support other agencies in bringing those people to justice. Again people are charged and I do not particularly want to discuss the backgrounds of individuals but what would be right to say and I can reassure the Board that any matter around any of the crimes that have been mentioned today, if there is a paramilitary link we will fully report it to the IMC in relation to their next report.

**Chairman, Professor Sir Desmond Rea:**

Question relating to the Enniskillen bombing, question 3 Mr Sam Foster.

**Mr Sam Foster:**

Thank you Chairman. Continuous disappointment. Carnage at Enniskillen Cenotaph, Remembrance Sunday almost 19 years ago, 12 dead many injured. Can the Chief Constable update the situation or are the Enniskillen victims suffering from non-remembrance?

**Chief Constable, Sir Hugh Orde:**

I will ask Chief Superintendent, Crime Operations to deal with that but as I mention in my opening remarks, the people around this table have taken historic enquiries extremely seriously which is why we now have a fully funded and fully staffed group of people capable of dealing with these offences but I will ask Chief Superintendent, Crime Operations to deal with the detail.

**Chief Superintendent, Crime Operations:**

Crime Operations Branch, our C2 people continue to actively pursue and deal with lines of enquiry in relation to the Enniskillen bombing. Just recently, we have identified some new witnesses and they have been interviewed. When those lines of enquiry are finished the case will then be handed to the Historical Enquiries Team, this has already been raised. As you know, that has been designed to provide a thorough and independent reappraisal of unsolved cases. They have a family centred approach, obviously to seek to address as far as possible the questions of the families and issues that remain outstanding. Their governing principle will be maxim disclosure obviously subject to legal guidelines. Now as a general rule, cases will be examined on chronological order basis, the only exceptions to that will be where there are other linked cases of a more historical nature or where there are cases which are already opened. I can assure you that the Enniskillen case is one that will be treated as a case that is already opened and will be dealt with whenever the Enquiry Team actually can and receive the papers. It will be high up their list of priorities.

**Chairman, Professor Sir Desmond Rea:**

Composite question relating to the Omagh bombing, 18 and 19, Mr Alex Attwood.

**Mr Alex Attwood:**

Thank you Chairman. The first is, given that there has been some media and other comments in relation to what MI5 did or did not know and when they did or did not know in relation to a possible bomb attack in Country Tyrone or County Derry some months before the Omagh bomb itself. Are you in a position to confirm what the true state of affairs is? Were the PSNI advised of relevant MI5 information such as has been speculated upon prior to the Omagh bomb? Have the PSNI confirmed whether that information was passed to the Garda? Did the

Garda or any other agency in the South have access to that information and did they share it with the PSNI because given the time that has been spent by this Board on this matter and the Police Ombudsman on this matter, by other agencies on this island on this matter, the fact that after all this length of time this piece of information comes into the public domain. I think we need to know whether it is true or not true. I think the Omagh families need to know who knew and how was that information shared and I will have a supplementary Chair.

**Chief Constable, Sir Hugh Orde:**

This article I assume was in the Sunday Times so if I can try and deal with it in a holistic way with the following caveats that someone who is currently charged in relation to these offences and indeed Mr Attwood does make the point but an awful lot of this information has been in the public domain for many years. It simply is being redrafted and bits added to so an awful lot of this information is already out there. However, first of all can I confirm firstly there was a meeting with relatives and families of the victims of the Omagh bomb last week and that was attended to by retired Assistant Chief Constable Sam Kinkaid and the Senior Investigating Officer along with Assistant Chief Constable Peter Sheridan who took over from Mr Kinkaid yesterday morning and that was part of a series of routine regular meetings with the relatives and covered a range of issues. There has been some media reporting in recent days which purports to convey the import of that briefing. I have no intention here of going through a detail of that briefing, I am conscious among other things, of the fact that someone currently stands charged as I have mentioned, in relation to these offences, but suffice to say that I cannot stand over the accuracy of some of the news reports which I believe draw starker conclusions than can be supported by the briefing which took place.

Can I make a number of specific points. In relation to the Security Services, it is the view of the Senior Investigating Officer who I spoke to only 2 hours ago finally, that the Security Service did not withhold intelligence that was relevant or would have progressed the criminal Omagh Inquiry. The dissident republican unit involved in the April 1998 incident has been investigated by the Inquiry which has found it was a different unit from those involved in the actual bombing of Omagh and there is no evidence currently to link those 2 units.

With regard to comments about the Inquiry by Mr Jones and Mr Evans, their remit and terms of reference were very clear and it is to examine all intelligence and produce information which would progress the investigation. The Senior Investigating Officer (SIO) agrees with the assessment that this information would not have done that.

I will make some general points as I know there this Board has some concerns around national security issues.

