



Northern Ireland
Assembly

COMMITTEE FOR JUSTICE

**OFFICIAL REPORT
(Hansard)**

**Overview Briefing on the Policing and
Community Safety Directorate and
Related Non-departmental Public Bodies**

29 April 2010

NORTHERN IRELAND ASSEMBLY

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and Related Non-departmental Public Bodies**

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Members present for all or part of the proceedings:

Lord Morrow (Chairperson)
Mr Raymond McCartney (Deputy Chairperson)
Mr Jonathan Bell
Mr Tom Elliott
Mrs Dolores Kelly
Mr David McNarry
Ms Carál Ní Chuilín
Mr Alastair Ross

Witnesses:

Mr Ronnie Armour) Department of Justice
Mr Mark Goodfellow))
Mr David Hughes))
Mr Peter May))

The Chairperson (Lord Morrow):

I welcome Peter May, Mark Goodfellow, David Hughes and Ronnie Armour to the Committee. This is only our second meeting, so we are not that much ahead of you. We look forward to hearing your comments. I do not know whether you were here when he said it, but Mr McNarry asked whether you could tell us a little bit about your background and what you do.

Mr Peter May (Department of Justice):

We welcome the opportunity to brief the Committee and respond to questions that members may have.

I am a career civil servant. Prior to transferring to the Department of Justice (DOJ), I worked in the Northern Ireland Office (NIO). Prior to that, I worked at the Water Service and in the Office of the First Minister and deputy First Minister (OFMDFM). My background since leaving university is as a civil servant.

Mr Mark Goodfellow (Department of Justice):

Likewise, I am a career civil servant. During the past 10 years, I have worked in the Office of the First Minister and deputy First Minister, directly supporting the First Minister, deputy First Minister and junior Ministers. I moved across to the then Northern Ireland Office about six years ago, working on the policing and security directorate. I then moved across to the criminal justice directorate. I am currently head of the community safety unit.

Mr David Hughes (Department of Justice):

I entered the Civil Service in 2000, joining the Northern Ireland Office, where I worked in criminal justice, policing and the central services and political directorates. I am head of the policing policy and strategy division in the Department of Justice.

Mr Ronnie Armour (Department of Justice):

Like my colleagues, I am a career civil servant. I am currently head of the protection and organised crime division in the Department of Justice, a post that I previously held in the Northern Ireland Office for the past three years. Prior to that, I was acting chief executive for a period in the Compensation Agency. My career has been spent largely working in the policing directorate of the Northern Ireland Office as was and in the Prison Service.

The Chairperson:

Thank you very much, gentlemen. Mr McNarry, that was not entirely for your benefit, but it was a useful request.

Mr McNarry:

I appreciate that, Chairperson. I can see that there is a direct rule influence on the people who are

going to advise us.

The Chairperson:

Perhaps you might want to change that.

Mr McNarry:

Perhaps we will change that over a number of meetings. No matter, that was very helpful. Thank you, Chairperson, and thank you, gentlemen.

The Chairperson:

Gentlemen, I will hand over to you to go through your briefing, and perhaps there will be questions afterwards.

Mr May:

I want to build on the material that was circulated to the Committee ahead of the Minister's appearance last week, and, subsequently, in a note that was circulated at the beginning of this week, which set out in more detail the functions for which this directorate is responsible.

The directorate's role can be summarised in four ways. First, to support, resource and co-ordinate the work of a range of organisations in respect of policing, organised crime and community safety; secondly, to develop and implement legislative change in respect of policing, police powers and protection issues; thirdly, to deliver specific services or legislatively required functions in areas such as AccessNI, firearms and police pay; and, finally, to provide support to the Minister and the Department's board. The fourth division, the central co-ordination division, is headed by my colleague Declan McGeown, who is not at the table today, although he is with us. I am sure that you will see more of him in due course.

I want to draw out some of those different facets and give examples of the work that we do. Stakeholder relationships are an important part of our work. We are a sponsor Department and are, therefore, responsible for the resourcing and corporate governance of a range of policing organisations, from the PSNI, which is the largest of the Department's arm's-length bodies, to the Policing Board, the Police Ombudsman and a range of wider policing family organisations, such as the Police Rehabilitation and Retraining Trust. We also finance community safety partnerships (CSPs) through the community safety unit, and, indirectly, through the Policing Board's overall

budget, the district policing partnerships (DPPs).

We play a strategic role in setting long-term ministerial objectives for the PSNI, implementing the Minister's strategy and priorities for the Organised Crime Task Force and developing and implementing the community safety strategy for Northern Ireland. We also lead or work with other agencies to deliver a range of Northern Ireland-wide initiatives. For example, we work with others on community safety issues such as domestic violence, antisocial behaviour and domestic burglary. We contribute to a range of other Executive-wide initiatives on issues such as drugs and alcohol abuse, hate crime and the Safer Ageing strategy. We also work with partners who have operational responsibilities to ensure a joined-up approach to organised crime.

We would be responsible for taking forward any ministerially sought change to the current policing legislation, including the overall architecture set out in police Acts, any change of pace in Northern Ireland and subordinate legislation in respect of police pay and terms and conditions matters. We also have the legislative lead in areas such as the regulation of individuals seeking employment that involves direct unsupervised access to children or vulnerable adults, the security industry and the non-national security aspects of firearms and explosives.

