



Northern Ireland  
Assembly

Committee for Justice

# OFFICIAL REPORT (Hansard)

Policing Issues: Briefing by the Chief  
Constable

19 September 2013

# NORTHERN IRELAND ASSEMBLY

## Committee for Justice

### Policing Issues: Briefing by the Chief Constable

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**Members present for all or part of the proceedings:**

Mr Paul Givan (Chairperson)  
Mr Raymond McCartney (Deputy Chairperson)  
Mr Sydney Anderson  
Mr Stewart Dickson  
Mr Tom Elliott  
Mr William Humphrey  
Mr Seán Lynch  
Mr Alban Maginness  
Ms Rosaleen McCorley  
Mr Patsy McGlone  
Mr Jim Wells

**Witnesses:**

Chief Constable Matt Baggott	Police Service of Northern Ireland
Mr David Best	Police Service of Northern Ireland
Deputy Chief Constable Judith Gillespie	Police Service of Northern Ireland
Assistant Chief Constable Mark Hamilton	Police Service of Northern Ireland

**The Chairperson:** I formally welcome the Chief Constable, Mr Matt Baggott; Deputy Chief Constable Judith Gillespie; Assistant Chief Constable (ACC) Mark Hamilton; and Mr David Best, who is the director of finance and support services. You are very welcome to the meeting. We do not want to overlap with what the Policing Board does; it obviously has its role and duties. We appreciate that you started this initiative of meeting us, whether annually or biannually. This is an opportunity for us. Obviously, there are some current issues that we will want to discuss, but I just want to indicate that I appreciate you being able to come to the meeting. The meeting will be recorded by Hansard, and a transcript will be published in due course. Chief Constable, I invite you to make an opening statement.

**Chief Constable Matt Baggott (Police Service of Northern Ireland):** Thank you, Chair and Committee members for the opportunity to address you today. It is a very timely opportunity. The service faces some major resilience challenges, and you have the budget paper in front of you. That is a fairly fast-moving agenda for us. Clearly, it is linked to our ability to recruit, and recruitment is quite important to our resilience over the next two years. So, it is a timely discussion.

There are things taking place between us, the Department of Justice (DOJ) and the Northern Ireland Office to work out the policing resources that we need over the next few years. With the events of the

past year, growing public expectation around policing in the community and new areas of business being opened up, particularly around the vulnerable, it is a very timely opportunity to have some of those discussions.

There are some issues about the here and now that are of public concern, and that I know that you will want to discuss those, Chair. We value the opportunity to clarify some of the things that we are doing around child exploitation. That is a critical issue and one in which there are huge opportunities for the caring agencies to do something very innovative and on the front foot, particularly for the small number of incredibly vulnerable young people. This is a valuable opportunity to talk about how those arrangements can be taken forward and some of the initiatives we are taking. I know that members will have other issues of concern, and this is a very good opportunity to raise those.

Thank you very much again. The meeting is very timely, and there are some critical areas, particularly around resources and the vulnerable, to be discussed. I invite you, Chair and Committee members to ask the questions that you want to ask.

**The Chairperson:** OK. It is very refreshing to go straight into questions without a lengthy statement.

Mark, you are very welcome. I did not get the opportunity on Monday to congratulate you on your appointment. Congratulations to you.

**Assistant Chief Constable Mark Hamilton (Police Service of Northern Ireland):** Thanks, Chair.

**The Chairperson:** We will start with the budget. The paper that you provided highlights some concerns about the resilience of the organisation in the future. A figure of £40 million has been talked about as the cost of the number of officers that you are going to have. That may have an impact on the ability of the police to do its job. Will you talk to me a little bit about how you see the financial constraints on the organisation going forward?

**Chief Constable Baggott:** Thank you very much. As you will see, in the past couple of years, and certainly during the next couple of years, we have to find £135 million in efficiency savings. That is our responsibility; it is no different from any other part of the public sector. We take it very seriously, and we are committed to doing that. As you will have seen from the medium-term resource plan, sustaining the level of resources that we think we will need of just under 7,000 warranted officers who can be used in a variety of ways — that is the minimum for us — will create a significant budget gap difficulty for us. You will appreciate that our money comes from a number of sources. It comes from the Treasury reserve in London, which tops up our funding. That is in recognition that, post Patten, the numbers of people had dropped too low to deal with the threats. It also comes from our baseline budget. The figures quite clearly show that, because most of our resources are tied up in people, meeting the budget gaps, even with the efficiency savings that we are making, will have some significant implications on police numbers.

We have a programme of significant efficiencies planned, and I am quite happy for the Deputy Chief Constable and David to talk you through those. We are working alongside KPMG on a programme called Service First, and we are exploring every area of our policing business, including contracts and everything else to try to bring the base budget down by creating cash efficiencies. You have my assurance that that work will continue relentlessly. To make an argument for more, you have to first show that you are doing the best with what you have. We have been very open about that. That work on efficiency continues.

We plan to work with a reduced number of police officers. We cannot rely on the Treasury, and we are very mindful that there are pressures on everybody at the moment, particularly with the next comprehensive spending review (CSR). Our efficiency plan is to close the budget gap, but the implications of that could be a significant reduction in police numbers. I am not going to put a precise figure on that, but if you look at the gap, you see that it equates to something in the region of 500 to 600 police officers. Those police officers are leaving now through natural wastage and, because of the uncertainty, we cannot commit ourselves to a recruitment programme apart from the initial tranche of 100. As an accounting officer, I cannot commit to something that I cannot pay for. So, at the moment, we are on a downward path as far as police numbers are concerned. I am concerned about that, because the organisation that was envisaged by Patten was a minimum of 7,500 police officers, and just 12 years ago, we were 13,000 strong.

Expectations of neighbourhood policing are now greater, and quite rightly so. We have been full advocates of that. However, we now have to deal with new emerging issues of serious harm. We have issues of organised crime — there is a debate going on about the National Crime Agency (NCA), and we may have to work at what we do with or without that agency. There are also issues about growing opportunities; child exploitation being one of those, and the monitoring of sex offenders. All of that is new business for the Police Service. So, the numbers are dropping but the expectation is growing.

Alongside that, although a huge amount is being done, we are still, sadly, in a volatile situation. The costs of policing the disorder since 1 April have been £15.5 million in cash, and that does not include the opportunity costs of taking people away from their ordinary duties. We are still in a period of severe paramilitary threat, have volatile public order situations and have new demands and greater expectation, but the level of policing is dropping to 6,200. I can make a comparison to my previous role in England and Wales. The start point of the drop in police numbers here was significantly in advance of those in England and Wales. I will give you a comparator: when I was a deputy in the West Midlands, for example, I had 8,000 police officers. If they were in the same position that we are now, they would have about 4,000. That has not happened, and our demands and threats are far greater. I am anxious about that. We will, no doubt, have some challenging conversations about some areas of our business later, but one of the great success stories has been the continual reduction in serious harm and serious crime, particularly burglaries and robberies and the issues that affect people in their neighbourhood alongside being able to deal with what is still a fairly volatile security situation.

At the moment, our plans are to be realistic. We plan, through our efficiencies, to meet the budget. We have also done a six-month review of our resilience, which is a piece of work to look at the options around the numbers and try to be realistic about the number of police officers that we think we need. We are unanimous on that, but we think that the drop below 7,000 warranted officers would create an enormous strain on the organisation to fulfil those obligations. Because of the strain, we are now seeing a rise in sickness, welfare issues and overtime costs, and there are implications for an organisation that is under increased stress and strain.

You will know, Chair, that, for the first time ever, this year, I requested and brought over 1,000 police officers from England and Wales. I did not do that lightly. I do not want to make that part of normal policing here. It was an exceptional period of demand and, to be frank, I think it was fully justified. The danger is that, the more you drop in your own establishment, the likelihood of having to use short-term assistance from elsewhere becomes a greater possibility. I am nervous about that as well. I do not want to get into the habit of bringing in large numbers of police officers from elsewhere. There are risks inherent in that, although, that said, from the G8 conference and over the summer, the feedback that I have had is that they performed very well and very professionally. However, it is important that we have a discussion about our establishment. That is the approach, Chair. I am not scaremongering; I am not in that business, but I have a responsibility to start a debate about the level of policing and the resources that we need in a mature way.

Finally, part of my challenge has been that I think we need to coordinate a lot tighter and create a common understanding of the threats, risks and demands across the different bodies that are accountable for my funding. At the moment, I have a Policing Board that, quite rightly, holds me accountable for value for money and monitors the budget. I have a Northern Ireland Office that negotiates with the Treasury reserve for money, and I have a Justice Minister who negotiates with the Department of Finance and Personnel (DFP) for the long term. It is really important that we join up in a much tighter way. I have also challenged and said that, at the moment, I do not have reserves, carry-forwards, borrowing or precept powers. We have nowhere to go to relieve some of that short-term pressure except by persuading those who provide the grants to do that. There is a bigger debate about the long-term funding regime within which the PSNI has to operate.

**The Chairperson:** On the resilience issue, as things stand, you are looking at a trajectory to take 500 or 600 officers out of the organisation?

**Chief Constable Baggott:** Potentially.

**The Chairperson:** Without the firm commitment to say that your baseline budget will be an additional £40 million or that ballpark figure, is that what you need to address that gap and to maintain a service at around 7,000 officers?

**Chief Constable Baggott:** Yes. Some of that will close through even more efficiency. We are pretty ruthless on that, but that is about right.