By 2007 looking forwards, 2 years of work will have gone into the transfer of national security to the Security Service. We are working together very closely to ensure proper systems are in place to cover the present arrangements, including the dissemination of information. I have already said, on a number of occasions, but it is worth repeating, I will not stand over anything that does not have my complete confidence in that regard. It is important that we bear in mind following the bombing of Omagh, much of the intelligence which assisted the Senior Investigating Officer was supplied by the Security Services.

In relation to An Garda Siochana, who I was speaking to the Commissioner at about 11:30pm last night in relation to some of these issues, it is important to underline we have an excellent relationship with our colleagues in An Garda Siochana. During the period in question, operations by that police service led to significant disruption to dissident republican activity which, without doubt, saved lives here and elsewhere. Over the years, co-operation between our Services has prevented loss of life and injury and that continues today.

Finally in relation to Omagh, it is worth reminding colleagues around this table, that the bomb in Omagh was placed by dissident republicans who were determine to kill and maim innocent people and my job and my Senior Investigating Officer's job is to bring people to justice and we will continue to work tirelessly to do that and as I have said before, that is why I am limited to what I can say because a person currently stands charged with a number of offences in relation to Omagh.

**Mr Alex Attwood:**

I think there is 2 supplementaries because I am trying to interpret as to what you were saying in respect of information that was or was not in the hands of MI5. It is a quite simple question. Whatever about the Inquiry into the Omagh murder itself the particular point of concern is, was there information which may or may not have been relevant to pre-planning in advance of the Omagh bombing? Was there information that MI5 had which was not shared with the PSNI about a possible bomb attack in Co Derry or Co Tyrone, it is a very precise question about a very precise piece of information and what I think we need to know is there a very precise answer? Was there a piece of information which is now in the public domain that whether or not it did or did not stop the Omagh bombing, was that piece of information shared with the PSNI in order to enable the PSNI to make an intelligence judgement about whether, joined up with all the other intelligence information, it may or may not have pointed to a bomb in Omagh, that is the very precise question.

The second question is this, that it is welcomed to hear you repeat your assertion in respect of the discussions going on with MI5 and that, if at the end of the discussions you have concerns about the arrangements in place for the sharing and gathering of intelligence with MI5 you will say that, but in one way that is not the issue. The issue is that, is it not inevitable that when MI5 had primacy in the North that mission creep will develop whereby MI5 will after a period of time, whatever the protocols do or do not say, that they will creep their mission by broadening their intelligence gathering capacity in the North in a way that goes into that part of intelligence work legitimately the role of the PSNI. So, whatever these protocols do or do not say, whatever the guarantees about the management and distribution of information between MI5 and PSNI, is it not likely that sooner or later MI5 will expand their mission beyond that which is originally indicated and that that is where the political and policing fallout arises because when that happens, if it were to happen, then people will begin to say that it is MI5 who is running policing in the North rather than the PSNI?

**Chief Constable, Sir Hugh Orde:**

I will answer the second question first. In relation to MI5 wanting to run policing in the North is fundamentally flawed. They are (a) fairly busy, (b) facing fundamentally terrorist threats to the ones that their colleagues were facing 10 or 15 years ago. In terms of mission creep, I do not see it. No Chief Constable would give up primacy and the roles are fundamentally different. Section 32 of the Police Act which Members will be aware of, give me what my tasks are so all that leaves is to distil out of that national security matters which are, as everyone knows, handled by MI5 across the rest of the United Kingdom so we then come into line with the rest of the UK and there is no evidence anywhere else in the UK of mission creep. If there is a problem in the rest of the UK it is simply one of capacity, bearing in mind the fundamentally different threats that our colleagues in MI5 spend most of their time dealing with so I would not want to raise any alarms around that. As I have said very clearly, what I say around that I will not sign up to anything that I have not got total confidence in, in terms of sharing intelligence. I will not sign up to anything that gives MI5 a role out with its current remit, not that it wants it so in terms of reassurance, I would like to reassure the Board there is no indication, I have no fears or personal concerns about that and there has been nothing that I have heard, read or seen that suggests that is where they are going to go, I just do not think even if they wanted to, they simply do not have the capacity and have more pressing business.

In relation to the second issue, it is an easy question but the answer will be far more complicated and as I have said, I am not prepared to go any further than what I have said already in public session. I think if one looks at what is going on what looks very complicated with the benefit of hindsight would look far more confusing when bits of disparate information are brought into disparate organisations pre an event happening. I think there is a big health warning around assumptions that other people can make and journalists have to be held to account for what they write not me, making what I would describe in some cases as rather large mental leaps between disparate pieces of information which may give a misleading impression, but I cannot Chairman go any further currently, I will not do anything that denies the families the right to a proper prosecution or anyone who is accused, the right to a fair trial.

