

**NORTHERN IRELAND POLICING BOARD**

**MINUTES OF A MEETING OF THE NORTHERN IRELAND POLICING BOARD IN PUBLIC HELD ON THURSDAY, 1 SEPTEMBER 2011 AT 2:00PM WATERSIDE TOWER, BELFAST**

**PRESENT:**

**MEMBERS:**

Mr Brian Rea, Chairperson  
Mr Gearóid Ó hEára, Vice Chairperson  
Mrs Anne Connolly  
Mr Jonathan Craig  
Mr Ryan Feeney  
Mr Ian McCrea  
Mr Conall McDevitt  
Mr Robin Newton  
Mrs Joan O'Hagan  
Mr Brian Rowntree  
Ms Caitríona Ruane  
Mr Pat Sheehan  
Mr Michael Wardlow  
Ms Deborah Watters

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

Mr Matt Baggott, Chief Constable  
Mrs Judith Gillespie, Deputy Chief Constable  
Mr Drew Harris, ACC Crime Operations  
Mr Alistair Finlay, ACC Urban Region  
Mr Dave Jones, ACC Rural Region  
Mr Will Kerr, ACC Criminal Justice  
Mr David Best, Director of Finance and Support Services  
Mr Joe Stewart, Director of Human Resources  
Ms Una Williamson, Media & PR

**OFFICIALS IN ATTENDANCE:**

Mr Edgar Jardine, Interim Chief Executive

**APOLOGIES:**

Mr Ross Hussey  
Mr Gerry Kelly  
Mr Trevor Lunn  
Mr Stuart MacDonnell  
Mr Adrian McQuillan

**Chairperson, Mr Brian Rea:**

Good afternoon and welcome to this first meeting in public and first public meeting of the Policing Board.

We have a new Board and a new approach to this session. The first 45 minutes will deal with Board Members questions to the Chief Constable and then we will move to the public meeting on the theme of Domestic Abuse which will also run for 45 minutes.

This first session is for Board Members questions only and will focus on the policing of the marching season and related public disorder. There have also been a number of policing issues of public interest and which impact on public confidence and some questions around these.

Chief Constable, we asked and have received a detailed policing of parades report from you in terms of resources, tactics and follow-up investigations and arrests. Members have had time to consider this report, so if you could make a brief introductory comment and then we will go straight to questions. Chief Constable.

**Chief Constable, Mr Matt Baggott:**

Chairperson, thank you very much. I am very much aware that for many, this has been a testing summer and I know our sadness is shared at some of the images that have been portrayed about Northern Ireland across the world. But suffice to say that the disorder itself was contained within a limited number of neighbourhoods, and although the violence was intense, I want to put that into perspective.

Many of these neighbourhoods have been suffering for a long time comparative levels of disadvantage. I think the challenge which overrides the scrutiny now going to apply to our tactics is to work even harder now at underlying causes and trying to identify the reasons why often violence repeats itself between communities in those particular neighbourhoods, the issue of disadvantage.

Chairperson, there will be inevitable comparisons between the policing in Northern Ireland over this summer and recent events in Great Britain. They are different, although I welcome the scrutiny and the challenge of why things are different in Northern Ireland compared to places such as Birmingham, Manchester and London.

The scenario in Great Britain was very much gang led looting aimed at property, aimed at the stealing and burglary of property. Whereas in Northern Ireland, it is historically between communities in which the Police Service of Northern Ireland very much stands in the middle, and I would like to commend, as I know many people have done already, the bravery and courage of police officers over the summer who undoubtedly save lives by standing between people who wanted to damage each other, and as a consequence they themselves were damaged, I want to say that up front. But there are differences. The colleagues in the Met for example, had within 24 hours recourse to some 16,000 across the whole of the United Kingdom to support. We do not have that provision in Northern Ireland.