**Deputy Chief Constable Judith Gillespie (Police Service of Northern Ireland):** I will add to that. Obviously, we still need to be as efficient as we can be. The plan through Service First is to deal with the immediate loss of officers that will inevitably happen through natural wastage. Whatever we do right now, officers are retiring and leaving the PSNI. So, our numbers will drop, even with the current recruitment campaign, which will not bring new student officers in until March next year. Our numbers will inevitably drop over the next few months. We have to plan to deliver a service with fewer officers in the short term.

However, having made this bid in the resilience review through the Policing Board to the Justice Minister, our hope is that, if our baseline budget can be increased to allow us to have 7,000 police officers, we will be able to show the added value that freeing up efficiency savings will have in respect of allowing us to deploy police officers to more productive and proactive roles that they may not be doing at the moment because we need to make those efficiency savings.

I want to make it clear that this is not simply about keeping business as usual and always doing what we are doing now. It is much more about freeing up those officers who we think can be freed up from less productive functions and showing how we have used efficiency to add value through the extra funding that we hope will be forthcoming.

**Mr David Best (Police Service of Northern Ireland):** I will also add to that. I refer you to the first table on the first page, which shows the £135 million of efficiency savings. We had £20 million in the first year. So, we achieved that; in fact, we overachieved on that. As you can see, it increased quite significantly in the last two years to £45 million and £47 million. We are on target to achieve over £40 million of savings this year and the same next year. So, although the paper shows pressures in 2013-14 and 2014-15, those are new pressures that have arisen. We are delivering the savings that we were asked to achieve. We plan to continue to deliver those savings in the future.

**The Chairperson:** You mentioned the cost of dealing with parades and protesting, which we will get to. It will be a distinct theme of the discussion, so I do not want to get into that yet. However, there are pressures on the budget this year that the Department has said it wants you to absorb initially within your current resources. Is that possible? Will you be able to absorb the current pressures that you face around mutual aid, the Historical Enquiries Team (HET) and the costs that have arisen over the summer? Realistically, will you be able to —

**Chief Constable Baggott:** I guess you can absorb any financial pressure, but it comes at a price. The price is police numbers. We are working through how we can create still more efficiencies to close that gap. However, at the moment, they are unexpected pressures. We have some limited reserve that we can use. The difficulty, of course, is that that does not reduce your baseline costs sufficiently for the following year and the following year.

**Deputy Chief Constable Gillespie:** It is fair to say that the extent of the pressures is unprecedented. In the past, we had in-year pressures that we flagged up to the Department and we've been able to absorb through making savings or pulling back on areas like overtime or contract management. We have managed to come in on budget for the past 12 years. However, this year, the extent of the pressures is so great that we predict very considerable pressures towards the end of the year that will be almost impossible for us to manage from within PSNI resources. Of course, we will do our very best to reduce those pressures, but it is almost beyond our gift given the scale of the pressure right now.

**The Chairperson:** Do any other members want to come in on the more general theme that we have talked about? The next item that we will get to is around parades and protests.

**Mr Humphrey:** Chief Constable, you and your colleagues are very welcome here today. You said that your numbers are dropping but expectations are growing. I think that that is right. Clearly, there are implications of decisions taken by this Assembly. You mentioned the NCA. How will the decision of the two nationalist parties to block the NCA coming to Northern Ireland affect your force in combating crime? What are the cost implications of that?

**Chief Constable Baggott:** There is a number of areas there, one of which is around assets and asset recovery powers. There may be a fix on that involving the Public Prosecution Service (PPS), which will be fairly complicated. We lose the international reach. One of the concerns that I have about organised crime at the moment is that, in the past year, we have had crime gangs operating here from Greece, Lithuania, Estonia and across the whole of Europe and the Far East; China is a particular problem now in respect of marijuana. The NCA has a detailed international reach regarding intelligence. It also has operational expertise, which we can draw upon if we need it.

I understand fully the issues of accountability, which are critical for me. We have had a significant change with the devolution of policing and justice, which includes control through the Justice Minister and the Policing Board, and I know that there are arguments to be had there. So, I am concerned about the operational impact, what it might mean and what we might lose. We will still cover some of that through protocols and through working with the NCA, but it is different being outside the tent looking in. That is the analogy that I use.

I had a number of discussions through the Justice Minister with the Policing Board about how accountability might work. I put forward a proposition that I could be held vicariously liable if there are strong enough agreements with the NCA that mean that it would operate here only with the agreement of the Chief Constable, that intelligence will be transparent, operations will be agreed in advance and I could then be held accountable by the Policing Board. I understand that this is a very sensitive issue, and I am not avoiding that, but I am concerned about the operational impact.

It is too early to work out what the costs might be. We are negotiating with the Child Exploitation and Online Protection Centre (CEOPC) to see how we might remain part of that outfit, but those negotiations are in the early days.

There is no doubt, though, that it will have an operational impact.

**Mr Humphrey:** So, given that the NCA is not being deployed or used in Northern Ireland as an extra tool for the Police Service, there will clearly be an effect on the force's ability to combat crime.

**Chief Constable Baggott:** Yes, we will not be part of the national tasking arrangements. At the moment, we are part of that regime and can influence it. We may be invited as observers, but we will not have full participation. We have a growing threat from international crime; there is no doubt about that. I was at the cross-border conference on organised crime in Dundalk in the past couple of days working with an Garda Síochána and other colleagues. We see a growing threat to our young people's well-being here because of drugs, people trafficking, cybercrime and a range of areas that we were not facing just a few years ago.

**Deputy Chief Constable Gillespie:** May I add to that, Chair?

**The Chairperson:** Yes.

**Deputy Chief Constable Gillespie:** I accept that there are sensitivities around accountability, but we will be a bit more on the back foot regarding organised crime because the National Crime Agency will not proactively look at Northern Ireland. It will be very much us, that is, the PSNI, going to the NCA and asking in a reactive mode for its assistance. Rather than us having to go reactively, we would much rather have that proactive inclusion in the whole national tasking regime. So, undoubtedly, it will have operational impacts, which, right now, are very difficult to assess, but the worry is that Northern Ireland may become more attractive to organised criminals as a result.

**Mr Humphrey:** Effectively, what we are hearing is that, because of the decision that the NCA will not be able to be used proactively in Northern Ireland, as you put it, Deputy Chief Constable, we could well face a growing scale of imported criminality in Northern Ireland. That would mean that your resources, which are already stretched, may not be able to cope.

**Chief Constable Baggott:** I probably would not use words such as "cope" or "not cope", because we know that we have an international organised crime threat, which is growing. I think that the ability to deal with it will be diminished, but I understand that the negotiations are ongoing, so I do not know where we are with that. That is a political discussion. All I can do is objectively speak about the risks and offer some suggestions around accountability. I know that that is happening at the moment.

**Mr Humphrey:** I put it to you, Chief Constable, that the ability to deal with it being diminished and not being able to cope is pretty much the same thing.

**Mr Dickson:** Welcome, Chief Constable. I will concentrate on the financial questions. There is a bigger financial question about the issues over the summer, but the Chair indicated that you will come to that separately.

I will follow on from Mr Humphrey's question about the NCA. You made a comment that the child exploitation unit would be affected. Is that because it comes under the NCA? Although you may be able to make sideways arrangements, we are not only being denied the opportunity to have high-quality and important information sharing with the National Crime Agency and the international dimensions involved in that but regarding child exploitation.

**Assistant Chief Constable M Hamilton:** Specific to child sexual exploitation and CEOP, the National Crime Agency has made it clear to us that it will give us access to CEOP and its skills and abilities. It has no ability to take an executive or investigative role; CEOP is not an investigative outfit. An offer was made to me the week before last, and we have been given access to its support and expertise.

**Mr Dickson:** Nevertheless, it will have expertise that you will have to duplicate to deliver that service here on the ground rather than use it from the top right through. Does that leave us in an interesting situation, in that you have better cooperative and statutory arrangements with the gardaí in the Republic of Ireland than you will have with the National Crime Agency?

**Chief Constable Baggott:** I would need to do some thinking about that. We have a very good relationship with an Garda Síochána at the moment, both in real time and in developing a cross-border strategy, which the Deputy Chief Constable led on. We are always progressing that, because crime is no respecter of borders, and we have an open border. We have protocols with an Garda Síochána, specific legislation and European arrest warrants. Its cooperation with us at the moment is second to none. However, I fear that, with the NCA going, we will lose a much wider international reach. Our major drugs threats are coming from the Far East and eastern Europe, and there are people-trafficking issues. There is a relentless assault on Northern Ireland from those who want to exploit the peace. Most months, there are major seizures from organised crime gangs.

**Mr Dickson:** I want to ask you about the budget and the reducing number of warranted officers. You used mutual aid officers, primarily because of peaks in serious public order offences and the threat thereof during the G8 summit. Do you use mutual aid officers to supplement your numbers? On the basis that it is mutual aid — in other words, you do not have to pay for it or there is a mutuality in the delivery of the service — at what point are you imposing on the mutual aid service, and are there blocks on that? Is there a point at which you cannot use mutual aid resources because what you are really doing is using mutual aid to underpin the financial shortcomings in Northern Ireland?

**Chief Constable Baggott:** Frankly, I would not get away with that. I have a specific legislative right to ask other chief officers to support us in times of exceptional demand. That is dealt with through the Association of Chief Police Officers' (ACPO) mutual arrangements in London. We called on about 5% of the national mobilisation plan of trained officers.