**Chairman, Professor Sir Desmond Rea:**

Mr Sammy Wilson.

**Mr Sammy Wilson:**

On the question that has been asked a moment ago Chief Constable. Where there is a cross over between intelligence gathered that may well be of national security significance, but there would also be elements within that that which would help criminal investigations in Northern Ireland, are you sufficiently assured that either the method by which the intelligence will be gather or disseminated with the police will not lead to some of that information being hidden from you?

**Chief Constable, Sir Hugh Orde:**

I am comfortable with the protocol (a) we have plenty of time to make sure this is absolutely right and clearly understood and I have the absolute agreement of the highest players in MI5 that this will be done and there will be transparency around it, so I am confident we can deliver this. Now there is obviously a complexity, not just here in relation to terrorism here but in relation to international terrorism where it is becoming increasingly the case that crime and terrorism are inextricably linked and even if you look at international terrorists, they are heavily involved in crime to fund their activities. It is making sure we have clarity around who is leading on particular targets and the best way of removing that threat and if it is using criminal intelligence then we will get that intelligence and we will act on it and let us be equally clear, the notion that intelligence coming into another agency around serious crime is not transferred will not happen because I will not sign up to any protocol that prevents it because you only have to look at the history of this place and that is where the concerns were, you had investigating officers not being told things, not from outwit organisations but actually within its own organisation and we have got to be clear that that does not take place. I referred earlier to Crime Operations Group, I think that is a huge success for making sure that we have dealt with the internal issue once and for all, intelligence is now on one centrally controlled database under the control of one of my colleagues here. We will make sure that similarly robust systems are in place with our colleagues in MI5 to make sure we have what we need to do our job effectively and in accordance with Section 32 of the Police Act.

**Chairman, Professor Sir Desmond Rea:**

This is the last question I am going to take on this, Mr Ian Paisley Jnr.

**Mr Ian Paisley Jnr:**

The Chief Constable has mentioned the protocols between the Police Service and MI5, could he also indicate if there is any other protocols between MI5 and for example, the Oversight Bodies like the Ombudsman and whether or not he is satisfied that those protocols are also fit for purpose in terms of delivering an organisation and an operational set of circumstances that allow for efficiency, effectiveness and crucially, allow for that intelligence share in way which delivers confidence. Once again I think it is important to emphasise his words, but it was not the MI5 that bombed Omagh, it was not the Special Branch who bombed Omagh but it was republicans and I think that the public must never loose sight of that.

**Chairman, Professor Sir Desmond Rea:**

Chief Constable.

**Chief Constable, Sir Hugh Orde:**

I will ask Chief Superintendent, Crime Operations to deal with that question.

**Chief Superintendent, Crime Operations:**

I deal with MI5 on a tactical level and a strategic level on this very issue. I know they are keen to make sure that any lessons learned in the past are actually carried forward. Your issue about protocols, I cannot actually say they have any signed off yet with other bodies but I know it is their intention to do so. I know they intend to talk to the Ombudsman about protocols, I obviously do not know the detail but certainly they recognise the importance of maintaining public confidence in the intelligence of the future and certainly I am confident that they will work and do that.

**Chairman, Professor Sir Desmond Rea:**

Question relating to the Northern Bank robbery, Mr Sam Foster, question 4.

**Mr Sam Foster:**

Chairman, could the Chief Constable give an update on the progress or otherwise being made on the Northern Bank robbery?

**Chief Constable, Sir Hugh Orde:**

I will ask Chief Superintendent, Crime Operations to deal with that question.

**Chief Superintendent, Crime Operations:**

Certainly police continue to actively investigate the Northern Bank robbery. Just recently, last month, we carried out a number of further searches, that goes on. Clearly there are 3 people charged in connection with the Northern Bank so I am limited and cannot say any more about the investigation in the public session, but be reassured, the investigation continues actively.

**Chairman, Professor Sir Desmond Rea:**

Question relating to the last IMC report, Mr Ian Paisley Jnr, question 11.

**Mr Ian Paisley Jnr:**

Chief Constable, in the 8<sup>th</sup> IMC report, it concluded that tactically and strategically the Provisional IRA has moved away from its arms struggle. Can you Chief Constable confirm that they remained armed, continue to gather intelligence are actively involved in criminal enterprises and have the capacity to return to a terrorist way if they chose to change tack and is it the case that the IRA remain fit for purpose as a terrorist organisation, does your intelligence confirm that?

**Chief Constable, Sir Hugh Orde:**

Chairman, we have this question every month. The IMC is the right reporting agency in terms of giving an holistic view on the state of various terrorists organisations on all side of the divide and the next report is due shortly. I can reassure the Board every scrap of information which is relevant around paramilitary activity will be given to the IMC in a fully analysed way which they can build into an overall picture. I can confirm there is no intelligence whatsoever to

suggest that the Provisional IRA are doing anything other than what they declared public intent in terms of going back to any sort of terrorist campaign. I have said that ad nauseam and will continue to say it until evidence suggests otherwise.