Our tactics have to be different. Our tactics are very much around the prevention of loss of life and serious injury, and I no doubt we will have some questions around that later. But a tactical response to very different scenarios has to be different. We will however, and I have invited the Policing Board already to support us in this, conduct a very thorough review, led by Alistair Finlay, into the tactics we deployed, whether there are alternative tactics we might use, looking at international comparisons. If there are things we can do differently in relation to our obligations under the Human Rights Act, nobody would be more open to that than myself and I have invited Alistair Finlay to put together an advisory group to support us in that work.

I think the other critical issue for us is how we can improve our evidence gathering at spontaneous outbreaks of disorder, as opposed to those we can pre-plan for and have things in place. Often that gives perceptions of unfairness or impartiality when in reality, the circumstances are very different. But I am anxious we should do review of that, so that we can deal with those perceptions. We can approve our ability to bring people to justice on behalf of everybody, and at the same time, we can make sure we can move resources around to be utterly consistent in our investigative effort.

Chairperson, I invite questions on that. May I just say, in relation to the routine policing that has gone over this summer, I will be bringing a performance report to the Board next month, but actually policing continues to progress. On the personal side, there are more police officers on the streets, 60 minutes more patrol time now as a result of the mobile technology we have invested in, burglaries are down by 15%, armed robberies have been halved, there is an enormous good news story beyond the months of the

summer and I wanted to be absolutely clear on this that we will not be distracted from producing the personal, protective and professional policing that the Policing Board wish me to implement. Chairperson, thank you.

**Chairperson, Mr Brian Rea:**

Thank you very much Chief Constable. Just for information, for the public and everyone who is here, we have 3 main issues to deal with this afternoon and we have got Board Members who have requested that they get the opportunity to deal with these. So, I am inviting Debbie Watters to deal with a question on public confidence around the public disorder. Debbie Watters please.

**Ms Debbie Watters:**

Thank you Chairperson. Chief Constable, you have already alluded to the issue of public disorder in the summer and you have also alluded to the whole issue of community confidence. Personally I feel that community confidence in policing currently, both within republican and loyalist communities is at an all time low. I suppose my question is around how the public disorder in the summer has fed into that, so I would like you to comment on the review that you have mentioned of the public disorder in the summer and could you let us know when that review will be completed and will the review look into the use of AEPs in terms of the public disorder in both communities, both within republican and loyalist communities?

I suppose my final question is, how will the findings of that review be disseminated to the general public? I know that you have said you will bring a report to the Board next month, but part of the role of the Board is to build community confidence in policing and I think it is very important that the public have a voice in terms of the review and have a voice in coming back to you with questions on the findings of the review. Thank you.

**Chief Constable, Mr Matt Baggott:**

Thank you very much. Three points, I will ask ACC Finlay to seek specifically about the review. I don't agree with you that policing and confidence is at an all time low. The immense survey work that I do, shows that policing and confidence is rising significantly, and I accept that in some areas that have been subject to intense violence, there is a real fear and a real concern. But we are not the cause of that. We are the protective people that go in and try and keep communities apart, often at great

Record No: 169924

cost and it is right that we do that and we accept our duties. But I do not accept that the outbreak of disorder in historical places where communities are still unable to live together, for a variety of reasons which are not mine to make judgement upon, is a problem that rests at the police's door.

We know, and we have mapped communities in Northern Ireland historically over many years, often in areas of less than 200 or 300 yards, which historically repeat the same disorder every year. This is an issue for the Executive. This is an issue for understanding the underlying causes of employment, shared future and we are very full up for playing our role in that. But our job over the summer was to keep people alive, to keep people safe and the Police Service took significant injuries because of that. But I am not going to accept that confidence in policing is low because across Northern Ireland, confidence in policing continues to rise. A recent survey we have done of victims for example shows incredibly high levels of satisfaction, both with the impartiality of policing and the solutions we are providing and the criminal justice process. But I do understand what you are saying around the specific neighbourhoods and we have got to redouble our efforts in relation to the confidence in policing. I think the problem is, we have to employ public order tactics for certain parts of the year, sometimes over a matter of hours which then have a ripple effect through the forthcoming year. We have got to try and deal with that.

If I could just ask ACC Finlay first of all to deal with the specifics of the review, then I will come back to the other point. Thank you.