The direct services that we provide largely mirror the areas for which we take the lead legislatively. Therefore, Ronnie's division has responsibility for AccessNI, which employs 66 people who, last year, delivered 147,000 certificates to people seeking employment that involves direct access to children or vulnerable adults. The Department also provides advice to the Minister on appeals received against decisions by the Chief Constable not to grant firearms licences where the grounds are not related to national security and on various approvals and appeal functions relating to policing matters, such as overseas secondments, chief officer appointments and injury benefit awards.

The services provided to the Minister and the Executive cover private office support, interface with the Assembly and the Executive, management of media relations and provision of media monitoring services to the Executive and a range of other bodies. There is also a central management unit, which co-ordinates a range of departmental responses on, for example, the departmental annual report, the departmental plan and our section 75 equality obligations.

Looking ahead to the coming 12 months, a key issue is likely to be police resourcing. The

pre-existing extra security funding and the Prime Minister's settlement with the Northern Ireland Executive on justice and policing means that a range of prior legacy problems have been addressed. However, there may be renewed or further pressure as a result of security incidents or following any decisions taken after an election.

In the coming year, the legislative change led by the directorate will focus on the integration of CSPs and DPPs into crime reduction partnerships, and a consultation is under way at present. The directorate is also looking at bringing forward proposals to consult on future police discipline misconduct cases and to modernise the system, taking account of the Northern Ireland-specific requirements that the Police Ombudsman provides for and the taking forward of any legislation required to update police injury on duty requirements following a recent court judgement.

The Minister will be looking at the approach to DNA retention following the introduction of the Crime and Security Act 2010, which was passed at Westminster immediately prior to devolution. It relates to the amount of time that DNA samples can be retained. Because of timing issues, the final decision on commencement falls to the Secretary of State, but any commencement requires the Justice Minister's agreement.

In the coming months, the directorate will also support the development of new ministerial long-term objectives on policing and a new community safety strategy for Northern Ireland, both of which need to ensure that those new objectives and priorities take account of the needs of Northern Ireland. It will also consider the targets to be set for the Organised Crime Task Force.

Importantly, the directorate will also play a role in taking forward the Minister's priority in relation to the justice contribution for the shared future agenda. Although thinking is still being developed in that area, it is likely that there will be a focus on interface areas and so-called peace walls, on hate crime and the programmes and structures established to tackle all types of that crime, and on supporting the Executive's efforts to focus on communities at greatest risk of paramilitary influence.

Finally, I must highlight that, as part of our liaison with the PSNI, we respond on behalf of the Executive to terrorist and other justice-related emergency matters, unless the severity is such that the lead is assumed by the Office of the First Minister and deputy First Minister. In practice, that means providing factual information to Ministers, co-ordinating relevant actions with other

agencies, assessing the resourcing implications and considering with the Chief Constable and others the wider non-operational implications of such events.

I hope that that run-through, together with the papers that have already been provided, gives a broad overview. We will be happy to try to answer any questions that you might have.

Mr Bell:

The papers that were issued to us make for very disturbing reading. There has been no improvement in the delivery of a regime to reduce reoffending or in rates of burglary, acquisitive crimes, domestic burglary and theft from vehicles. Furthermore, there is no improvement in revised policing structures and numbers or in rates of serious violent crime. Given that there is no improvement in any of those areas, what is the sense in revising policing structures and numbers unless they are being revised upwards?

The Chairperson:

Before you answer that question, Mr May, I must make you aware that we have a briefing paper of which you may not have had sight. I suspect that that is what Mr Bell is referring to.

Mr May:

The question was about policing resources and structures and the need to revise them upwards. The Chief Constable leads on policing operational matters. He will discuss those matters with the Policing Board in the first instance. The role of the Department comes into play when resourcing is at issue. The Chief Constable, with the Policing Board, would approach the Department about the annual budgetary round, and, inevitably, this year, the comprehensive spending review. We expect that, in that review, he will set out his plans for police numbers as one of the core constituents of the budgetary equation. We will then take forward the debate on the overall quantum of the police budget. However, the actual decisions about how that money is spent are not for the Department. We have an oversight and a corporate governance role to ensure that best practice is followed in line with Department of Finance and Personnel (DFP) guidance for arm's-length bodies, but we do not determine the numbers of police officers.

Mr Bell:

With respect, these figures come from the Northern Ireland Office autumn performance report — your performance report. You indicate that there is no improvement in serious and violent crime,

domestic burglary and reducing reoffending, and yet you are carrying out a review of police numbers in preparation for 2011. In respect of your review — not the Chief Constable's, but what you have responsibility for — will you recommend that police numbers be increased?

Mr May:

I do not have the NIO's autumn departmental report to hand, but I think that the reference is to a follow-up to work on police numbers that Her Majesty's Inspectorate of Constabulary did some years ago. As regards public service agreement (PSA) targets, Mr Goodfellow will talk about the work that has been done on domestic burglary.

Mr Goodfellow:

I will set the context for two of the specific issues that Mr Bell mentioned: domestic burglary and vehicle crime. As was the case last year, the key challenge in going forward is maintaining the very successful reductions that were achieved in the previous spending round. Those reductions equated to a 47% reduction in vehicle crime from the end of 2008-09 to where we were in the five previous years. Domestic burglary has decreased by 18% over five years. You are absolutely correct to highlight the challenge as we move forward, which is how we maintain those successful reductions. That is where the reference to no improvement comes in; it is against those reductions over the past five years.