In terms of your question, can any organisation revert to something else, well yes, any organisation can change its direction but there is no indication to suggest this one is changing its direction on our current intelligence.

**Chairman, Professor Sir Desmond Rea:**

Question relating to the emergency services diving team, question 15.

Mr Eddie McGrady and there are at least 2 supplementaries.

**Mr Eddie McGrady:**

Thank you Chairman. At the last public Board meeting Chief Constable you responded to me in this question about the tragic episodes at Ardglass and at Clarendon Dock. You did indicate that you would take a review of that situation whereby there seems to be only one statutory part-time, although well trained unit in Northern Ireland in the PSNI. Now since then, there as been considerable publicity and the trauma of the Bagues family from the Ardglass tragedy and of the Kelly family in terms of Clarendon Dock still continues and they feel that more needs to be done.

In this context therefore, would you not take on board the desires of these families and the communities to pursue a full-time diving unit or several diving units, full trained and fully available for these type of occasions and I do know and have been contacted by several voluntary bodies who are well trained, well equipped, Dive Northern Ireland, the Boyne Rescue Service and others and indeed some statutory bodies who seem willing to participate in a joint review of providing a multi team diving rescue unit throughout all of Ireland, which would also be available in Scotland and Wales and elsewhere when required. Could you take that on board and what do you think could be the outcome in terms of time?

**Chief Constable, Sir Hugh Orde:**

I will ask Assistant Chief Constable Toner to answer that question but in broad terms, the reality of most Police Services in the United Kingdom do not have full-time diving units because of the sporadic nature of the demand. What was important we have a co-ordinated effort so we can maximise the availability of divers when the emergencies happen. As you rightly point out, most times any Police Force has to employ divers is become some tragedy has taken place. I will ask Assistant Chief Constable to cover the details as he has been reviewing it.

**Assistant Chief Constable, Mr Roy Toner:**

I think it is an important fact that this is a matter of public concern at the moment but the first point to make clear is at no stage where we have had a request from any District Command Unit or senior investing officer, have we not been able to provide appropriately trained and qualified divers, either from military support or indeed we now have further arrangements in place in the short term, from Constabularies in England and Wales for mutual aid. As and when we get the request from the District Command Unit and we had no circumstances where we have not been able to fulfil that requirement.

We have the review ongoing and the first phase of that will be completed now in mid March and I am proposing to write to the Board Chairman, to ask specifically for exactly the type of detailed consultation that Mr McGrady has raised in relation to what those community concerns and issues would be so we can factor them into the review before we make a decision on the way ahead.

What I would say is, the issue about aspects of diving, there are massive aspects of health and safety issues around this and training beyond possibly some of the current training some of those bodies would have in relation to evidential and scene preservation. We are also looking at actually what the statutory responsibilities of the Chief Constable and PSNI are in, relation to this, because there is some legal aspects in where we have statutory responsibility or indeed have the power to undertake certain aspects, that will be included in the review and we will be writing to the Board within the next 2 weeks outlining what our broad intentions would be and to get more detailed feedback.

**Mr Eddie McGrady:**

Thank you. Just very quickly Chairman. I thank the Assistant Chief Constable for those assurances and would he take onboard that the other statutory Rescue Services are willing to co-operate in this, would he make contact with them and also make contact with the other voluntary but well trained and well qualified bodies, both North and South, who also have indicated to me that they are available to consult and help you on that issue.

**Assistant Chief Constable, Mr Roy Toner:**

Chairman, everything is open for discussion and on the table and we have every intention of looking at the options of involving and engaging with those bodies to fulfil the requirement. There is nothing ruled out, nothing ruled in in the review, what we want to do is make sure that we have a high quality, highly trained underwater search facility, be it from whatever quarter it comes from to support operational policing and the requirements to deal with these very tragic circumstances that were mentioned earlier.

**Chairman, Professor Sir Desmond Rea:**

Mr Alan McFarland.

**Mr Alan McFarland:**

Chairman thank you. I am curious, we had a diving team of 12 which gives it a degree of flexibility. For some reason we moved down to a sergeant and 6. Now a diving team I understand on health and safety grounds has got to be 6 people on a dive team at once. These officers, as I understand it, are all spread across different jobs, they are on different shifts, it is voluntary. Now all it needs, as I understand it, is one of them to get a cold and they are not allowed to dive. If they are on holiday in or out of the country the team cannot operate. There is no recognition of payment in the way for example, army divers are paid. The army dive team I suspect that exists here may not be here that much longer as we go down to garrison strength. I am curious as to how we have got into such a shambolic state in the police diving team and whether in fact who was suppose to be supervising whether this was fit for purpose or operational, because we have had a number of narrow escapes that are sort of embarrassing really given the number of underwater searches we have had to undertake here. I am just

wondering how have we got to this stage, I know we are trying to do something about it but it seems very odd that this has got to the stage given all these constraints.