Last year, we made a deliberate decision that we would double our training level, so we now have twice as many officers trained in public order as we did two years ago. That was not enough. I am pleased that we did that, because throughout the months of the flags protest, we were under significant strain, but we needed those officers. The Twelfth was a time of exceptional demand. On that day, we had 550 parades, a number of which were sensitive. With one Parades Commission determination being controversial, we anticipated a potential problem. Our concern was not only to deal with that but to deal with the potential knock-on effect on the interface. That was a concern because of some of the intelligence that we were receiving. So we brought mutual aid officers over, who were fully deployed, but it was an exceptional day and an exceptional few weeks. When the need finished, we sent those officers back and ended the requirement. We consumed the problems in August ourselves, but we were very stretched, to be frank.

**Mr Dickson:** To be absolutely clear: mutual aid does not provide you with financial wriggle room to make up shortfalls in numbers. The public need to be absolutely clear that when you come to us and say that you need more resources and additional warranted officers, it is not you crying wolf and that there is a genuine need for it.

**Chief Constable Baggott:** There is a genuine need. Our organisation is tired, and there has been a relentless demand on it. It may be that we can talk about some of the issues later, because we have our level 1 public order-trained officers — the tactical support groups (TSGs) — but the bulk of our public order resource is officers who are extracted from a range of duties. Some are detectives, and some are neighbourhood officers. We anticipated using those only in times of exceptional demand. At present, they are being used all the time. This year, in dealing with ordinary crime, we have made 3,000 fewer arrests than last year. Although crime has continued to fall in some areas, our productivity and ability to keep people safe is being undermined, as is some of our continuity because of having to extract people to deal with the problems. We are deploying seven police support units (PSUs) a night to deal with the unresolved issues.

**Mr Dickson:** That is shocking.

**The Chairperson:** We will move to the next item, which is policing activities around parades and protests. Mr Maginness indicated that he wanted to come in on this point. If any other members want to come in, please let me know.

**Mr A Maginness:** Thank you, Chief Constable and your colleagues, for attending. I am very familiar with the marching season in north Belfast, its being the epicentre, as it were, of disturbances. The most contentious situations are in north Belfast. I pay tribute to your officers. They have policed the situation with great skill.

**Chief Constable Baggott:** Thank you.

**Mr A Maginness:** They have taken a very serious battering from attacks. The SDLP very much respects what the police have done. We give our sympathy to the police in situations in which they receive that abuse and those attacks.

**Chief Constable Baggott:** Thank you.

**Mr A Maginness:** I want to draw two things to your attention. First, prior to the Twelfth, there were local cross-community discussions in Ardoyne. Those did not fail, but they ran out of time. Do you, as Chief Constable, encourage that process of local discussion and resolution on contentious marches, even though there will be a process here in Stormont on the issue? That process will be conducted by Dr Richard Haass.

**Chief Constable Baggott:** I do. With the perspective across the whole of Northern Ireland, the vast majority of parades take place because of local consent and cooperation. We are talking about a handful of parades that, for a variety of reasons, have become very difficult, and dialogue has broken down. I encourage everybody who is involved in that to continue to talk to see whether compromise and consent can be reached. I am anxious about that because the ripple effect of broken relationships affects the police, given the role that we have to take. It affects relationships among young people and the ability to bring down peace walls in time. It slows that up. It also creates enormous tension. I am always anxious about some of our disadvantaged areas for the health implications and even suicide rates. The tension has a knock-on effect for everything. It needs to be resolved. Local cooperation and dialogue are still one of the major ways forward. We will do everything we can to facilitate that.

**Mr A Maginness:** My second issue is the Parades Commission. Throughout the summer, the Parades Commission made determinations that some people liked and others disliked. There has been an awful amount of criticism of the Parades Commission. Would it not be helpful if people, even those who are critics of the Parades Commission, would respect the determinations of the commission and support it as the lawful authority for the regulation of parades?

**Chief Constable Baggott:** I do not take a view on whether the Parades Commission should look like this or that. That should be a political decision, and Richard Haass is working on that. The Parades Commission sets down conditions, and our job is to enforce the rule of law. That is what we have done. I am always very anxious for the PSNI not to be seen to be influencing the Parades Commission one way or the other. That would be wrong. Our job is to be impartial and to make sure that determinations are upheld to the best of our ability. That is what we tried to do over the parading season.



**Ms McCorley:** Go raibh maith agat, a Chathaoirligh. Thank you very much for your presentation. You talked about the cuts that you have had to make because of budgetary constraints. You mentioned that there were 3,000 fewer arrests because resources were unable to be applied to them. The general community suffers because you have had to divert resources to extraordinary circumstances.

**Chief Constable Baggott:** That is right.

**Ms McCorley:** In that context, what is your view about the so-called peace camp at Twaddell Avenue, which costs £30,000 or £50,000 every day — I am not sure which amount, but it is huge — and the view of one of the people involved who said on the radio last week that it will continue forever and a day until those people get what they want?

**Chief Constable Baggott:** We have a responsibility to ensure that the democratic right to assemble and protest is upheld. If it is lawful and legitimate, our job is to facilitate that without taking a view on it. However, I think that there is a debate to be had about the cost. People have to understand that exercising that right comes at a price, which is around £50,000 a night. We have not been provided with that money. In time, that adds up to a reduction in police numbers and fewer arrests. In communities, particularly the most disadvantaged, where there is a very real problem of exploitation through drug dealing, our ability to tackle that is hindered. For us, it is not a matter of having a view on it — because I am absolutely determined to uphold people's rights — but there is a cost and an implication. To come back to Alban's question: the more that we can move to local dialogue, consent and give and take, the more the pressure is taken off us. There is a right to assemble and protest, but there must be a clear understanding of the consequence.

**Ms McCorley:** Many people have suggested that the cost burden of the policing bill for different events should be shouldered by those who bring people out onto the streets when it reaches those kinds of levels. Do you think that that would be a good way to proceed?

**Chief Constable Baggott:** That forms part of a broader discussion with Richard Haass. My job is simply to enforce the law and look after that right. The issue of how budgets are spent is probably for the Assembly to discuss. There are models elsewhere in which there are clear responsibilities on district councils and organisers, particularly for public safety. Often, what is missed is the fact that it is not only about protest but safety. I have very real concerns about large numbers of people coming onto the streets in a confined space. I have lived through the Hillsborough disaster and other major tragedies when large numbers of people in small areas have ended up in difficulty. As for paying for it and regulation, I would like the focus to be much more on safety, which may take the issue away from some of the political concerns.

**Ms McCorley:** My final concern is that a lot of people are suffering because they cannot get any police assistance because of your strapped situation. That is really unfortunate.

**Chief Constable Baggott:** We want to provide a day-to-day service. We do not want to be dealing with potential problems night after night. Our ambition is to provide a personable, quality service every day and to deal with the very serious issues that we will talk about in a minute. Although we are standing on a line, we are not doing that. The quicker we can move away from that position through dialogue and consent, the better.

**The Chairperson:** A number of members want to come in on this issue. As far as possible, I would appreciate it if members did not try to drag the Chief Constable into the political arena. The Parades Commission makes determinations. My party has a clear view on the Parades Commission. The consequences of that have been reaped in the community and by the police. As far as possible — the Chief Constable is doing well to avoid being drawn on those leading questions — if we can deal with what happened over the summer and the operational issues, by all means keep the line of questioning going in that arena.

**Mr Anderson:** Thank you, Chief Constable and your team, for attending this afternoon. I want to get back to the resources for policing activities such as parades. You brought in 1,000 officers from the mainland, and you said that you do not wish to do that regularly. However, if you need to do that, you do not have the option not to. Terry Spence, the chairman of the Police Federation, said that he is well aware that officers are suffering burnout and fatigue. If you do not get the resource for 7,000 officers, what are your options? I take it that from your answers to previous questions that you will say that your force is policing the community, no matter where the area is. I am sure that you will stand

over your view that you police with whatever resource you have. Are we saying that the resource is not there to give you the ability to protect life and property because you need your 7,000 officers to do so? Judith said that there is natural wastage and that new officers will not be trained up until next March. When will those officers be replaced if you do not get the proper resource? I can see nothing different, and, as it sits currently, you will have to go back to the mainland. Am I right or wrong in my reading of this?

**Chief Constable Baggott:** I will ask Judith to cover some of the issues about establishment. I am firmly of the belief that we need a minimum of 7,000 police officers, because only warranted police officers can deal with public order, investigations and a series of functions. There is also the issue of public confidence, because the public want to see police officers on the street. As one of our major pieces of work on efficiency, we have already had to change the way in which we deal with response in one area. I have had letters from MLAs — quite understandably. So there is a confidence issue about reducing numbers.

I respect Terry Spence enormously, and he leads the federation with a vigour. He is very challenging, and I respect that. I have to be very careful, however, in an age of austerity with Treasury officials looking over every pound sign, that I can show a realism. With 7,000 officers, there will be occasions when we will still need mutual aid. Given the sheer scale and volatility of parades, there will potentially be occasions in the future when we need mutual aid. I am concerned, because if you look back, Patten achieved an enormous amount, and I would not change any of that. However, in 2005, the CSR dropped the Police Service establishment too low, and in 2008 and 2009, demands were growing with some very serious challenge issues through paramilitary activity and serious and organised crime. That compromised the ability of the PSNI to move ahead on policing in the community, which everyone wants. It is a very personal style of policing. For me, the implications of dropping down to 6,200 are not just about welfare, strain and problems stacking up with police officers' morale. It is also about moving back to a reactive style of policing in which we are not able to be proactive to community needs or to tackle some of those serious issues. I have come to the judgement, therefore, that the minimum is 7,000 police officers, plus mutual aid when we need it. If I could persuade people for more officers, no one would welcome that more than me.