**Assistant Chief Constable, Mr Alistair Finlay:**

Thank you. Regarding the review, based on the events that we had over the summer, both here and then seeing comparisons of maybe different approach and different circumstances in England, we will commence this review now and we would hope to report on that review by the end of the year. Included within that will be a whole issue about community engagement and the communities perspectives on that, so I will be writing to interest groups and stakeholders seeking them to give a view on their impressions and their experiences in order that that can be taken into account, and then from that, initial 'call for evidence' if you like, we will bring forward particular groups and representatives to have discussions in an advisory group type environment to inform perspectives and understanding of what goes on.

Equally, we will be looking at evidence gathering capability. We are looking at the Criminal Justice Strategy to see if any lessons can be learned and the approaches that can be taken, and some of this for example, we will see a sharp contrast in courts in England sitting 24 hours a day, through the night, in dealing with multiple offenders in a way in which we haven't experienced here. So, is there anything in that that can be brought forward, but fundamentally we will be looking at what we can do? What equivalent we have, what approach we have and how we undertake this particular rather contentious and impactful and dangerous piece of work.

We also know that the Home Secretary has asked HMIC to undertake a review of public order, and I have written to Sir Dennis O'Connor, advising him of this specific review in Northern Ireland and how we would wish to link to that so that we are fully engaged within the national picture.

My proposal would be and I have asked the Board to consider how best it gets involved in monitoring our progress along the way with this review, but then ultimately I think that review a useful place to come back to would be the Board and potentially the Human Rights and Professional Standards Committee of the Board and they have the opportunity to consider that and then we decide how that gets taken into the public domain, probably back through the route of stakeholders that we engage with and seek evidence with them in the first place to make this as open and transparent and as robust as possible.

**Chairperson, Mr Brian Rea:**

Ryan Feeney, you wish to join in with this one and can I remind everyone again, that because of the new timing that we have got, whilst we don't want to curtail either questions or answers, nevertheless we want to make most efficient and most effective use of the time, so if questions could be succinct, similarly answers. Thank you Ryan.

**Mr Ryan Feeney:**

Go raibh maith agat, a Chathaoirligh.

On the same issue of community confidence Chief Constable and thank you for your answer previously, and I would like to agree with the comments that Debbie Watters

made there regarding community confidence. There are issues there that we need to address.

The number of people arrested under Section 41 of the Terrorism Act is something that is causing concern. Particularly when we consider up to July this year, we had 92 arrests under this legislation but only 19 people charged and in certain incidents over the summer, we had a large media presence at the arrests that took place and we had a large amount of police man and woman power and equipment at the arrests. These issues do have a detrimental effect on the work that we are trying to do to build up confidence in policing, so I would hope that any review that is taking place in terms of the issues that happened over the summer includes this issue as well and I would welcome a comment from you on that. Thank you.

**Chairperson, Mr Brian Rea:**

Chief Constable.

**Chief Constable, Mr Matt Baggott:**

Thank you very much. Firstly, and I am very much aware that people are aware of this, we face a severe terrorist challenge to the institutions of Northern Ireland and to the Police Service of Northern Ireland who are the target of that, and therefore, it is only to be expected in relation to that there will be significant numbers of arrests made.

Secondly, I have to make the point that investigations into such complex matters take significant amounts of time and resources. These investigations can last not just months, but years and they start with arrest and then they unfold and our job under the law is to pursue the evidence wherever it takes us. But these are matters of great complexity. We have cases still waiting to come to court where charges have been laid, where the investigation was perhaps 3 years old. Some of that is the product of the due process constraints, some of it is a product of the justice system, some of it a product of the sheer complexity of modern terrorist investigation and it takes time. I am somewhat at a disadvantage of giving answers to the percentage of figures and indeed, to individual cases, because I am not allowed to for a start it would compromise the fairness of subsequent trials, but also the fact that some of these are at very early stages of investigation.