**Chief Constable, Sir Hugh Orde:**

I will ask Assistant Chief Constable Toner to give some detail but a number of points that are interesting. One is, I cannot order people to become divers so in every police service the divers would be volunteering, in the same way that people volunteer for CID or traffic, these are volunteer people.

In terms of it I will ask Assistant Chief Constable Toner to give the detail but I am not sure I understand the “narrow escapes”. We have delivered when we have been required to deliver we do have agreements with other people. The army is available to us and did sterling work in recent tragedies. When the army goes we will set up other equal reciprocal arrangements to share with other people and some of those are already in place. The harsh reality is, nice whilst it would be and not influencing a review, to have a team of 12, 15 or 20 divers, currently I would have these officers doing nothing. I would expect the Board would ask some very hard questions if I have a full-time highly expensive resource sitting doing nothing on pay that is in substantially in excess of military divers because I have no demand for them to operate and the harsh reality is, this is like murders these are not predictable, they are sporadic events and it is around making sure we maximise our resource to protect all the communities in Northern Ireland as well as deal with these emergencies when they come as best we can. There is a genuine attempt on this occasion to do our best but I will ask Assistant Chief Constable Toner to cover the other points.

**Assistant Chief Constable, Mr Roy Toner:**

We have maintained an underwater search facility, there were some people who retired early on the severance programme, we have a recruitment programme in place for people to come in and that is currently ongoing at the moment. We maintain the capability and to say again, no request has come forward in the last 12 months or beyond that we have not been able to service either internally or with the support from military and one of the reasons why we want to is to ensure exactly the point that Mr McGrady made that we get something in future that instils

even greater levels of public confidence. To say it is shambolic I think would be highly inaccurate, it is a very dedicated and capable team. The numbers have gone down, we are recruiting to increase those numbers but there is no operational recruitment that we have been asked to provide to the District Command Units or the senior investigating officers that we have not been able to provide and deliver on.

**Mr Alan McFarland:**

I am not suggesting for a minute that the dive team were shambolic at all but I and my colleagues are aware that we had to call military divers in because 50% of the team were not in the country recently at a time they were needed and colleagues know that.

**Chief Constable, Sir Hugh Orde:**

That is exactly why we have, in the same way as other Police Services have, reciprocal arrangements to cover those eventualities. One final point which is important, the health and safety requirements of diving in some of the waters off here and certainly wreck diving, is recognised as some of the most dangerous dives people undertake and do require an extremely high level of skill and we do take advice very seriously from experts before our officers are allowed to dive. I note the comments and indeed the enthusiasm of amateur divers to help and support us, but the tragedies have happened and are on record in this island of Ireland, where people have died trying to recover bodies and we have to have a situation where we make sure that those who engage in this particularly dangerous and courageous work are probably supervised, protected and that we fully comply with health and safety legislation. It is difficult territory.

**Chairman, Professor Sir Desmond Rea:**

A supplementary from Mrs Rosaleen Moore.

**Mrs Rosaleen Moore:**

Chief Constable, you have probably commented on the first part of this question which is the timeframe for the Service review of the resourcing of the diving team

and could you also update Members on the contacts with the Bogues and the Kelly families, with special reference to the role of the Family Liaison Officer and your views of whether in retrospect the public handling of these cases could have been better.

**Chief Constable, Sir Hugh Orde:**

In terms of the public handling, these are very difficult cases to get a 100% right because of the huge emotion involved in them and I know an awful lot of work was put into family liaison but I am equally aware that many members of the community *(tape unclear)*...

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

Chairman, this is the fourth time the Kelly family have actually met with officers who go out and search that area of the harbour, therefore, we have had regular contact with the Kelly family, like myself and have they have spoken to Mr Kelly in the last few days. We have also reviewed, over a 5 hour meeting that I chaired with all the senior police officers, SIO, the search co-ordinators both on land and the diving co-ordinator to answer fully all the Kelly family questions and to agree a way forward that would, in effect, alert or deal with their concerns and fears. We also have established regular meetings as we are required to in a missing person case and we have had one of those chaired by Superintendent Eccles in South Belfast in relation to continuing to keep the family updated with the many, many lines of enquiry that go beyond just the diving issue. The next one of those is on 7 March 2006 when again we will brief the Kelly family as to what has happened but also bearing in mind, if there are any immediate developments, the Family Liaison Officer is immediately in contact with the Kelly family. For example, in relation to the sad recovery of a body in the Lagan in the last few weeks, the Kelly family was immediately informed of that so they were not being informed by the press and were able to be around as and when the body was removed, so there is very regular and positive contact with the Kelly family.