**Deputy Chief Constable Gillespie:** As I said, inevitably, our numbers will drop, so we are planning to continue to deliver the best service that we can to the whole community with fewer numbers in the short to medium term until our new student officers come onto the street. We hope that, after the first tranche of 100 officers, we will have more after that, budget permitting. In the meantime, as the Chief Constable said, a large part of our spend is our people, and a large part of that spend is on our uniformed response and our crime operations department. Part of our efficiency plan is to look at the way that we deliver local policing, and that is starting to roll out in some areas — for example, H district, which includes Ballymena, Larne and Coleraine. The model that we are looking at is about ensuring that we continue to deliver a service that responds to genuine emergencies, with a 999 service that gets there as quickly as the emergency requires, but moving much more to a response service whereby, if it is not an immediate emergency, it will be a scheduled response that we will agree with the person who is making the call at a time that suits them and the PSNI to respond to the call. With cases that do not require police attendance, the neighbourhood team will call at a later time or resolve the issue by referring it to another agency, or deal with it by telephone.

We are moving to a model that separates genuine emergencies from calls that can be dealt with slightly more slowly. That does not mean that we are in any way diluting the service to local communities, because the role of the neighbourhood teams will be enhanced. They will take on more business and be more visible in communities. It is important to the ethos of the PSNI that it is based on an ethos of policing with the community. Even with fewer people, we think that we can deliver that community-based service.

We are also looking at areas of intelligence — for example, in the crime operations department, how we deal with forensics and how our HR and finance functions can be made leaner and more efficient. In future, we may also look at other areas such as IT, transport, roads policing and armed response. It is a service-wide programme of efficiencies that will look to continue to provide a good policing service with fewer police officers.

**Mr Anderson:** I have one quick question. Thank you for that. Do we have an issue with training and experience? When we talk about burnout and fatigue with officers, is it new officers coming into the service and what is expected of them? It is a difficult situation for young officers, and we have seen massive change in the Police Service in Northern Ireland over the years. Do we have a problem in

training our officers in a short time to meet the demands that are expected of the service? Perhaps we are doing it too quickly.

**Deputy Chief Constable Gillespie:** As the Committee may know, we have not recruited for nearly three years, so inexperience is not necessarily the issue. In fact, it is probably the opposite. We are now an ageing organisation. The average age of constables is in the high 30s, which means that we are putting quite a lot of officers on public order duty who are older than those who were on duty there in the past.

**Mr Anderson:** Are they back-office officers who are being brought out to facilitate a situation?

**Deputy Chief Constable Gillespie:** Many of them are.

**Mr Anderson:** Have they been trained up, or are they being brought from desk jobs to front line policing?

**Deputy Chief Constable Gillespie:** Many of them are involved in jobs that would not normally involve public order, and many of them are in investigative functions in call handling or in other parts of the business that are important but that can be stepped back so that we can release these resources into what we call level 2 tactical support groups. Some months ago, the Chief Constable asked — thank goodness he did — that we should train up additional level 2 tactical support groups so that we were prepared for surges in public order demand. That meant that, per capita, we probably had the highest level of public order capability in any police service in the United Kingdom. It was very wise that we did that because it meant that we were able to cope with the additional demand over the winter period. However, that has a consequence in that the day jobs that those officers were doing, whether they were investigative functions, proactive patrolling in roads policing or in other parts of the business such as public protection units, have to take a back seat when they are doing the other duty.

**Mr Humphrey:** Chief Constable, are the officers who were injured during the summer making a recovery?

**Chief Constable Baggott:** Yes, they are, thank you very much. We have been fortunate that we have not had more serious injuries, although I do not want to diminish the fact that some officers had broken bones. Over 50 officers were hospitalised for a period, so it has been a serious drain. As far as we are concerned, any injury on a police officer is serious.

**Mr Humphrey:** I am pleased to hear that. As a representative for the constituency of North Belfast, I want to return to the parades in Belfast, and in north Belfast in particular. Do you agree that the cost of parading is not just about, or the responsibility of, those who parade but those who come out to protest and those who coordinate and organise protests, particularly those behind the new residents' groups that have appeared in the past couple of months in north Belfast to protest.

**Chief Constable Baggott:** You have to look at costs in the sense of the operational demand on policing. Some of that is about maintaining order, which involves the parade, the supporters and the protesters. It is an event as opposed to a series of distinct entities.

**Mr Humphrey:** In going through your costs for some of the parades, you mention £227,000 for the Tour of the North, the Whiterock parade and the Somme parade. I walked in the Tour of the North parade; I would normally walk in the Whiterock parade, but I was out of the country. The Somme parade is for ex-servicemen. I think that it is fair to say that there have been no difficulties with any of those three parades in recent years, but I will concentrate on the Tour of the North parade for the moment. There were rumours that an attack was made on houses and properties in Carrick Hill by a television station called Sinn Féin TV. Some colleagues and I met the commander for north Belfast, Mr Clarke, who confirmed that no such attacks happened. Can you confirm to the Committee that no such attacks happened at Carrick Hill?

**Chief Constable Baggott:** I am not familiar enough with the detail to do that. I do not know whether Mark has any information on that.

**Assistant Chief Constable M Hamilton:** I am sorry, I do not.

**Chief Constable Baggott:** I can come back to you with that.

**Assistant Chief Constable M Hamilton:** I have no reason to doubt the district commander.

**Mr Humphrey:** In addition, in the Tour of the North, people would have seen the former junior Minister and MLA for North Belfast Mr Kelly, who obstructed the police from doing their job. What is the situation there? I know that a file has been passed to the Public Prosecution Service. People in my community cannot understand why Mr Kelly has not been arrested for his behaviour that night in obstructing the police, and they contrast his conduct and behaviour, and the outcome or lack of outcomes, with that of Alderman Ruth Patterson of Belfast City Council who was arrested at her place of work.

**Chief Constable Baggott:** Those decisions are made by the Public Prosecution Service. Our job is to provide the evidence, and it makes a decision on prosecution. I would not want to influence or preempt that at all. They are different matters and different offences. One involves the recovery of evidence, which will be records, computers and laptops, and that necessitates following the evidence; the other does not. They are different offences, and our responsibility is to follow the evidence trail, which is what we have to do.

**Mr Humphrey:** You will appreciate that people in Northern Ireland, particularly in the community that I represent and come from, simply do not understand.

**Chief Constable Baggott:** I understand that. We have tried to communicate this. We are genuinely impartial on the matter, but we would be negligent if we were pursuing an offence for which there was a need for an arrest and, because of that, a search to recover evidence. If we did not do that, we would be accused of being negligent. The Public Prosecution Service has a view on that. We follow the evidence, and there is a consistency about how we deal with different offences in this way.

**Mr Humphrey:** I will now turn to 12 July at Ardoyne and the Woodvale Road. I have been at Ardoyne for the past 10 years, since before I became a public representative, and have seen the difficulties. I was there last year when 2,000 people, organised by dissident republicans, came onto the Crumlin Road, attacked Twaddell Avenue, set fire to a car and pushed it into your officers' ranks and then fired automatic gunfire in an attempt to murder some of your officers. Last year, I think that three plastic bullet rounds were fired on 12 July. In no way am I condoning the violence that happened — I am on record condemning the violence, as is my party — but this year, starting at 7.47 pm on the Twelfth night, 35 baton rounds were fired. Yes, there was serious violence, which is not to be underplayed, but to compare and contrast what happened last year — automatic gunfire and 2,000 people attacking Twaddell Avenue — why is there a disparity in the plastic baton rounds that were fired this year as opposed to last year?

**Chief Constable Baggott:** I think that the answer is very straightforward: they were very different circumstances, very different events and very different real-time threats. Officers make judgements on the night depending on the level of violence being used and the level of threat. I do not think that the two are comparable. There were different Parades Commission determinations and different circumstances. Having seen the level of violence personally on 12 July, I can say that every one of those baton round discharges will be investigated and reported. We had independent people in the control room on the evening itself, and those discharges will clearly have to be justified. However, they were very different circumstances, very different events and very different Parades Commission determinations.

**Mr Humphrey:** I accept that they were different circumstances and different events, as you said. However, I come from a particular point of view, and I will not draw you into discussion on the Parades Commission. Our view on that is very clear. Violence was rewarded by the Parades Commission by its determination for 12 July. However, automatic gunfire was fired, and 2,000 people came on to the streets to attack a very settled community at Twaddell Avenue. Frankly, there is a view in the unionist community that the decision taken by the police last year not to deploy baton rounds earlier and more regularly to quell the violence, which was murderous and involved automatic gunfire, was wrong.

**Chief Constable Baggott:** The decisions are stood over by the operational commanders, and there are very clear criteria. Mark is one of our gold commanders, and he can give you an overview of what that decision-making model looks like. We take our accountability very seriously. I had independent observers and human rights advisers working in the control room on the night. We take the legal

responsibility, the proportionality and the necessity into account. All those decision-making processes are gone through. If we get it wrong, we are, of course, held accountable by the ombudsman and others. I will come back to the point that the circumstances were very different in the way in which they unfolded, in the level of violence and in the decisions that operational commanders made.