Mr Bell:

The figures that I have received from the Northern Ireland Office contradict what you are saying. The document states that there has been a subsequent increase of 6.5% in domestic burglary. The figures rose from 6,871 incidents in 2006-07 to 7,351 in 2008-09. There is no reduction; there is an increase.

Mr Goodfellow:

Sorry; I apologise if I did not make that clear. The increase is over the past year or so. It is an increase against the baseline at the end of 2007-08. That is where the challenge lies. Mr Bell is right: there has been an increase in domestic burglary. The issue with car crime is that theft from vehicles has increased, but theft of vehicles has reduced. We are working with partners, including the police and others, and using media and information campaigns to address those issues. We recently started a campaign to ensure that the areas that suffer most from domestic burglary, such as Foyle and north and west Belfast, get home security packs delivered to their

doors, so that people understand what steps they can take to reduce domestic burglary.

Mr Bell:

I serve notice that we will be looking carefully at the next spending review for 2011. Given the increase in crime, I am sure that neither I nor the Committee will look favourably at any reduction in police numbers. Did you say that Mr Armour was responsible for Access Northern Ireland?

Mr Armour:

That is correct.

Mr Bell:

The public, particularly in Strangford, are really tied up in red tape. For example, we in Newtownards Congregational Church had, correctly, to register all of our youth workers properly. There was a backlog at AccessNI, and, until checks had been carried out, we could not let any of those volunteers work with children and young people, even though they would have been doing so for no personal gain. Before becoming an MLA, I was cleared to work as a social worker by Access Northern Ireland. I was licensed to practise by the Northern Ireland Social Care Council. Your Department would not let me work in the church until they had rechecked a check that I had already undergone and could prove that I had undergone. The Department refused. It said that I was entering a different organisation, and even though it knew me, had my national insurance number, knew that I was registered to practise and had been cleared by Access Northern Ireland, I had to be put through the same programme again, at a cost of £30 or whatever, to deliver the same result. Given the modern technology in this day and age, is that sensible?

Mr Armour:

I will address a couple of the points. You are quite right: in the first year of Access NI, we had a backlog, which was absolutely unacceptable, and I talked to a number of Committees about that. That situation has been corrected. For the past 12 months, AccessNI has been delivering consistently against its set targets; in fact, turnaround times have been better than that, and some 147,000 applications have been cleared.

You mentioned the duplication of checks. The Department implements the legislation as it is currently drafted. It does that in association with other Departments, including the Department of Health, Social Services and Public Safety (DHSSPS) and the Department of Education (DE). An

AccessNI check is currently as good as it is on the day that it is printed. If you were being checked today to work in a youth club, that check would be valid up until today. If you were to go to work for a different agency in six months' time, the AccessNI check would still only be valid up until today. That is why, at the moment, the second check is needed.

That issue will be addressed as the vetting and barring arrangements come on stream from July this year, when there will be continuous monitoring. That will address the issue of concern to Mr Bell. However, at present, that second check is needed. It is not good enough to say that a check was conducted six months ago. There must be a further check to establish whether there has been any change since then.

Mr Bell:

Examine that argument for a second: every day that I practised as a social worker in Newtownards, I had to be AccessNI-cleared. Therefore, having been cleared, and while I continued to practise, I was cleared on that particular day, yet your Department is putting all those people through an unnecessary second check.

Mr Armour:

It is not the Department of Justice that requires you, as a social worker, to be checked; it is the Department —

Mr Bell:

Yes, but I am asking you about points related to Access Northern Ireland, the agency for which you are responsible. The duplication —

Mr Armour:

AccessNI is only a delivery service. If the Department of Health, Social Services and Public Safety, for example, requires that an individual be checked for a number of different reasons, that is a matter for that Department. We simply provide the vehicle to have the individual checked.

Mr Bell:

I would appreciate it if you could leave me further details about the new vetting and barring arrangements.

I have one final point to make about a concern that I have regarding the 2009 report from the Northern Ireland Office. It said that the Police Service was noting a significant increase in serious violent crime. From our constituency experience, most of us know that to be true. The report goes on to say, almost in Civil Service speak, that the Police Service is trying to work out how much of the increase is due to new accounting arrangements and how much is due to an actual increase in serious violent crime. In light of Churchill's remark about "lies, damn lies and statistics", how will we get to the bottom of whether serious violent crime has, in fact, increased? Or is it the case that it has increased but that we need some sort of statistical gobbledegook to try to muddy that fact in a report?

Mr Hughes:

That issue arose more widely than Northern Ireland. Targets were set for serious violent crime, and offences that fall within that group were categorised. After the baseline had been measured and the counting had begun, the Home Office, which set the target for England and Wales, clarified what precisely would be counted. Police officers were instructed to count any incident in which there was intent to cause serious violent harm. Until that point, only incidents that resulted in serious violent harm were being counted. Thus, a distinction was drawn between the two. Consequently, early on, it looked as though there was an enormous increase in serious violent crime, because there was a very large increase in the number of incidents in which police officers felt that there was an intention to cause more serious violence. When the baseline was measured, some incidents would not have been counted; for example, an incident in which an individual threatened to take off someone's ear with a broken bottle but merely nicked the corner of the ear and did not cause any damage. After the change in the instructions on how to count, however, that incident would have counted, because the intent was to cause serious violent harm.