**Mr Alan McFarland:**

Chairman, could I just pay tribute to Assistant Chief Constable McCausland in particular for the outstanding work he and the families have done in particular with the Kelly case.

**Chairman, Professor Sir Desmond Rea:**

Question relating to the policing of black and minority ethnic and lesbian, gay and bisexual communities, question 23 Mr Brian Dougherty.

**Mr Brian Dougherty:**

Chief Constable, you are aware of research commissioned by ourselves and the Police Ombudsman's Office that was released during the week. Could you comment on its findings of the research and basically on the Service's wider response to the diversity issues raised in the report.

**Chief Constable, Sir Hugh Orde:**

Not in any great detail Chairman because as Mr Dougherty points out we have only recently received the report and I have not had time to look at it in detail. That having been said, a number of things (a) we take them very seriously, (b) having scanned them quickly it does show they are mixed I think it would be fair to say, there is some very interesting and positive evidence around confidence in policing levels in some of these minority groups and indeed within the lesbian and gay community. Other areas where contact with the police has not necessarily led to a more positive feeling about how you have been treated so I would be more comfortable if I could give a written response over time and I would like to underline that we do take this extremely seriously, internally and externally. I have to say, that whilst the numbers in some of these samples are quite small and there is a disconnect between some of the findings here and my experience and indeed with Mr Leighton my Deputy Chief Constable, who cannot be here today, what we have done internally to make sure people from minority groups feel very welcome, but I will give a full report in writing.

**Chairman, Professor Sir Desmond Rea:**

Question relating to traffic disruption, question 16 Mr Barry Gilligan.

**Mr Barry Gilligan:**

Thank you Chairman, a more mundane matter but of considerable interest to the motoring public. Chief Constable, you will be well aware of the traffic disruption when the improvement works eventually start on the Westlink. At peak traffic times in the city when urban clearways are in operation that where there are cars blocking those clearways I appreciate that you have the capacity officers or the capacity to ticket those cars but does not deal with the tailbacks that immediately form as a result of that illegal parking. Is it not possible for those cars to be removed and owners made to pay for the removal of the car and a fee for getting them back? I suggest that would be a significantly greater deterrent. Also on the question of delivery lorries, can they not be encouraged to stay away from premises, for example on the Lisburn Road at similar peak times? We are going to be faced with this for at least 3 years so attention to these matters could have a very positive impact on disruption.

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

Chairman, I would just like to support what Mr Gilligan says in relation to this very important relation to the community particularly over the next 3 years in relation to the flow of traffic and we would make an appeal today for the co-operation of the motoring public and for people to exercise common sense over the next 3 years, particularly in and around the Westlink and the main arterial routes in Belfast because there will be a knock-on effect evidently as a result of the road works.

Police do have the powers to remove vehicles in such circumstances as described in the question and those powers are found within Article 47 of the Road Traffic Regulations 1997. To satisfy the requirement to use such powers, the circumstances are such that the vehicle must be causing an obstruction to persons using the road. The cost of removal and storage of such a vehicle using these powers may be recovered from the person responsible. Police need to show, however, that their actions in removing such a vehicle were justified and proportionate, otherwise there could be claims as the Board would appreciate, of heavy handiness on our part and that would in no doubt ensue. The converse argument is equally valid and police and traffic wardens have a duty to ensure that

urban clearways are enforced, especially during the duration of the particular road works in question and we have and are continuing to liaise with the contractors and have established the needs of the relevant District Command Units and a Liaison Inspector with the contractors who will look on, if necessary, a daily basis in relation to the concerns over the flow of traffic and obviously the movement of emergency vehicles through the particular Westlink work. The issue of goods vehicles and even the Post Office making deliveries and collections within the clearway restrictions is also prohibited under the Urban Clearways (Belfast) Order 1981. Just for Board Members information, we issued last year in the urban area, over 37,000 tickets and those are miscellaneous tickets and mostly relate to parking offences but we will be taking an active role in relation to ensuring that the movement of traffic, particularly around Belfast and relevant to these particular road works will be taken very seriously by District Command teams and please be ensured that we will be working hard on this.

**Chairman, Professor Sir Desmond Rea:**

Question relating to anti-social behaviour in Derry / Londonderry, Mr Brian Dougherty, question 13.

**Mr Brian Dougherty:**

Chief Constable, I am sure you are aware there has been an increase in anti-social behaviour in Londonderry over the last number of weeks. One example was in Shantallow where a group of unruly youngsters drinking forced local community representatives and political representatives to mobilise to try and deal with that themselves. Two Saturdays ago, Londonderry city centre was brought to a halt by a group of young people who had amalgamated to fight, I would like your response to that and do you believe that the police response itself has been effective?