On behalf of my colleagues, let me say that they have taken a pasting this year, to put it frankly. I do not think that you will find a police service in the world that has taken that degree of violence for the greater good. Our policy throughout the year has been one of constraint, and some of that has been pragmatic. I have yet to have an answer to how we deal with thousands of people in multiple seats of protest with limited numbers without using a policy of constraining violence and pursuing justice later. However, we have paid a heavy price for this, and I think that ours has been a model of human-rights policing. I will stand over my colleagues, because I think that they did a magnificent job on this.

**Assistant Chief Constable M Hamilton:** I think that it is important that the police acknowledge that both communities look at the police reactions and compare them with how they reacted to the community. I also think that it is important that we recognise that and that it is a matter of deep concern to communities. I suppose, William, the difficulty for operational commanders is that they are trained to take each decision according to what they see at the time and according to the event as they understand it. Encouraging them to either make arrests or use force in a way that is analogous to another situation is a difficult and potentially unlawful thing to ask commanders to do. That said, it is really important that the Police Service really understands the impact of all those decisions and that both communities are looking at it very critically to ensure that our claims of being impartial are claims that the community believe.

We take our defence in trying to have an impartial and even application of the law according to the circumstances. The law allows and requires us to deal with each set of circumstances as it arises. However, I recognise the point that you are making. It is not one that we are blind to, but it is one that is very difficult for us to address on a case-by-case basis. Each officer makes different decisions according to their interpretation of the circumstances, application of the law with regard to the use of force, and powers of arrest at the time. However, I think that it is important that we recognise your point.

**The Chairperson:** I have given Mr Maginness and Mr Humphrey a lot of latitude, because they are representatives of North Belfast. I think that it was right to do so, but we will now move to other members. Six other members want to speak on this one item. Last Thursday, we were here to 8.00 pm —

**Mr Wells:** We are going to beat that this week.

**The Chairperson:** — which is a record, and I am sure that members do not want to be here again to that time. *[Interruption.]* Members should ask questions that try to get the information and refrain from making statements. I will allow a supplementary question to each and will try to get around the other members who indicated a wish to speak on this item, and we will then move to the next issue. Mr Dickson is going to set the example.

**Mr Dickson:** I am, Chair, thank you. Chief Constable and Mark, following on from your comments, let me say that I am not an armchair general. Sometimes you struggle not to be, because you think that you should be doing this and doing that. However, I think that the community has an expectation of the outcome after the events, regardless of which community is the lawbreaker at any one time. What I want to know, and what the community needs to be assured of, is that unlawfulness and riotous behaviour will have consequences. People also need to know that you have adequate resources to carry that through, and that, therefore, to the best of your ability — you often tell us that a lot of this is dealt with by CCTV — it will result in appropriate papers being passed to the Director of Public Prosecutions (DPP) and the Public Prosecution Service for the appropriate level of prosecution.

I have a brief second point to make, and I will not ask a supplementary, Chair. On that front, can you assure us and the public of the actions that you are taking to deal with the whole area of the corrosive nature of unlawful social media activity?

**Chief Constable Baggott:** We have a team under Operation Dulcet that is continually reviewing the CCTV evidence. You have seen that in the papers — week on week we are putting it out there. Hundreds of arrests have been made since the beginning of this year, and that will continue. The only point that I would make about that is that those detectives come from districts. It is not a standing public order inquiry team; they have almost become a standing order team now, because that is the

nature of the business. However, we are making hundreds of arrests. We are determined, particularly where the serious violence is concerned, to bring people before the courts. As you have seen, some of the sentencing has been taking place weekly, and that will continue.

**Mr Elliott:** You are very welcome. I do not think that any of us can condone or support the violence. I want to ask a couple of things, Chair. I will roll them all into one, as that might be more appropriate. Is the £6.9 million for mutual aid officers included in the overall budget that you indicated, or are the overall costs for the short period of 21 days or the four-month period?

**Mr Best:** Yes. The analysis is in the schedule. The total cost for that four-month period is £15.4 million. If you read on further down, you will see that the mutual aid costs were £6.9 million, which was part of the £15.4 million. However, most of that was in the 21-day period during the Twelfth period.

**Mr Elliott:** Thanks. You used these words yourself, Chief Constable, when you said that your officers had "taken a pasting" this year. I have just read the police officers' report from the past three years of the Ardoyne 12 July parade. I read, just as Mr Humphrey highlighted, that:

*"Attacks on the police continued in the area for a number of hours. That included gunfire, petrol bombs, suspected blast-type bombs and heavy masonry."*

I will not read out from the other three years. However, I suggest that your officers took a pasting during those years as well — a very heavy pasting. Whether you accept it or not, from where I come from, there is a very strong perception that the police are dealing with those from the unionist/loyalist/Protestant community in a way that is different from how they deal with those from the republican/nationalist community.

**Chief Constable Baggott:** I assure you that that is not the case. As Mark said, we are very much aware of the perception here. Normally, we have some intense violence for certain days or extended over a limited period. The strain on the organisation since last year has been continual. On one night at the beginning of this year, we had 84 separate seats of protest, involving thousands and thousands of people. That places a huge strain. Not all of that has been violent by any means, but it has involved perceptions that we have been allowing people to obstruct the roads and get away with breaches of the law. To some degree, we have had to be pragmatic about this. So, it has been a continual strain.

However, the perception that somehow we are making deliberate decisions to treat one group of people differently from another is simply not true. I need to nail that one: it is simply not true. I would value any support in dealing with that perception, because, ultimately, we want to go back and protect all communities, particularly those suffering from drug dealing and antisocial behaviour — real social problems. It is not in our interests to have a perception that somehow we are treating one part of the community differently from another. Why would we do that? It would not be in our interests. We are an impartial police service that is tasked with protecting people. That is simply what we want to do.

However, I am very mindful of that perception, as Mark said. We are looking for opportunities to speak, engage and have conversations with people who may have that perception. We will take any opportunity that we can to do that, Tom; you have my assurance on that.

**Mr Elliott:** Would you accept that your officers got a pasting in previous years?

**Chief Constable Baggott:** There have been violent confrontations in different places around the Twelfth for a number of years. I was having a conversation, I think, when I arrived in 2010 on perceptions that we were using excessive force towards nationalist/republican communities. That was because police officers were injured. Mark was the commander there.

**Assistant Chief Constable M Hamilton:** I was a commander in north Belfast for most of those years, and I firmly accept that we took, to use the expression, a "pasting". There was extreme violence for a number of years. I am not comparing or contrasting violence. When it happens to police officers, they are trained to respond in a certain way. So, yes, of course that happened.

**Chief Constable Baggott:** For us, it has been a year when we will have to work harder at relationships. Throughout the year, I have been accused on one level of being soft and on another of

being too hard. We have judicial reviews running about our approach to trying to contain and constrain some of the violence. We have a different view on that.

It is a very difficult area when we have such tension and volatility and such passion about people's rights. However, you have my assurance. I genuinely believe that this is an impartial police service. The very fact that there is a different perception every year of what we do and do not do tends to prove that. We do not get it right every time, but I believe that officers' courage and restraint, particularly in the past couple of years, has been highly commendable. I cannot thank them enough.

This situation could, in a number of years, run away from us. That is the case particularly this year, given the scale and extent of protest. I think that we have done a remarkable job, quite frankly, and I think that history will probably show that.

**Mr McCartney:** We are always cautioned not to ask political questions, but — *[Laughter.]* —

Where mutual aid is concerned — this is linked to what you said about recruiting — there were 1,000 personnel, and the cost was £6.9 million.

**Mr Best:** I think that that is a reference to the shortfall of £40 million in 2014-15. If that were related entirely to police officers, it would equate to about 600 police officers or 1,000 staff support.

**Mr McCartney:** Recruitment is obviously in your best interest, because I think that that sum works out for 20 days at £7,000 a person, give or take. I assume that that includes accommodation costs and some machinery. For the future, that type of cost can be avoided if we have a better recruitment policy in place. Was there a special fund that you could apply to for mutual aid, or did it come directly from your budget?

**Chief Constable Baggott:** We are having to pay the bill.

**Mr McCartney:** OK, thank you.

**Mr Lynch:** Matt, you mentioned the G8. Were the security in and the aftermath of the G8 not a total overreaction, given that it has cost the public a huge amount? As somebody from the county, I saw it, and it is to be welcomed that it went off smoothly.

**Chief Constable Baggott:** I do not think so, because we can look back at history and at previous events. We had great support from the Metropolitan Police, from Scotland and from the Canadians, who all hosted previous events. We did a thorough risk assessment and challenge process. I remind myself and colleagues that I am sometimes asked this question. Given that it went well, of course, the question is now about whether it was value for money. If it had not gone well, the questions may have been about the reverse.

We were talking about the most powerful leaders of the world, including the President of the United States and President Putin. So, I was not prepared to take any risks. Had their security been threatened in any shape or form, I do not think that there would have been much forgiveness for any of us. We also brought it in a lot cheaper than was the case in previous years, without the problems. So, there was a very clear scrutiny of cost, but the fact that we got through it with, I think, simply one arrest, was a great achievement by colleagues.