It boils down to the fact that some offences that would not have been counted previously now fell into the serious crime category. NIO ministers were proposing to address the matter in the same way as it was being addressed in England and Wales. They wanted to widen the category of serious violent offences beyond the most serious violent offences to include such offences as assault occasioning actual bodily harm. If the wider category of violent offences is counted, we can see that there is no disjuncture between most serious and less serious and intent and outcome. That is how the matter was addressed in England and Wales, and it was proposed that it be addressed in the same way in Northern Ireland. The figures that I have, which show the rates until the end of February this year, show a decrease of 1.9% in the larger category of violence

with injury.

Mr Bell:

That is interesting, because the figures to 30 September show an increase of 2,231 or 41.7%.

Mr May:

That is because of the problem with counting like with like and determining whether the inclusion of the intent category in the most recent year's figures led to the increase.

Mr Elliott:

Thank you for the presentation. Mr May mentioned the consultation that is under way on community safety partnerships and the district policing partnerships. First, I want to ask about the proposed amalgamation of the two — I call it an amalgamation, but you may have a different name for it; I think that it may be crime reduction partnerships. Is the Department of Justice or the Policing Board leading on that now? The DPPs are broadly responsible to the Policing Board, whereas community safety partnerships, which were responsible to the NIO, are now, I assume, responsible to the Department of Justice.

Secondly, do you envisage the process continuing even if the review of local government does not go any further? I am thinking of the reduction of the 26 councils to 11, which appears to be faltering somewhat. If that were not to happen, would the amalgamations go ahead? Your consultation document refers to 11 councils.

Mr May:

To be absolutely clear, the Policing Board leads on DPPs, because the fundamental role of DPPs is to hold local police to account. Any legislative change will be led by the Department of Justice, because that is the only basis upon which legislation could be brought before the Assembly. A steering group involving the Policing Board, local government representatives and others has been established, and I am its chairperson. It is looking at the integration of CSPs and DPPs, and its objective is to maintain the ability to hold local police to account through any changes that are brought forward.

You asked what would happen if changes are not made to local government. Before taking final decisions, the Minister will want to look at the outcome of the consultation. However, based

on an initial discussion with him, I believe that he would be minded to try to proceed with introducing the arrangements in this Assembly session as part of a justice Bill, if possible.

Mr Elliott:

Is it possible to provide us with details and names of the people on the steering group?

Mr May:

There should be no problem with that.

Mr McNarry:

It is inevitable that the inheritance factor and the associated NIO influence will run through our meetings until we see a positive status. Nevertheless, I wish you all well in your posts. My reason for asking who you are and where you come from will prove to be important to the Committee.

How much does policy and strategy follow directly from your work in the NIO? Can it correspond to a development that is fitted for the Northern Ireland Assembly? Do you envisage any dramatic changes during transition? I am thinking of the directness of the scrutiny of a Committee such as ours, particularly where it concerns your previous work.

In the paragraph on security, your briefing document states that the policing and community safety directorate sets about:

“ensuring emergency plans are in place to cope with terrorist incidents, managing the flow of information relating to such incidents and encouraging co-operation across the Executive in helping to combat Dissidents.”

How will the dissident problem be addressed, and how will those actions manifest themselves?

Finally, the same paragraph states that you will advise the Minister — I take it that that is now our Minister — on how best to assist, from a DOJ perspective, in developing the role of the Executive. Is there a change of mentality or attitude now that you are dealing with an Executive rather than with the NIO or a Secretary of State and his Ministers? What form will that advice take in assisting the development of the Executive’s role?

I am sure that that will all work its way through but, to me, it is very piecemeal at the moment. I appreciate that there is a transition and an inheritance. I was never in favour of this Department being set up at the present time. However, accepting that it is there, we have a Department of

Justice. As we wade through this, we are going to see a whole host of directorates and — my choice of words — bureaucracy and God knows what else. We then have the Chief Constable and the Policing Board. It seems to me that there will be demarcation lines. We are going to have to know where we are and where we are not. However, in view of your response to my colleague Mr Elliott, it seems that it does not matter who the legislation will affect, it will come here. Can you help me along with my questions? What type of work is going on in your directorate to facilitate the Assembly itself?

Mr May:

You ask a number of questions, and I will do my best to respond to each in turn.

You asked how much of the current policy and strategy has been transferred over from the NIO and how we would adapt to the directness of scrutiny. The Minister is currently looking at a potential addendum to the Programme for Government that might set out his priorities in respect of justice and policing matters for the period ahead. That document will be subject to consultation with the Committee and the Executive. To state the obvious, the Minister assumes a certain legislative base, and it is only by changing law that he can change that base. However, there is scope for him to make a significant difference in a range of policies and strategies. The community safety strategy for Northern Ireland is one of the strategies that the Minister wishes to develop in the months ahead. There is an opportunity to set priorities in respect of organised crime and to work with the agencies involved. There is scope to make a difference in significant areas.

You asked about the directness of the Committee's scrutiny. The Department is conscious that it is moving into a new environment. It wants to work within the right —

Mr McNarry:

Can I just stop you there? You said that the Department is very conscious that it is moving into a new environment. You have only been set up. You are in this environment. Is there a mentality that you are all recruited, that you have just shifted? You said that you are moving into a new environment. You are in it. You are not moving into it from anywhere.