In relation to the way in which we conduct searches, I and colleagues are always willing to receive a challenge in terms of the style and over proportionality, but as I have said to the Board before on many occasions, you and I are both duty bound under the Human Rights Act for the protection of life, that is not simply the public important overriding that that is, there is also the human rights and protection of police officers and sometimes those searches needed to be conducted with significant resources because, as we see in parts of Northern Ireland sadly still, any house search is followed by an attack on those carrying out the searches. Again I come back to that point, that often happens in the same places for historical reasons, disadvantage, fear and other matters.

So, I am very mindful of the issues of public confidence and perception, but I am also very mindful of my personal and our obligations under the Human Rights Act and sometimes that does involve significant numbers of resources and I absolutely accept the ripple effect that has in terms of perceptions and confidence in policing, and we will constantly scrutinise those.

In relation to the search you spoke about, there was no pre-media briefing to that. The very fact that when we do have major operations at certain points in time, it was inevitably going to be a media response to that, but our job is to conduct those searches and not to actually bring the media with us unless there is particular operational reasons for that.

**Chairperson, Mr Brian Rea:**

Thank you Chief Constable. I have got 2 others and if they could just make their very brief contributions one after the other, and then maybe a single answer will do so that we can move to the next issue. Robin Newton and Pat Sheehan.

**Mr Robin Newton:**

Thank you Chairperson and can I just ask the Chief Constable and can I first all welcome the review that you are undertaking, I think that is a good thing, but that will obviously be a strategic look at the situation and the community confidence.

But can I ask you specifically, and you will be aware, that we are possibly approaching in a number of days time, a potentially difficult situation in terms of policing. You have been aware of that, your officers have been aware of it, so can I ask you specifically what work the police is doing in the community and what contact you have specifically with the greater community and how the results of that work are actually outworking themselves and playing out and are they playing out to engender this greater confidence, and are you certain that if this is a difficult period of time, there is enough community confidence there to see us through these difficulties?

**Chairperson, Mr Brian Rea:**

Secondly, Pat Sheehan.

**Mr Pat Sheehan:**

Go raibh maith agat.

Chief Constable, there is growing concern within our community that there is a drift back to the primacy of security policing and let me just give you a few examples of why there are concerns about that. Over a 9 day period in the summer, there were 338 plastic bullets fired with widespread rioting in England in many cities, not one was fired. We have the well publicised house raids that Ryan as referred to which were supposedly intelligence led. It certainly, in our view, wasn't intelligent policing. We have the whole concept of abstraction where officers involved in community and neighbourhood policing, are taken out of their jobs and put into security policing, in the meanwhile neighbourhood and community policing is left bereft of officers. We recently had the editorial in the Irish News very critical of a policing operation recently.

Now, if security policing isn't coming back into primacy, we need major reassurances from yourself Matt and from the police, that that drift isn't going to continue to take place and we need an explanation as to why these incidents are continuing to take place. Because it is having a cumulative effect within our community, confidence isn't growing as you asserted in your opening statement, confidence is waning and it is not from people who are opposed to the peace process, it is not from people who are opposed to a new system of policing, it is people who are fully behind the peace process and a new start to policing who are very concerned about what is happening at the minute.

**Chairperson, Mr Brian Rea:**

Okay, thank you. Chief Constable, a brief answer to that if you can please.

**Chief Constable, Mr Matt Baggott:**

For the first question, ACC Finlay will talk on the detail but we have significant neighbourhood resources. The embedding of neighbourhood policing has progressed at pace in the last year. We have more officers on the street than ever who will be providing feedback given to us willingly by members of the community about their fears and the tensions and of course, we have our own intelligence issues as well. So, you may be reassured that we will be looking when we have major events coming up or potential flashpoints, at what we can do to move and to prevent and pre-empt and use all our influence and those of colleagues and people in the community to stop people bringing serious harm to the streets.

Alistair Finlay will finishing answering Pat's question.