**Assistant Chief Constable M Hamilton:** I was involved in the planning assumptions to bring in the mutual aid officers. We made assumptions based on what had happened and the level of violence at previous G8 summits. Some other things happened around the time of the G8, such as, the violence in Turkey, which may have been responsible for moving some of the potentially more violent protesters across Europe in that direction. The Metropolitan Police made 50 arrests in London immediately before the G8, which we know significantly disrupted what might have happened. So, we did not know how peaceful it would be — thank goodness, it was peaceful — until it was peaceful. The other thing that we tried to do, rightly or wrongly, was to set a world standard in human rights-based accountable, open and accessible policing to the point where the protesters who did turn up were almost confused by the police officers' kindness as well as their capability to deal with trouble. That translated itself into our provision for potential prisoners' medical needs and legal rights. Many G8 summits in the past had resulted in the death of at least one human being. From a public order point of view, we set out from the very start to take every step that we could to avoid that. So, there

was loads of planning and mitigation and, quite frankly, an awful lot of money spent. However, we are very satisfied that the standard that we set was better than that that would have been set in many other jurisdictions, if not around the world. I do not say that as a boast; that is just where we tried to get to. We are very grateful that it was a peaceful event, but, yes, it cost a lot of money to get it to that point.

**Chief Constable Baggott:** But for less than the previous summit.

**Assistant Chief Constable M Hamilton:** Absolutely. That cost included bringing in mutual aid officers by air and boat as opposed to moving them over land through England and Wales, as happened on the previous occasion. So, we think that we did a fair job.

**The Chairperson:** All right. Thank you.

Let us move on to the next item, which is the child sexual exploitation investigation. We should bear in mind, members, that that is an ongoing, live investigation. I want to put a number of questions to you, Chief Constable, on the back of information that ACC Hamilton was able to provide to the Committee. Obviously, there has been wider public commentary about this matter. What I still cannot get a proper understanding of is why the Barnardo's report, which was published in November 2011, did not act as the catalyst for the police to carry out their public protection arrangement review and why there was an eight-month gap. Questions are being asked about why that did not happen. Obviously, the concern is that, because the police did not do their review, children could have suffered abuse, but they maybe would not have had the review been carried out at the time of the publication of the Barnardo's report.

**Chief Constable Baggott:** Thank you, Chair. Having provided that, I think that Mark can reassure members about some of the things that we have been doing, specifically on the timeline of this matter. I myself reviewed the timeline of activity, going back quite some time, because I wanted to be reassured that what we have been doing, particularly on child abuse and sexual exploitation, has been progressing continually throughout that period.

In the past few days, I have been a little concerned about how this has been portrayed in the media as being about looking for blame. Genuinely, what matters to me and the team here is that we have an opportunity probably to be ahead of the whole national picture in protecting a relatively small number of incredibly vulnerable young people. For the first time, we now have safeguarding arrangements that can be progressed. We have new ways of policing, both technological and analytical, and we have skilled detectives. We will come back to this point, but I think that our discussions, rather than being retrospective, should focus on the here and now and on how we are going to protect those young people.

The second thing that I am concerned about is that I almost get the impression — maybe we need to clarify this — that some members of the public might think that we have just now started to deal with child abuse and sexual exploitation. I would value the opportunity to give you a sense of the resources that go into this. Since 2008, we have set up public protection units in each of our eight districts. Those units deal with everything from domestic violence to child abuse, and they make the linkages. They are public protection units, but they particularly deal with child safeguarding. We have 79 specialist detectives in those units dealing solely with safeguarding children. So, this is not a standing start. We have been resourcing this and dealing with allegations thoroughly and continually even before 2008, which is when the public protection units were set up. That is happening against the context that we have just spoken about, which concerns strain. A significant number of specialist detectives are involved in this important and difficult area of work, and all the allegations are investigated.

We also have social workers embedded in those units already. So, we are not just dealing with the individual allegations; we have been looking for a number of years at young people's needs. We also have intelligence officers in our intelligence branch who are specifically focused on child abuse and on picking up the intelligence and feeding it back to those eight PPUs. So, this is not a standing start but a process of continuous improvement.

I was trying to think of an analogy to use about this, and I thought that the best one was to do with sexual violence. I was privileged to open the newly set-up Rowan centre, which I have visited three times. The same people who are progressing that particular area of work have been so passionate about providing a service to victims of sexual violence that we now have a state-of-the-art facility that is staffed with care workers, nurses, doctors and police officers. The facility is really making a



difference for the first time to very vulnerable people who have been suffering for years from sexual violence.

If we apply the same criteria to this current situation, which is about trying to look for failure, can we say that it is a failure? You could say that it was a failure that we did not build the centre two years ago. The reality is that we have progressed to the point in devolution with professional policing and with new arrangements where we are now able to do things that we simply were not before. I am not putting a positive spin on this, but I think that it is important that we recognise that we have the ability to do more now than ever because of the arrangements that we have in place.

We are involved in continuous improvement, and Mark can give you some of the timelines of that. When that report came out in, I think, November 2011, all this work was still going on. The report was about challenge, and the responsible body at that time examined its recommendations. We did not get any of those recommendations to progress, but I think that, quite rightly, the Policing Board put it as a priority in the policing plan in 2012. Part of that plan has been about vulnerable groups, so it is in the elements of the policing plan that deal with child abuse and sexual violence. I think that that was entirely appropriate, and I applaud the Policing Board for doing that, particularly for children in care.

We had already instigated a review of our public protection arrangements at the end of 2010, so this work was carrying on at the same time as that report came out. That review reported in March 2012, and it was about consistency and how we could improve those public protection arrangements. So, this is not something that we have just started; it has been a process of continuous improvement.

As my colleagues said, if we had known what we know now, we may well have implemented it earlier. It is easy to say that with hindsight, but, at the time, we were continuing to look at our arrangements, make them more consistent and investigate the allegations.

Mark can talk more about this, but I am very pleased with the work that colleagues did in the review that took place several months after the policing plan priority. We looked not simply at the allegations but at the whole issue of missing persons. There was a challenge to the national approach to missing persons, which I think was risk-taking. That gave a new insight into the vulnerability of these young people, and it has opened up new opportunities. Our concern is that, although the allegations may have been investigated in the past, the vulnerability of these young people has not been addressed sufficiently.

Mark will talk through some more of the detail if you want him to. My agenda for today is that, although we have safeguarding arrangements at the moment, I would like to see, if possible, these individual cases being taken forward as specific high-risk action plans where the Safeguarding Board starts to look at this matter and not just at the policy and procedures. That will mean that we will move from a partnership arrangement that is based on individual good practice to becoming really forensic about the young people who are at the receiving end. I would welcome a joint review, perhaps in the form of a real-time peer review. It needs to be something that involves us and the health authorities and that can challenge us on best practice and on the journey that we have been through. It should, however, be in real time so that we do not have to wait a year for the recommendations to come out. There is an enormous amount happening already, and I think that we have an opportunity to progress it.

So, that is our approach. I do not know. Mark, whether you want to talk specifically about the gap, because there is a perception that perhaps we should have made an action plan against this report. We did not do that, but we did take cognisance of all the learning at the time. That has been built in to some of our arrangements.

**Assistant Chief Constable M Hamilton:** Thank you, Chief. This point was raised with me at the Committee on Monday, and I recognised at the time that our investigative approach was not a direct result of the Barnardo's report. I will say, however, that the PSNI worked with Barnardo's in providing support and assistance in the compilation and drafting of the report, so we were not completely absent from it; we were working with them on it. When the report was published, we asked Barnardo's to give us any detail that they thought that they could or should give us about anybody in the report who was at risk so that we could carry out investigations as a result of the report. However, that was not the catalyst for the operation that we are in now. So, we asked whether there was anyone there who we should be investigating.

**The Chairperson:** Did they provide it?

**Assistant Chief Constable M Hamilton:** No, to my knowledge, there was no additional information; the report had been anonymised. To my understanding, the report was not designed as an investigative starting point for the police, nor did we take it as one. I have acknowledged that publicly. However, we checked with Barnardo's to make sure that we could act if there was anything that needed to be specifically reported to us about victims and so forth. However, the nature of the research did not bring forward that there were children who, at that time, would be brought forward to us for investigation.

The regional child protection committee also agreed at the time to develop an action plan as part of the multi-agency approach. That has been absorbed by our Safeguarding Board, which is taking forward the whole area of child sexual exploitation.

So, I am saying that to show that the police were not blind to or ignorant of the report per se. We did respond. Coming right out of the report some months down the line was the embedment of a Barnardo's worker in Willowfield public protection unit to help the police to identify cases of vulnerability, including areas of child sexual exploitation. We have also been working with Barnardo's on its pilot scheme, which is still running as a result of that. However, as I said, it was not that we used the report specifically as a catalyst to the investigation. I explained to the Committee on Monday that the specific investigation that we have launched was generated through our missing persons' review as part of our overall public protection review. We have looked at that again. Over the past 10 years, we have had a continuous series of reviews of public protection. So, where we are today is a result of all the knowledge that we are trying to bring together. Out of that, we have arrived at this specific investigation.

On behalf of the people on the front line, that is, the police and social workers, it is important to say that work on child sexual exploitation is not something that we just started last week. I say that on their behalf, not mine. Child abuse investigations and sexual exploitation of children and adults is something that many practitioners have been working on full time for many years. As I explained the other day, we are trying to cast a new light on this matter and a new eye to it using better investigative approaches and trying to get better outcomes.

**Deputy Chief Constable Gillespie:** If I may just add one final comment, as someone who was involved in the very early stages of developing the child abuse and rape inquiry units in the mid-90s, I can say that it is often reports like this that act as a catalyst to best practice going forward. As Mark said, I do not think that it was ever the intention of the Barnardo's report to be the foundation for a criminal investigation. That is because it describes itself as exploratory research. That is not in any way to undermine the report's status, but it is so important that this report leads to the very best practice and the very best protection that we collectively, as a multiagency response, can provide to the most vulnerable children in our society.