Mr May:

I perhaps made the wrong choice of words. As you know, a number of us have previously worked

directly for the Executive and the Assembly, and we have an understanding of the importance of the different scrutiny arrangements that apply and of the directness of that scrutiny. I was trying to express the commitment that exists throughout the Department to try to ensure that we meet the requirements of the Committee and the Assembly. That is where I was coming from.

Mr Goodfellow:

It might be helpful if I share with the Committee some examples of how we already work closely with Executive Departments, particularly on community safety. The nature of the issues that we are charged with addressing will remain largely the same.

I think that the process by which we choose to deal with them will change. We now have the opportunity to take an even more inclusive approach than perhaps we have done to date.

Mr McNarry:

That would be useful.

Mr Goodfellow:

To build on that, I will give examples of the kind of areas that are cross-departmental issues in which we have some responsibility and work closely with other Departments. They include our focus on tackling domestic violence, which is led by the DHSSPS and DOJ jointly, as is our focus on drugs and alcohol. We work closely with OFMDFM, for example, to ensure that our strategies to address hate crime and older people's safety sit well with and complement, rather than confuse, 'Ageing in an Inclusive Society' and the racial equality strategy. Those are examples of when we work closely to deliver across Departments. We can develop them.

Mr McNarry:

That is helpful.

Mr May:

Mr McNarry also asked a couple of questions specifically about the Department's role in working with the Executive on dissidents, and so on. The Department does not have responsibility for national security matters, such as counter-terrorism legislation. However, the sense is that there is an opportunity with devolution to work more closely with Departments that have responsibility for wider social and economic policies, whether they deal with social regeneration, health,

education, or whatever, to create cross-cutting approaches that are designed to assist work in communities that may be at greatest risk of paramilitary activity from whatever source it may come. Our Minister will be keen to work with his Executive colleagues to try to develop approaches that will assist in that. There is currently no fully fledged strategy. That opportunity exists as a result of the transfer of responsibilities. We will seek to try to take advantage of that as we go forward.

Was your final point about demarcation lines with regard to legislation?

Mr McNarry:

Basically, you advise the Minister on how to assist in developing the Executive's role from your Department's perspective. I do not know what that means.

Mr May:

It is about trying to make the most of interventions in local communities, which often have a number of different dimensions. With regard to a shared future —

Mr McNarry:

I am reading that from the paragraph in which it appears, which refers to terrorist incidents and dissidents. Basically, that is why I asked about your expertise, values, etc. If you are tasked to advise your Minister on those issues, I want to know what advice you are giving him.

Mr May:

During the current policy development process, there is interaction with the Minister. Policy development is not done in separation from him. We are discussing the best ways in which we can draw together some of themes that I mentioned around social regeneration, education, and so on, in trying to take things forward. I will try to give you a concrete example.

Mr McNarry:

That paragraph states that the directorate also provides a focus for security-related issues. That is what I am trying to concentrate on. I understand that a shared future and all those other matters that you mentioned have a bearing on that. However, is that really what your role entails? It is probably not as I am reading it, which is that you have expertise in security-related issues and that you are competent in helping to combat dissident activity to the extent that you advise the

Minister in how he can help the Executive.

Mr May:

Let me be clear: that works in a range of different ways. Some of them are specific and fall within the Department's remit. For example, dissidents benefit from organised crime. Therefore, work with the Organised Crime Task Force has an influence. Clearly, the issue of police resourcing, which we already discussed, and ensuring that police have adequate resources to perform their part in a robust criminal justice strategy that will lead to the arrest, charge and conviction of people who are responsible for terrorist crimes is another central part of the Department's role.

Mr McNarry:

Therefore, if anyone in the Committee were to ask you or any of your colleagues what you are doing to round up those dissidents and to bring them in front of the courts, the answer is that it is not your bailiwick.

Mr May:

We do not deal with operational matters. The police deal with operational matters, such as the actual criminal justice process. Our responsibility includes resourcing, helping to co-ordinate the work of the Organised Crime Task Force and, as I have been trying to explain but, perhaps, not as effectively as I should, social and economic programmes and trying to take advantage of that approach, including interface areas, and so on, where there are ongoing problems.

Mr McNarry:

I have got that. However, I am not sure how much use you would be when certain questions about the activity of dissidents cause us concern. Nevertheless, I understand where you are coming from.

I have a final, minor question. Do you work or have anything to do with the Attorney General's office?

Mr May:

Not directly. The Attorney General's office is being established by the Office of the First Minister and deputy First Minister. I do not have any dealings with the Attorney General's

office.

Mr McNarry:

Will your part of the Department have any dealings with it?

Mr May:

I am not aware that it will have any direct dealings with it. Issues may come up that I am not currently aware of, but we have no relationship with it at present.

The Chairperson:

Are you happy enough, Mr McNarry?

Mr McNarry:

I am grateful to you for allowing me to put those questions. Thank you.

Ms Ní Chuilín:

My question is about the NIO autumn performance report, which is part of the research paper that was referred to earlier and refers to levels of confidence in policing in all communities. Levels of confidence seem to be dropping rather than increasing, and that is not good. I understand the question that Tom Elliott asked about the consultation. When is the consultation due to end?

Mr May:

The current date is 6 May. However, the Minister is about to announce that that will be extended by a few weeks.

Ms Ní Chuilín:

Resources will be allocated to improve community safety, particularly for engagement with the police. How are those resources allocated? What indicators or criteria are used to allocate those resources for community safety partnerships?