**Assistant Chief Constable, Mr Alistair Finlay:**

There is a whole number of factors around about community confidence. I think we are moving into a period over the next month where there is a number of events which may raise community tensions. Policing is prepared for that, we have plans and have been planning and keeping contact with community representatives to ensure, who have as deep an understanding as we have of the issues there and how we will approach them in order to keep the peace and keep people safe. Part of that confidence is also confidence that we follow through with criminal justice strategies and bring people to justice. To that end, next week will see the publication of us publicly going out with what we have now narrowed down to a final 28 images of people who were involved in disorder over the summer and they will be given to the media next week and we will seek assistance from the public to identify those people and bring them to justice. That is only after all other investigative means and ways of identifying people have been exhausted. So, I think there is a number of ways in which we can seek to engender confidence, but it is very important that we continue dialogue and that all people, not just policing, understands the tensions in the community and what can be done to reduce any tension as it arises in order to keep people safe.

It is always an issue after the summer about rebuilding relationships. There is always a situation, and in particular those areas that have seen disorder where relationships have been injured, hurt over that period of time and it does take a period of time to rebuild those. It does seem that in September we will have some challenges and maybe we are not going to get the same opportunities that we have had in previous years of the grace of rebuilding those, so we have to redouble our efforts. I think I will hand you back to the Chief Constable on that.

**Chief Constable, Mr Matt Baggott:**

Thank you. Pat's points. Just a reassurance first of all, there is no moving away from the ambition to deliver the finest personal policing in the world. You have the commitments, you have the thousands of victims being surveyed, you have the extra police officers on the streets, you have the checks and balances on their abstraction, all of that moves relentlessly and the survey work we are doing which we will be sharing with the Board, shows a very, very high level in satisfaction with the vast majority of people in the actions of the police when they come into contact with us. But I accept in some areas, for historical reasons and tensions and fears and all of that, there is still an issue of confidence in policing, which we will continue to work hard at.

The 2 issues I think which have concerned me over this summer, firstly is public order. The Northern Ireland scenario is very different from the one in England. England was widespread gang led looting aimed at gathering huge amounts of goods as quick as possible and running away, it was a new phenomena. The problems we faced over the summer here are very contained within specific neighbourhoods, but involve really deep seated problems of disadvantage between communities where the force is being used and the serious harm being threatened, both to those communities, but predominantly to the Police Service of Northern Ireland. The tactics have to be very different, and I am very pleased you asked the question because I needed to explain that publicly, so thank you for that.

The other issue is, I think the on-going problem of terrorism. The situation remains severe. As I said before, I can't speak publicly about individual cases and where they are in the due process, but we are subject to oversight by the Public Prosecution Service, by the Court Service in relation to those charges and to the Ombudsman's

Office and we simply have to continue to pursue and bring people to justice who continue to threaten the institutions in Northern Ireland.

**Chairperson, Mr Brian Rea:**

Thank you very much. We now move to the second issue, and it is a double issue really but hopefully it will be able dealt with together. We do have a third one but this issue I think may exhaust our time, and we do owe it to our guests, to our visitors who are all welcome today, to ensure that we start the next session on time, so this is due to finish in 15 minutes time, we'll do our very best, the subject is Loughlisland and McGurk's Bar and Caitríona Ruane.

**Ms Caitríona Ruane:**

Go raibh maith agat, a Chathaoirligh, agus táim fíorbhuíoch, táim sásta bheith anseo chun ceisteanna a chur ort.

I am very pleased to be here to put questions, very, very serious questions to you in relation to policing and we have heard from Debbie, from Pat, from Ryan from different people about the erosion of public confidence in policing for all the reasons that they mentioned, but to add insult to injury there are further areas that I would urge you to take on board. McGurk's Bar, Loughinisland, you know over the last number of weeks we have heard representatives from the Police Service making comments, comments that I would take exception to, they're defending in many cases the indefensible, they are shielding in many cases poor practice and human rights abuses of the RUC in the past. The problem is, this isn't just an issue for the past, families deserve truth. This isn't just an issue for the past, if we don't deal with these issues, , if we don't shielding informers and agents, if we don't stop giving honest answers as to why murder cars, the car that was used and driven by agents was destroyed whilst in RUC custody 10 months after a mass murder, if we justify why a Senior Investigating Officer in the RUC fails to even co-operate and meet the Police Ombudsman and explain what happened and if the PSNI, under your watch, support that in any way, well then we have a serious problem.