**Chief Constable, Sir Hugh Orde:**

I will ask Chief Superintendent, Rural Region to deal with that.

**Chief Superintendent, Rural Region:**

It is true to say that there is some anti-social behaviour reoccurring within the centre of the Foyle District Command Unit, as there is in many other parts of the province. In recent weeks, there has been media coverage of those problems,

particularly in the Gallia area and in the city centre, although those media reports have been sensationalised somewhat and are in many respects unhelpful. From time to time problems have arisen with young people congregating in the city centre and there are some numbers of those young people who become involved in unacceptable behaviour. There is also some evidence that young people are arranging those fights through text messaging and through the internet which encourages other people to come along and spectate.

That was the case on Saturday, 18 February 2006 which coincided with half term. The DCU Commander has very much increased visible patrolling within the city centre and we have also made contact with school principals and parent and teacher associations as well as with the parents themselves through the media to increase their awareness of where their children are and what they have been involved in and that has proved to be successful.

We have also received complaints of anti social behaviour in the Gallia area over some time and under the National Intelligence Model we are policing that area as an area that requires policing for anti social behaviour.

The local sector inspector has engaged in a wide range of activities designed to assist the community in dealing with that particular problem, such as high visibility patrolling, anti car crime and anti vandalism operations. Indeed recently, 'Operation Cleanup' resulted in the recovery of 52 untaxed vehicles which were used by people as 'run arrounds' and were also being used for other criminal activity. Again, local police are engaged with regular contacts with politicians, community representatives and other statutory agencies in order to deal with that particular problem effectively on behalf of the community.

It is also clear on both cases that the police in isolation are not able to resolve the problem but we are satisfied that the police are playing their part in trying to alleviate the difficulties that the community are facing.

**Chairman, Professor Sir Desmond Rea:**

A question relating to the quality of personal service to the public by the police, question 10 Mrs Pauline McCabe.

**Mrs Pauline McCabe:**

Chief Constable, the personal service aspects of what PSNI do, things like telephone answering, dealing with queries received and keeping members of the public fully involved informed of progress on incidents where the matter is raised, impacts significantly on the confidence that people across the community have in PSNI and perhaps, most importantly, shapes the impressions of those contacting the police who in the past may be did not do so. We have talked at some length about this a year or so ago and I wondered if you could update us on what progress you feel has been made over the last year in improving the quality of personal service to the public. Also, would you agree that the standard varies significantly between District Command Units and departments and if so, how would you then think we should address this.

**Chief Constable, Sir Hugh Orde:**

I will ask Assistant Chief Constable Toner to answer as he is leading on this.

**Assistant Chief Constable, Mr Roy Toner:**

This is an increasingly important issue because people view the police and perceptions of the Police Service on their initial point of contact and indeed, I have had a number of briefings over the past 12 to 18 months with the Policing Board on this issues and indeed gone out and did a consultation process with District Policing Partnerships.

I think there are 3 elements to this. First of all, we would accept that there is a wide variation in the standard of service delivery between District Command Units, one of the problems of this being that you have 29 District Command Units of different sizes with different amounts of resources to deal with different problems.

The second aspect is that, nationally there have not been national quality standards and to this regard the Association of Chief Police Officers have now set out quality of service standards across the whole of the country which we have now received and have worked on. I commissioned a piece of work 3 months ago on that and hope to report to the Board on how we proposed to implement those

quality of service standards. That then feeds across into our third aspect whereby we have a Call Management Strategy which has now been in the first draft and I propose to send it to the Policing Board for consultation as one of the key strands of the Information System Strategy. In that we have been operating 3 pilot sites in Lisburn, Craigavon and in South Belfast and attempting to utilise some new technology, particularly in relation to call back and also to identify callers who had rang previously on a specific issue so the operator would know that that caller had rang.

We are also looking at the longer term options in Northern Ireland in relation to this and one of the options will be in the interim phase if we move to 7 or 8 District Command Units under the Review of Public Administration work, that we scope there to enhance the facilities in the intervening period with the option possibly to go one central or 2 central options in the future whereby the standard of service delivery would be improved. A lot of work has gone on in the last 12 months, we are adopting the quality of service standards and will be built into the work with the Review of Public Administration and will be quite happy that we will be sending the Call Management Strategy to the Policing Board as a consultee within the next few weeks.

**Chairman, Professor Sir Desmond Rea:**

Question relating to the same area of service to the public, question 14 to do with police surgeries, Mr Brian Dougherty.