I am sure that the Committee will let you have a copy of the NIO autumn performance report if you do not have it already. Under the heading:

“Policing with the Community: An inspection of policing in the community”.

the CJINI publication refers to:

“Significant challenges ahead to implement the critical dimensions of community policing.
... more effective call management and making community policing central to the work of every police officer.
Policing with the Community not regarded as the core function for every police station.”

Will you comment on that extract?

I understand that you do not have operational responsibility for the PSNI. However, how will that feed in to the promotion of community safety, for which you do have responsibility? How are the resources designated and what are the criteria? Are they compatible with your duties to implement section 75, given the three areas that you have just outlined about increased crime, which were north and west Belfast, and Derry city?

Mr May:

Mark can say more about the allocation of money to community safety partnerships. However, a series of different factors is taken into account, including population, deprivation and recorded crime in an area. Mark may want to build on that and flesh it out a little.

Ms Ní Chuilín:

Sorry, did you say reported crime?

Mr May:

Recorded crime.

Ms Ní Chuilín:

What is the difference?

Mr Goodfellow:

Recorded crime. The funding formula by which we allocate funding to community safety partnerships is, as Peter said, based on a strategic assessment that is carried out by local community safety partnerships, which should involve all members of the partnerships. They will submit action plans, which will include specific projects to target specific policy areas, whether that is antisocial behaviour, hate crime or other areas. The funding formula is split with 25% of

the basic amount being allocated to each of the 26 CSPs. Thereafter, it is subdivided by population, deprivation and recorded crime, and each of those issues receive variances with the smallest area — Moyle — receiving an annual allocation of approximately £40,000 and the largest area — Belfast — receiving an allocation of approximately £400,000.

Mr May:

Around half of the money the community safety unit spends goes directly into community safety partnerships. The rest goes on a series of regional initiatives that range from antisocial behaviour to domestic burglary and car crime.

Mr Goodfellow:

The current spending round allocated £18 million to community safety. Of that, £9.5 million went directly to community safety partnerships and the remainder went to regional priorities such as antisocial behaviour; domestic violence; hate crime; the safety of older people; car crime; and domestic burglary.

The Chairperson:

What is your view on the levels of antisocial behaviour in Northern Ireland?

Mr Goodfellow:

Last year, there were approximately 87,000 recorded incidences of antisocial behaviour. That is high, but it is actually a 17% reduction on the 2007-08 figure of approximately 100,000 incidences, against which the Department is trying to deliver a 15% reduction by next year.

The Chairperson:

Your answer surprises me. I have just received figures that show the number of current anti-social behaviour orders (ASBOs) to be very low, with a total of 39 issued and none in the west of the Province. Do you see a conflict between those figures and what you have just said?

Mr May:

ASBOs are only one of the means by which antisocial behaviour can be tackled. There are a range of steps designed to avoid people coming into contact with the criminal justice system by making them change their behaviour before an ASBO becomes necessary.

Mr Goodfellow:

The Department's approach to antisocial behaviour is not to issue ASBOs unless it is absolutely necessary. An ASBO is one tool in the toolkit, but it is a tool of last resort. The Department's focus is primarily on prevention through a range of programmes such as neighbourhood watch schemes, town centre CCTV and clean neighbourhood programmes. However, it does recognise that when antisocial behaviour cannot be prevented, intervention can be used. Diversionary programmes such as the Northern Ireland Summer Splash scheme are also in place, but if those do not work and there are a number of incidents, the Department needs to have enforcement measures available.

ASBOs sit at the far right extreme of those enforcement measures, and a number of other measures such as warning letters and acceptable behaviour contracts are used before they are issued. The number of those interventions is significantly higher than the numbers of ASBOs.

The Chairperson:

Therefore, only 39 cases merited taking the ultimate action from the 80,000 incidents of antisocial behaviour?

Mr Goodfellow:

Many more individuals were issued with warning letters or acceptable behaviour contracts which stopped it getting to the point of issuing an ASBO.

Mr May:

An ASBO can be requested only by certain agencies. The Department is not the requester; it is for the PSNI or the local council —

Mr Goodfellow:

The PSNI, local councils and the Housing Executive are the three designated agencies that can apply for ASBOs to be issued.

The Chairperson:

Mr McCartney is next for a question. Were you finished?

Ms Ní Chuilín:

Yes. Thank you.

Mr McCartney:

I thank the witnesses for their presentation. I know that some of the witnesses previously made presentations to the Assembly and Executive Review Committee. At that time, questions were asked about the state of readiness and preparedness for the transfer of powers. Are you satisfied that the process of transfer has been seamless?

Mr May:

Yes; it has gone smoothly.

Mr McCartney:

Mr Armour, page 9 of your submission to the Committee refers to operational issues and, although the Department has no operational role, it deals with a range of issues. Can you give me some insight into the role and function of the Department on the issues of “public order,” “less lethal weaponry” and “police liaison”?

Mr Armour:

We liaise with the police on public order. For example, we liaise with the police on its state of preparedness coming into the summer months, when public order issues may be more likely to arise and, in turn, we brief the Minister. The Department also has responsibility for the operations room, which allows the Minister to have a direct link into the PSNI Gold Command. The Minister can talk to police officers there and be briefed by them as public order situations develop.