A couple of questions, they're all linked to the one. Do you think it is good conduct for a police officer to destroy a getaway car used in a mass murder? Could you explain why there was no disciplinary action taken against this? Would you accept that the approach taken by the PSNI to public defence of past policing, investigations into McGurk's Bar bombing and Loughinisland massacre has been seriously faulted? Do you accept if senior members of the PSNI, including Drew Harris, defend without question publicly and at Policing Board meetings, the competence and conduct of those who were involved in police investigations into McGurk's and Loughinisland, do you accept that that portrays the PSNI is shielding bad policing? Could you confirm are any police officers who were involved in the investigation into either McGurk's Bar or Loughinisland massacre, who have retired from the PSNI or have they been rehired in any way, call it consultants, call it by public agency or agency workers, or in any other way? There are questions to be answered here and the erosion of public confidence because these families deserve justice and to date they have not got justice.

**Chairperson, Mr Brian Rea:**

Thank you. Chief Constable, realising that some of these questions have been aired before, but can you deal with these in reasonable time please?

**Ms Caitríona Ruane:**

Sorry Chairperson, they have been aired before but I haven't got responses to them and there is just one further one. Could you confirm that at least one of those identified in the Loughinisland report, retired with a Patten severance earlier this year, that he has since been rehired as a consultant or agency worker or in whatever capacity by the PSNI? So, I would like if we could get some answers, because we have had many different meetings with you and to date I have got no answers.

**Chairperson, Mr Brian Rea:**

Okay, thank you. Chief Constable.

**Chief Constable, Mr Matt Baggott:**

I think there were 3 parts to that challenge, questions. I don't agree that, as I said before to my colleague on the Policing Board, that there is an erosion of confidence in the PSNI. I think there are difficulties for the PSNI sometimes in accounting for individual events and actions, because we cannot speak publicly about that until it

becomes a matter for court and due process and I look to politicians and Policing Board Members to support me in some degree in understanding the restraint and constraints I have under the law at not being able to speak about individual cases. I'm very happy for a challenge in relation to style and tactics of course, but there are issues where events get linked which are very, very separate issues indeed and our job under the law, which we are duty bound and legally and morally obliged to, is to follow evidence, to follow intelligence and there are very clear legal duties on us where we have to make arrests in relation to that. So, I don't accept that there is an erosion of confidence in the PSNI, in fact many people tell me and many people that my colleagues speak to and many people in the community have an excellent experience of the PSNI.

We are going to talk in a short space of time, about the immense work we are doing to protect vulnerable people. We rescued 6 people last week from people trafficking. We are doing incredible work with domestic violence. We are working in the heart of vulnerable communities when other agencies aren't fulfilling their obligations and the difficulty we have when we talk about individual events and arrests, we are dealing with matters where we are duty bound to follow a course of action where I cannot give a public explanation. But I don't accept, I don't accept that confidence in the PSNI is waning, although in some areas because of events and because of challenges there are real, real deep seated social issues which we need to collectively address.

In relation to the specifics you asked around Loughinisland, I am very much aware that that report has been taken to the Human Rights Committee and there are questions which have been asked, which will be answered in due course by my colleagues. But again, this is a separate Ombudsman's investigation. They have had their investigators dealing with these matters and it will be wrong of me as Chief Constable to second guess or comment upon the specifics that you ask because they belong elsewhere. But we are very, very open to bringing those issues to the Human Rights Committee and receive challenges on those.

In relation to the historical cases, you mention obviously the sadness of McGurk's, I am very much aware of the innocence of the victims in this, I have said so publicly. Let me take the opportunity to restate that again, I am unequivocal in that. Let me also be very clear that I wish that in the past, the standards of today had been applied then and often what we are talking about in this case is, it is very different standards of policing,

very different standards of forensics, very different standards of murder investigation and the judgement that is being placed today, is by comparing 30 or 40 years ago with the standards of today and I think we should be reassured that the standards have improved and that that is subject to far greater scrutiny. But can I say again, I know there are people here who have been hurting for a long time. I absolutely accept the innocence of the victims of that awful, awful atrocity.