**The Chairperson:** OK. Thank you for that. I am still trying to get an answer to this eight-month gap, but I am still not getting it. ACC Hamilton and Sean Wright talked about not connecting the dots and not taking the global view, which, I think, is how it was termed. Were individual investigations taking place and information not being shared with other detective units that were looking into things, with the result that patterns were being missed? Was that a failure in the systems at the time? Was that the way to do business, but now there is a new system in place? You said that the dots were not connected. The catalyst for carrying out the report seems to be the policing plan. The plan made it a priority, and then there was a review.

**Assistant Chief Constable M Hamilton:** A review was ongoing anyway. The operational policing model, which was about looking at how we work at policing generally and how to make it more efficient, looked at where police time was being deployed, including police time towards missing persons. Through that, we got into the issue of missing persons, and we arrived at the evidence, intelligence and information about the number of children involved and the crimes that were committed against them. You summarised what you thought the situation was. That is effectively what we are saying: we investigated things as they arose. Some links would have been made, but not as cohesively as we are saying that they should be now. That is joining the dots, as we described it; those are our words. We join the dots in a better way; it was not that we did not join any dots. However, we now feel, given the experience and the better understanding of child sexual exploitation, which you cannot deny is also a critical element of understanding the Barnardo's report, that we have to join them better. That is what we are accepting. That is the different approach that we are trying to bring to this area of criminality.

**Chief Constable Baggott:** Historically, child abuse has been about reacting to allegations. Some has been about the intelligence that has led to some of those in-depth investigations. That is why we already have in place the intelligence officers alongside the specialist trained officers. The innovative and encouraging development is that police officers start to look at vulnerability, not simply allegations. You can be returning people to care time and again, but the missing persons approach — joining up the dots — has been very important. That has come from national good practice and from professional police officers pushing the boundaries. Because of that, and the safeguarding arrangements, we now have specific vulnerable young people. Rather than just looking at a specific allegation, we can look at their lifestyle, their specific needs, their welfare, their care and all of that. We can start doing more cost referencing around potential links between offenders.

It is not a failure of the past; it is a development of where we are at. The report undoubtedly was a challenge. As Judith said, it was exploratory research, but it came alongside work that we were doing already around developing the public protection units (PPUs) and looking at consistency. The policing plan priority, which can be taken forward again this year on child exploitation and honed even more, was about making sure that the resource base was maintained and that we kept that process going. Let me be clear: none of it is perfect; it is about continuous improvement. We have ended up in a place where we have huge potential. I will make the comparison again because, like the Rowan centre and the new approaches to dealing with sexual violence, it is important that, rather than standing over what we perceived as a failure, we acknowledge that, in policing and partnership arrangements, you have a process of continued improvement and professional development. That is exactly where we are at the moment. The encouraging thing is that, because of the new approaches, we have an opportunity to deal with some young people whose lives are being potentially wrecked. Our partnership arrangements are in place to do something cutting edge and innovative. We could be at the front of national good practice.

**The Chairperson:** I have a technical question: when the units were set up in 2008, were the social workers part of them, or when did they join them?

**Chief Constable Baggott:** My understanding is that they were.

**The Chairperson:** I think that you said that they were set up in 2008, with 79 specialist detectives.

**Deputy Chief Constable Gillespie:** From as long ago as 1988, police officers and social workers have jointly investigated child abuse. What was different about co-locating social workers with police officers was that they were working together in the same place. The partnership between police officers in Northern Ireland and social workers in the area of child abuse has been second to none for many years. It was not as if it just started in 2008 or 2009.

**Chief Constable Baggott:** It was 2009-2010. If it is helpful to members, we would be prepared to provide a timeline of the key events and key progressions so that you have a definitive chronology.

**The Chairperson:** Thank you. ACC Hamilton said that you have a team of 12 for the current investigation that is made up of detectives and some social workers and that a request has been made for more detectives to be allocated. How many is that and is it enough?

**Assistant Chief Constable M Hamilton:** My understanding is that it is a team of 12 to 15, three of whom are social workers. The senior investigating officer (SIO) this week asked me for an additional five detectives immediately. We have had discussions with the Chief Constable and other members of the senior executive team, and we recognise the need to resource the immediate demands of the senior investigating officer according to his investigative need. However, there is also a recognition that we are and have been considering how we will restructure generally to meet that demand, given the other demands for public protection arrangements from domestic violence to adult sexual assault and into child sexual assault. That is where we are today.

**Chief Constable Baggott:** I will not pre-empt what the SIO marker will bring us, but I would be very surprised if we do not end up with the public protection unit still in place locally making the connections between domestic abuse, safeguarding, sex offending and all those issues. At the centre, we now know that there is a relatively small number of high-risk very vulnerable young people, and we may have to have a permanence that may not have been envisaged a while ago. That will give something to our relationship with the safeguarding arrangements and with those who sit on the board and create action plans for young people. We can join up with social services, the welfare system, the education

system and policing and create specific action plans. We are trying to think outside the box. At the moment, we are following the evidence, and Mark has my assurance, as does the SIO, that they shall have whatever resources they need in spite of the discussion that we had earlier about resilience.

**The Chairperson:** The public will welcome that reassurance. There are 22 victims, and it is anticipated that that number will increase. One of the questions that people have is: how was the threshold determined? How did you decide who were the most vulnerable in care to come to that figure of 22 and look at those cases?

**Assistant Chief Constable M Hamilton:** The threshold was initially determined by looking at those who had gone missing or gone away most often. A parameter was drawn around that. I do not have the exact parameter in front of me, but it was certainly no fewer than 10 times. We then examined and found a group of 18 who had gone missing 437 times. The initial parameter looked at those who had left their care environment most often. That was how it started. Investigatively, we will have to examine our parameters continually to see how wide or how narrow we go according to what we can reasonably achieve at any one time. That will be an ongoing process with the investigation team, and we will have to flex just to meet that. It will be very difficult to be definitive about that.

**The Chairperson:** In the cases of vulnerable children in care, how many were missing for more than 24 hours?

**Assistant Chief Constable M Hamilton:** I do not have that level of detail in front of me. I am sure that we can mine that out or it might be somewhere in the process. However, 24 hours is a clear time on the clock. ACPO presented the option that children who go missing for less than six hours should be regarded as absent as opposed to missing, but we decided organisationally that we did not want to follow that model, because a great deal can happen in 60 minutes and 120 minutes as opposed to 24 hours. As you can see, the parameters around potential vulnerability are huge, and that is why we recognise the need to work in an even more joined-up way with our partners across the piece and recognise our role at the front and back of this and in helping to prevent it by working with care agencies. Out of this, we have improved our systems and processes to deal with what we describe as "mispers" — missing persons — and made those processes quicker and less bureaucratic. Children going missing from home is a huge issue across all societies. Our experience is that children who leave the looked-after environment are reported more quickly than those who leave their mums and dads. Parents do not necessarily ring the police straight away if their teenager has not been seen for a few hours. It is more likely that care workers in the looked-after environment will contact the police earlier.

At the risk of saying the same thing all the time: it is complex; it is not one-dimensional. In the middle of it, we have all sorts of young people, some of whom have complex needs. In other cases, they just want to be young people. We are trying to sort out the risks that face each of them in a more joined-up way and with even better partnerships. That is the plan.

**The Chairperson:** Chief Constable, you said earlier that you would welcome a review to make sure that lessons have been learned and that the procedures that are now in place are best practice. Can you call for that in the independent review? The likes of the Criminal Justice Inspection would have the powers to look at your procedures and practices in this area. Would you invite it to do that?

**Chief Constable Baggott:** I mean no disrespect to the Criminal Justice Inspection, but I would look for practitioners who are at the leading edge of this elsewhere to work with us on two things. First, do we have best practice? That could be a retrospective review looking at where we are in the safeguarding arrangements — education and health — and whether we are satisfied that those arrangements are best practice. Secondly, and more important, are we grasping the opportunities?

We should do that in real time. I would like to see a real-time peer review — commissioned by health, education and ourselves and cross-party with the Police Service — to sit alongside our safeguarding arrangements. My fear about inspection reports is that they take quite a long time. They come up with a series of recommendations, and you often find that good practice has already run ahead of the report. I would much rather do this in real time.

I genuinely believe that the tone of the review has to be constructive. I have some really good people working on this who are passionate about the protection of our most vulnerable people. I am nervous. If we could have done things more quickly, of course we would have. However, you deal with the information and opportunities that you have at the time. This should be a constructive review as

opposed to one that seeks failure. There is a difference between best practice and failure. The people who I have working on this are the same people who are responsible for innovations such as the Rowan centre. They are committed, and I want them to be supported in what we do. The tone of the review is important. However, this is a great opportunity that should not be missed.

**The Chairperson:** I echo that. From your perspective, the focus needs to be on catching the perpetrators. From a broader policy perspective, the focus needs to be on ensuring that the systems that are in place are right. I said last night and am happy to repeat that I am not interested in trying to pin this on somebody. I have not seen any evidence that somebody has failed here. I am not the expert in that field. If that is the case, they should be accountable, but I have not seen that. It would be easy journalism and cheap politics if we went that way. We need to look at a much broader, systematic examination of the processes. I think that that is what the Committee wants to do.