You will be aware of the Patten recommendations on less-lethal weaponry and the fact that, following the Patten report, a UK-wide steering group was appointed to look at the issue of less-lethal weaponry by increasing the public order equipment that is available to the police and finding an alternative to the baton round. My division led on that area until it was felt that the Patten recommendations had been implemented, and it is represented on that steering group to look at public order equipment throughout the UK.

I am sorry, what was the third issue that you mentioned?

Mr McCartney:

It was police liaison.

Mr Armour:

We will liaise with the police. The PSNI will advise the Minister on a range of issues, ensure that his briefings are up to date and that he has access to the Chief Constable and his senior command team so that he is kept fully informed about what is happening at any particular time.

Mr McCartney:

Your briefing paper also states that a minimum of 20% of the funding has to come from other sources. Have you been successful in achieving that, and what is the range of sources? Can you provide some insight into your relationship with other Departments on the issues of domestic violence, drugs and alcohol and car crime?

Mr Goodfellow:

A requirement of 20% match funding is placed on CSPs to ensure that we maximise the investment in community safety. Therefore, the total allocation that comes to the community safety unit is significantly less than the total investment into community safety across Northern Ireland.

We have overachieved in our success, and we have found that a signal of intent from the Department of Justice to invest against a priority area will often lever in much more than 20%. The key statutory agencies with which we work and which contribute to match funding include the PSNI, the Housing Executive, district councils and the Policing Board. That can come by way of hard resources or by way of contributions in kind, but the majority of projects attract closer to 50% match funding.

You mentioned domestic violence, drugs and alcohol and car crime. Domestic violence is a joint policy responsibility between the Department of Health, Social Services and Public Safety and the Department of Justice. A joint five-year strategy was developed between the two Departments, and we work very closely together. I am the joint chairperson of the regional strategy group on domestic violence with my counterpart in the Department of Health, Social Services and Public Safety. The regional strategy group includes not only the statutory agencies

but, importantly, voluntary and community sector representatives. That ensures that the third sector has a genuine role in helping to develop policy moving forward.

The same applies to the area of drugs and alcohol. The Department of Health, Social Services and Public Safety is the lead Department for the new strategic direction for drugs and alcohol, which is included in that five-year strategy. As part of that, we have responsibilities to deliver against the justice elements. That includes three drugs arrest referral schemes, which are located in Derry, Belfast and Ballymena.

The third issue that Mr McCartney raised was car crime. We work closely with the police, CSPs and DPPs to target local hotspot areas and seasonal trends, of which theft of satnav systems was the most recent spike in reported crimes. We take that campaign beyond the statutory agencies, and we are now involving retailers. Major retailers, such as Halfords, are working with us to help to get those crime prevention messages out.

Mr McCartney:

What provision has been made in the Department's budget for extra scrutiny, such as answering MLA's questions? Before the devolution of policing and justice, MLAs could not ask questions for oral or written answer on such matters. Are extra staff now involved in that, and is it a particular problem?

Mr May:

The only additional arrangement was the creation of an Assembly section, which is part of the Minister's office, to co-ordinate any business that the Assembly brings. However, no extra resource or money was given to the Department to fund a post to deal with questions for oral or written answer. We will do that as part of our normal business.

Mr Ross:

I have two questions. The dissident threat, which is one of the more headline-grabbing types of organised crime, remains a reserved matter under national security. However, is the Department fitting in and working with its counterparts in the United Kingdom on a UK-wide approach to tackling other types of organised crime? As a member of the Environment Committee, I know that illegal dumping and fuel smuggling, two types of organised crime, are big issues in Northern Ireland. Is the Department also fitting in and working with its counterparts the Irish Republic on

a cross-border approach?

Mr Armour:

You probably know that the Organised Crime Task Force operates on a three-tier basis. I must say that co-operation with colleagues in the Irish Republic and, indeed, in the rest of the UK, is excellent. We are also increasingly linking into what is happening throughout Europe with regards to organised crime trends. The Organised Crime Task Force effectively brings together all the key stakeholders, be they from the OFMDFM or the Department of Justice. You mentioned illegal dumping, which the Department of Environment is involved in. The Organised Crime Task Force brings together the law enforcement agencies, which allows a co-ordinated approach to address the types of issues that you raised.

You also mentioned the issue of fuel fraud and the cross-border dimension. In recent years, we established a cross-border fuel fraud group that brings together the law enforcement agencies from here with colleagues from the gardaí, the Criminal Assets Bureau, HM Customs and Revenue and Irish Tax and Customs. That has been extremely successful. We recovered more than one million litres of illegal fuel in the past year. There have been a lot of developments. The level of co-operation is excellent at the moment.

Mr Ross:

OK. Finally, the Department's paper states that the other policing considerations requiring early attention are the outstanding issues from the Hillsborough agreement. Will you give the Committee an idea of where we are in respect of the part-time Reserve payments and the police museum? When will the Committee hear how those plans are progressing? When will the Department be in a position to give the Committee any details about that?

Mr May:

Ring-fenced funding of £20 million has been provided for the part-time Reserve gratuity and £5.5 million has been provided for a police museum. We will discuss the approach to be taken with our Minister and will fully involve the Committee as we take that forward.

Mr Hughes:

Paul Goggins, the NIO Minister, wrote to the Minister shortly after devolution to set out the position, as he understood it, about funding and the issues that were raised. Those are matters for

the Minister's consideration.