I also acknowledge that our duty of care was not good enough. I also have acknowledged and I am sorry for the fact that the record was not put straight earlier, all that I have said publicly but as Chief Constable, I am legally, morally and duty bound to be strictly impartial. That means that I cannot be swayed in any way by making judgements when I am asked to endorse a definitive view of history or a definitive view, with many years having past, about people's actions, motivations and what happened. I have to be very strong with myself that I apply a strict test of evidence on that. That is not to disrespect in any way, political perceptions, it is not to disrespect in any way the concerns and the hurts and the perceptions of families who have their own view of what happened. But it would be wrong for our institutions and our constitution if I did not apply that strict impartial evidence test. What I have done in this case, as I promised to do, is to conduct a very, very thorough look again at the detail and I wish I could bring resolution to the families on this, I do and I am sorry that I can't, but in relation to 2 aspects of that report I'm afraid the re-analysis I have done still comes back with the fact that some of those findings, which were made by the Ombudsman and I respect that entirely, with my test of evidence I can't stand over those and I find them not proven.

But again, that is not a disrespectful thing to do and I do hope coming out of this will be a greater dialogue about the fact that when you look through the today's lens at events of the past, we must sometimes agree to disagree and respect each other. A very senior political figure, I was at a conference just recently in the evening with people who have been hurting for a long time made that exact point. When you apply today's standards to yesterday, when you look at motivations and actions of people who are no longer here to justify that, when you look at what they were dealing with at the time, sometimes you simply can't make a judgement on their motivation and you can't do that beyond reasonable doubt and it would be wrong of me to do that. So, again I am really sorry to the families that are here. I have sorry to the representatives for the failings

that I can stand over, what I can't agree with because it would be wrong of me to do so, is when I find some of the findings not proven because quite frankly looking back the evidence does not lend itself to reaching a definite conclusion. But thank you for asking me that question.

**Ms Caitríona Ruane:**

Sorry, Chairperson, my questions actually weren't answered and I really would appreciate an answer. Do you as Chief Constable think it is acceptable that the getaway car was destroyed whilst in police custody? Secondly, do you Chief Constable, think it is acceptable that a Senior Investigating Officer refused to even comply, refuses to even meet with the Police Ombudsman? Thirdly, why, why did the PSNI on 2 occasions despite being requested by the Ombudsman's Office, refuse to give the ballistic history of the weapons yet in other cases provided ballistic history and hides behind the shield of 'there are potential court cases'. I didn't get answers to my questions in the last few weeks and I still haven't got it today. We can have nice words and we have had lovely words from you but this is about policing now and we expect answers.

**Chief Constable, Mr Matt Baggott:**

Thank you for that and thank you for the clarity of the question. The first issue, against today's standards would we retain exhibits for longer because of the advances in forensic science, the answer would be 'yes'. Can I make a judgement call as to why that wasn't retained, the circumstances were different. But of course we would have wished to have retained that, I am not going to say otherwise. But we are looking at different advances in the way we do things, different scientific advances and I would invite my colleague to speak if he wishes to in a minute.

In relation to colleagues not giving evidence to the Ombudsman or former police officers, of course I do not stand over that. I think everybody is duty bound to provide support to an investigation and clarify what happened because that is owed to the families and is owed to the processes of justice. Is there a legal obligation for them to do so, the answer is 'no'. So, people are within their rights, within their human rights to choose not to and that is a matter for them as individuals to justify.

Forgive me, the third question.

**Ms Caitríona Ruane:**

Why did the PSNI on 2 occasions despite being requested by the Ombudsman's Office, refuse to give the ballistic history.