**Mr Brian Dougherty:**

In the last couple of months Chief Constable, I am sure you are aware there has been 2 police surgeries set up in the Waterside at Nelson Drive and Lincoln Court and where these have to be welcomed, there has been a sense amongst some people in those communities that they were parachuted in without adequate discussions with the community and also the District Policing Partnerships and also a sense amongst some, that the police were more interested in getting endorsement of the local paramilitaries than opposed to the wider community. How do you feel about that?

**Chief Constable, Sir Hugh Orde:**

I am rather depressed if that is the view. It is again around genuine efforts by police officers to push edges of policing and get into areas where they have been difficulties in the past. This is not a unique initiative and I will ask Chief Superintendent, Rural Region to comment on the specifics of this one but officers have continually tried this in certain areas. I remember about 1½ or 2 years ago in Rathcoole a similar event was tried, we push to the edge to try and get in, unfortunately it did not work, we had to step back but the officers are determined to get back in there but it does show I think a more flexible approach by officers who feel empowered to try and get into these communities. It does not mean it is always going to work, and in this case I know there have been some challenges, but I will ask Chief Superintendent, Rural Region to give more detail on the specific initiative.

**Chief Superintend, Rural Region:**

Certainly we are surprised by your comments because we are aware that the District Commander and his team did engage in a quite extensive consultation process. It really only has been running for the best part of a month and there have been 8 surgeries within that month. Again, those surgeries are in places and conducted at times and dates that the community agree. As I say it is a bit early to gauge their usefulness but the feedback that certainly the local community officers are getting who are actually in those surgeries would suggest that they are beneficial. Certainly the feedback from our senior citizens is suggesting that they welcome their presence and it allows that interface in line with the District Commander's strategy of being accessible and having true engagement so it is early to say but I would be interested to talk later if those concerns are being raised because we are certainly not picking them up.

**Mr Brian Dougherty:**

One point is these things do not seem to be negative but certainly at the launch of the surgeries in Lincoln Court and Nelson Drive there was no member of the DPPs present, there was no Members of the Policing Board present. DPP members themselves and also local people from both those estates have approached me as

they felt left out in terms of the consultation exercise and whereas they are not unsupportive of the principle they feel more could have been done to engage.

**Chief Superintendent, Rural Region:**

I appreciate that and if that is the case Mr Dougherty I offer an apology, we will engage with you and the local DPP members to ensure that we get it right next time if we have got it wrong again I offer you my apology.

**Chairman, Professor Sir Desmond Rea:**

Finally question relating to officer time spent on frontline duties, question 6 Mrs Pauline McCabe.

**Mrs Pauline McCabe:**

It is a question about the frontline policing measure which really drives our delivery capacity and effectiveness and it is really, really encouraging to see that Craigavon DCU has achieved 82.5% of its officer time spent on frontline duties. Is it possible that the Craigavon experience could be used to improve the percentage of officer time spent on frontline duties in other DCUs and also, I know that our overall performance is not inconsistent with that being achieved in the rest of the UK, but given that we do have this example, does the Chief Constable not feel that the PSNI can do better than the target of 72% set for achievement in the Policing Plan by 2007/08?

**Chief Constable, Sir Hugh Orde:**

Fortunately, my new Assistant Chief Constable in waiting, Mr Drew Harris is here and he did bring a shiny yellow coat with him. I will ask him to cover that because there are some issues around statistics which are slightly complicated but I do think, in the big sense, when we get to a small number of DCUs there are huge potential opportunities of freeing up more staff for frontline duties, but I will ask Mr Harris to cover his experiment which he has lead on for some time now.

**Chief Superintendent Drew Harris:**

There are 2 sets of measures here and one supports the other. The first measure is around officers in frontline posts and that relates to the 82.5%. The second measure which we are assessed against relates to frontline policing headline

measure which is an HMIC measure based on what those officers actually do. Now at the moment the only DCUs which are meeting the 72% target are Lisburn and South Belfast. What I would emphasise is, that this is a matter of concern to all DCU Commanders, it is emphasised through the ACCs accountability visits about maximising the amount of officers we have on frontline duties. What we have done in Craigavon is, with our officers, not only are we putting them to frontline duties we are also assigning them to neighbourhood duties. So, all our uniform, beat and patrol officers are in effect community beat officers and that is the distinction which is not really found in the way that the statistics are accounted here, but there is a distinction between being a response officer and actually being a neighbourhood beat officer and all our officers are in effect, community beat officers trained as such, equipped as such and given a specific area that they are responsible for and that has been met very favourably by the community and is reaping benefits in other areas in terms of our quality of service to the public and the outcomes in how we are dealing with the public.

**Chairman, Professor Sir Desmond Rea:**

I would thank the Chief Constable and his colleagues for taking our questions, we thank the public for their attendance and also the journalists.