Mrs D Kelly:

I trust that the Committee received my apologies for arriving a bit late this afternoon. I am sorry that I missed part of your presentation. I wish to pick up on a couple of issues, including community safety. Obviously, prevention is much better than cure and treatment. I am interested to know what input the Department has had to the anti-poverty strategy. How does the Department's staffing complement compare with similar Departments of other devolved Assemblies?

I want to look at the issues of the legacy branch, which is dealt with in sections 4 and 5 of your submission. You said that you act as a point of contact with the UK Government in respect of certain European Convention on Human Rights issues. Presumably, that concerns the ongoing investigations of the Historical Enquiries Teams (HET) into alleged shoot-to-kill incidents in my constituency. Will those reports be given to the Secretary of State or the Minister of Justice? What is the interface there?

Traditionally, the Policing Board and the police sent business cases to the NIO. It then took a considerable length of time to make a decision, and there are different views about where the hold-ups lay in the assessment of those business cases. I do not know whether the business case for mobile device data, for example, was ever signed off by the NIO or whether it will be signed off in the near future. Another example is the Police Ombudsman's request for additional funding to look at historical cases and legacy issues, which I think has been with the NIO or the British Government for three years.

Mr May:

You asked a range of questions. I will answer some of them and then invite Mark to talk about prevention and community safety and David to talk about the HET.

The Department of Justice is responsible for approving business cases above the PSNI's delegated limit. The Department will need to seek the approval of the Department of Finance and Personnel about its delegated limit. It may well be that two Departments must approve business cases going forward.

We have worked intensively with the PSNI over the past six months to try to increase understanding of what needs to be in a business case to speed up the process at our end; ensure that the process runs as smoothly as possible by getting it as right as possible at the beginning; and ensure that there is no undue delay in the clearance of business cases. We have had some success in that regard but, obviously, we need to keep a close eye on it. Mobile data has long been approved, and there are currently a number of other business cases.

Mrs D Kelly:

How many business cases are outstanding? That is a critical issue for speeding up justice.

Mr May:

Perhaps I could write to the Committee with the precise details of how many business cases are outstanding, but you will understand that they come and go reasonably regularly.

We have been in discussion with the Police Ombudsman's Office about the funding requirement that will enable it to look into historical and legacy cases. We will discuss the relative priorities of funding going forward with the Minister. You will be aware that the Department of Justice is entitled to a certain amount of end-year flexibility as a result of the Prime Minister's settlement letter. The Minister will look at his priorities across the piece, but we aware that historical and legacy cases is one of the high-profile issues.

I am not best placed to respond to your question about the numbers of staff in the organisation. Colleagues who will be in front of the Committee later may be able to say more about that but, if not, we will write to the Committee with details of how we compare with other Departments. I now invite Mark to say something about community safety and prevention.

Mr Goodfellow:

I highlighted some examples earlier, which I am happy to share with you. In general terms, our approach to community safety, and issues such as domestic violence, hate crime and the safety of older people, is thematic. It concerns prevention, by recognising that we must try to prevent incidents happening, and intervention, by trying to take people away from that course. If that does not work, we must ensure that there is a combination of support for victims and enforcement and legislative provision.

It may be helpful if I give an example of our approach to hate crime.

Some of the preventative work that we have in place is educational. Campaigns such as Unite Against Hate seek to get the right message out there. It has secured some high-profile support from a number of sporting organisations and others. That is one example of the prevention work on hate crime. Recognising that incidents will happen, we have to make sure that there is practical support for victims, so there is a hate incidents practical action scheme. If someone is a victim of hate crime, their case can be prioritised. Within 24 hours, a safety plan and physical measures can be put in place to prevent such an incident happening again.

Finally, there is enforcement. Where an incident has been aggravated by hostility, that increases the seriousness of the offence. That is one small example, but I am very happy to follow it up.

Mrs D Kelly:

It might be useful to look at the domestic violence strategy at some point. This morning, I attended the funeral of a young woman who took her own life, and there were allegations of domestic violence immediately prior to that. Given that a number of women have been murdered in cases in which there may well be some concerns about domestic violence, that type of violence ought to be a priority for the Committee and the Assembly.

Mr Goodfellow:

Absolutely; we would welcome that. On average, there are six or seven victims of domestic homicide in Northern Ireland every year, which is six or seven victims too many. One of the most recent initiatives that we put in place across Northern Ireland is the multi-agency risk assessment conference (MARAC). That is now in place across the eight police districts in Northern Ireland, and over 300 people who are deemed to be at the most serious risk of domestic violence and/or homicide have been referred to MARAC. MARAC is a high-volume, quick process through which a case is heard by all of the statutory and voluntary agencies that have any information to bring to bear, and a safety plan is agreed and developed in a very short space of time. Of the 300 victims who have gone through the MARAC process already this year, two have experienced repeat victimisation. That is two too many, but it indicates that the safety plans are working for those victims.

The Chairpersons:

We will stop there. I thank the witnesses most sincerely for coming here today and giving us a briefing. I have no doubt that it has been of great benefit to members. I am sure that our paths will cross again some time.

Mrs D Kelly:

Perhaps the witnesses would like to answer one of my questions; I know that they were preparing the answer. It concerned legacy issues and the interface with the European Convention on Human Rights.

Mr Hughes:

I am happy to write to you on that.

Mrs D Kelly:

Thank you.