**Chief Constable, Mr Matt Baggott:**

Thank you. I don't think we can expect to have a live investigation with a serious case review being conducted and then be prepared to speak publicly about matters that may subsequently undermine trials. I would much rather that my Senior Investigating Officers were risk averse in relation to that than run the risk of undermining any potential bringing people to justice because we have inadvertently revealed matters that may subsequently become part of contention. So, I think your comments are a little bit unfair on that in relation to hiding behind, I don't think that's fair. That is a legal obligation and if you were to write to the Public Prosecution Service and seek their clarity on that, you may have an answer.

**Ms Caitríona Ruane:**

We'll agree to disagree on that and then there is also the question.....

**Chief Constable, Mr Matt Baggott:**

Could I invite you to write to the Public Prosecution Service on that and ask them for their view on that?

**Ms Caitríona Ruane:**

I will write to the relevant agencies today. You are here in relation to your responsibilities, but the other question I didn't get an answer to was 'could you confirm that there police officers who were involved in the investigation into McGurk's Bar or Loughinisland massacre who have retired from the PSNI and then being rehired as agency workers or consultants or whatever words you use for that practice'?

**Chairperson, Mr Brian Rea:**

If I could just remind us all that this will be your final response, we will be finishing in about 3 minutes time for this session.

**Chief Constable, Mr Matt Baggott:**

I don't have the detail of that. I am very happy to write to you on that and give you the detail. But suffice to say, there will be again legal constraints on the PSNI in terms of who we might choose to exclude from being re-employed as agency staff, because when people leave the PSNI they have the same human rights as everybody else which unless there are particular reasons in relation to the vetting process or findings of guilt in relation to misconduct or other matters, they have a human right to apply to become part of this organisation. We will respond to that but we do not have the legal duty or the legal means to say to somebody 'just because you served at that time, you are no longer able to move into a different part of your professional employment or development'.

**Chairperson, Mr Brian Rea:**

Thank you, Conall McDevitt wishes to make a very brief comment and then that concludes this session.

**Mr Conall McDevitt:**

Thanks Chairperson. I am trying to get to the bottom of how you see your relationship with the Ombudsman and it relates specifically I suppose to your response to the McGurk's Bar report by the Ombudsman.

You say that you can't apply in your mind today's tests to events that took place some 40 years ago, but yet you also say that you're under a duty to continue to apply an evidential test to everything that goes on. But can you point specifically to the duty that you are under which says that the Ombudsman does not remain the final arbitrator in matters where there are findings of fault against this Police Service or a previous Police Service or on matters of complaint?

**Chief Constable, Mr Matt Baggott:**

Thanks again. It is incredibly rare for me to have to take a position like this and as you will see from other Ombudsman's reports and indeed with enquiries, I have stood over the criticism and I have stood over the actions of police and the remedial things we need to do. But this specific report asks me personally as Chief Constable, to acknowledge something, so it was very different in relation to its format and its request to me and the Ombudsman himself made it quite clear to me that I would need to

satisfy myself with regard to some of those findings. So, it was a personal, it was a personal request or recommendation to me as Matt Baggott, Chief Constable, that is pretty unique in relation to Ombudsman's reports. So, I have a personal obligation to look at the aspects of that report which I did. That's why I conducted a very, very thorough review of that and may I say, I have no problems in the Human Rights Advisor to the Policing Board validating that and standing over it, okay. So, it was a unique set of circumstances and I would ask for peoples understanding.

I do think it is important in terms of the checks and balances that you do have an independent Chief Constable who is impartial. There are specific obligations in relation to the Oath of Office, there are specific obligations in relation to my duties to make sure I do that and do not become swayed by political influence or perception or indeed, stand over things where I cannot do that. I think that's very important to every part of Northern Ireland and every community in Northern Ireland, that you have a strong and independent Chief Constable who is both sensitive and measured in what I do and let me say again, if my response which I attempted to point out the complexity of looking again through the lens of the past, in any way upset the families, I am also very sorry for that because I have no desire whatsoever to add to people's hurts, but I do have to be strong in relation to my specific responsibilities in relation to that specific report.

**Chairperson, Mr Brian Rea:**

Thank you very much indeed and thank you Chief Constable and thank you Members for the questions which you asked and to the Chief Constable and PSNI for their response which they have given.