**Chief Constable Baggott:** I thank you for those assurances.

**Deputy Chief Constable Gillespie:** From my experience, the best reviews are sometimes from a multiagency peer-review team. I can understand why the Criminal Justice Inspection might be an option to consider, but a criminal justice response is not the answer to this issue. It is a much more complex matter. I suggest a multiagency team of peer practitioners involving the voluntary and statutory sector and justice and health. That is what is required here, rather than simply a criminal justice response. That would not do a good service to the children, who are the most vulnerable in this equation.

**The Chairperson:** I will bring in other members after this question. Chief constable, you mentioned education. Where would education fit into this arena?

**Chief Constable Baggott:** There are places of information and knowledge that have to be involved, and there are agencies at pre-school and primary-school level that have a responsibility. You have to look at every aspect of what is happening with a child. My daughters are teachers, and they are very much aware of the children as individuals, their needs, backgrounds, family circumstances and behaviours. This is particularly where we could take some risks. I do not mean that in the sense of apportioning any sense of hierarchy or responsibility, but there are all sorts of insights into the vulnerability of these young people. We have come at it from the perspective of managing the missing persons register, and realised that the national policies are more about getting people back. We need to take a step back from that and look at multiple returns and improve how police officers ask questions about where young people have been and what they have been doing. We must liaise with social workers, but in real time. This learning is taking place all the time. I will come back to that point.

I would like to explore whether there is something very specific around the small number of highly vulnerable children where we might need to be much more forensic. The safeguarding arrangements are about a limited number of highly vulnerable young people, and we could develop joint action plans across the agencies to look at their welfare. That does not happen at the moment. It happens in a localised way and in relation to specific allegations, but the lifestyle of young people and the way that some of them — sadly — have to live their lives is worthy of a much more forensic approach.

**Mr McCartney:** I will not go over some of the remarks made previously. There is a tendency sometimes for people to indulge in the "blame game" culture. It exists. In the same way, if there is responsibility somewhere, I do not think that there is anything wrong, even with the advantage of hindsight, in looking back and asking what could have been done at a particular time.

We have heard different definitions of the "eight month gap", as it is called. In my opinion, there still needs to be an examination as to why that happened. In this context, I am not trying to lay blame, but I want to see where responsibility lies. One of the recommendations that came out of the report was to mount an awareness campaign. It is now accepted now that there was no such campaign. We had a leaflet last week. Therefore it is fair to ask why a solemn measure like that —

**Assistant Chief Constable M Hamilton:** The police had a joint multiagency conference last August on child sex exploitation, and there has been a package on the police intranet about trying to identify the signs and symptoms of it. Those are actions that we have taken; I do not say that we did them specific to the recommendation, but we have been promoting awareness of this issue inside the Police Service.

**Mr McCartney:** I am not trying to say that you have failed or ask what you did. The Minister, correctly in my opinion, has said that he will have an independent assessment of that. I, personally — and, I suppose, my party — believes that, somewhere along the line, there might have to be an inquiry. That might be a multiagency inquiry or whatever. However, we need to be able to satisfy public confidence that it is not some sort of thing for which hindsight has put us in a good place. What created the gap or the circumstance in which things that should have been done earlier were not done? We need to find that out so that we can look at each other.

Take the analogy of the Rowan centres: they could have grown out of good practice over a long number of years, and then the need for it would have become obvious, rather than someone saying that not to have created one was a failure because we did not do it two years ago. We have to be careful. Good practice can grow. However, if there are obvious gaps or weaknesses, we have to identify them or the public will not have confidence that what we are doing as we take this forward is any better than what we did previously.

**Chief Constable Baggott:** There is another issue here which is about the status of research and exploratory reports such as this. They tend to get looked at as good practice and informative reports. There is a growing expectation among some of the responsible bodies that what needs to be done is almost an action plan against it. Work may be progressing in parallel or alongside it, but there is an expectation that we explore some of the status of this. I am very mindful of the fact that that report was taken to a responsible body and that the recommendations were given out, but I do not know whether it got lost in the telling, eventually, within the safeguarding arrangements. I am not close enough to the detail of that.

We have had that on a number of occasions, with reports that are not from the Criminal Justice Inspection or Her Majesty's Inspectorate of Constabulary, but which are academic reports. There is a risk that they may be seen only as good practice and that specific recommendations do not necessarily get built into policing plans or multiagency plans. What we do with that is something that I think we need to explore.

**Mr McCartney:** The Chair made what I think is a good suggestion about Criminal Justice Inspection, although I am not suggesting that you take it forward. We have seen numerous reports from Criminal Justice Inspection that made recommendations. Sometimes, those recommendation were not fulfilled. Sometimes, the body concerned did not accept those as recommendations, suggested that it was already doing that, and six months later we found out that Criminal Justice Inspection was right and that, had people listened to what it had said, it could have been corrected. That is right across the board. That is what we have to do in this circumstance.

We should not say that we have identified a problem and now have the solution. The solution has to be robust enough to have scrutiny, and that may take you beyond where you are now so that we can be assured that what was done was done properly, correctly and at the right time. If it was not, you need to ask when it should have been done.

A big part of this is that people are asking when this issue should have been identified. Most people said — perhaps wrongly — that that is what the inquiry or the assessment would do. They might feel that it should have been identified then, and it was.

**Chief Constable Baggott:** I do not know of anywhere else that has approached this from the angle of missing persons or vulnerability as we have. That is not to say that we might not have done it earlier had we joined the dots. However, I think that it is important to recognise that. If we can find a safeguarding arrangement that can work alongside us to push us, we will do that. I have no objection to Criminal Justice Inspection looking at the policing aspects of this. Let me be clear about that. That is not a matter that I can dictate; it has to be the Minister of Justice who determines that. If the Policing Board felt that its scrutiny arrangements were not sufficient and that it needed the support of Criminal Justice Inspection, I would not have a problem with that. However, it would have to be a discussion with the Minister of Justice.

The important thing is that we get an almost immediate peer review, because we have vulnerable people now. Criminal Justice Inspection can look back and see whether we missed any opportunities for best practice and what those might be.

**Mr McCartney:** Finally, although the PSNI may have independently carried out the review in June 2012, the public commentary is that that may be difficult to believe when the Barnardo's report was

already there. I know that that may be a value judgement. The other side of it is that the Barnardo's report was there, yet the PSNI and other agencies did not seem to take it as a starting point. If you arrived at this independently, where was the report all those times?

**Chief Constable Baggott:** I think that it was part of the practice.

**Assistant Chief Constable Hamilton:** Equally, we have admitted that we did not use the Barnardo's report as the catalyst to our investigation. We have been very open about that.

**Mr McCartney:** The question then is —

**Assistant Chief Constable Hamilton:** Why not? The report was reviewed as it was at the time. Rightly or wrongly, Raymond, people at the time did not view it as an investigative starting point. Clearly, people are now asking why that did not happen. I cannot say why that did not happen; it just did not. We worked alongside Barnardo's to explore the scope and depth of this issue in Northern Ireland, and in a letter to the charity we explored whether investigations needed to fall specifically out of that. The Regional Child Protection Committee (RCPC), which preceded the Safeguarding Board, and the Safeguarding Board have been trying to take forward the issue of child sexual exploitation in Northern Ireland. The RCPC was to take forward the whole body of recommendations.

People talk about the gap, but it is very difficult for me —

**Mr McCartney:** I know. I am not asking you to fill in the gaps. The research is clear, and the concluding paragraph suggests that if the proper investment was made it would significantly increase the outcomes in future. Those are prophetic words. The proper investment was not made at the time. There might have been some investment, but it was not adequate and most people now accept that, had we done what Barnardo's said, we might have been at this much earlier. The result may have been the same, but we would have been at it a bit earlier.

**Mr Anderson:** Chief Constable, we all want to see a full and rigorous investigation into this issue to get to the bottom of it. Indeed, I think that it was you who called for a constructive review. You said that you had the resource, and I keep coming back to resources. Mark has already talked about the team put together of 12 to 15 and others if he needs them. He said that you will have the resource to carry out a full investigation. However, in recent days, one of your senior management team said that the police could not cope with pressures such as having to investigate child sex abuse because of riots and protests. I would not like to think that something such as this was set aside and that some of the peaceful protests are, in some way, being blamed for an investigation not taking place or not taking place correctly in the future. Like it or not, a number of these people are decent, law-abiding people who have a legitimate concern about certain things in their communities. It was very unfair to have had that finger pointed at them and for comments like that to be made. As Chief Constable, you tell us that you have the resource to protect life and property and to carry out whatever investigations you need and would like more. Such comments are not needed at this time because some people are rather annoyed by them.

**Chief Constable Baggott:** I will let my deputy answer that, because she was very clear about what she said and this is an opportunity to clarify that. I am grateful for the question.

**Deputy Chief Constable Gillespie:** I welcome the opportunity to quote exactly what I said. It was at a child sex abuse conference. It was not on this particular issue of child sexual exploitation but child abuse in the round. In fact, presentations were given on the Jimmy Savile inquiry and other national inquiries. It was not dealing with this particular child sex exploitation issue. I said:

*" Like every other sector organisation, PSNI is under financial pressure."*

In fact, we have spent quite a bit of time during this Committee meeting talking about that issue.

*"This financial pressure quite rightly requires us to focus our efforts where they are likely to make the biggest difference, to protect the most vulnerable and to deal with the most serious harm. Night after night however, police resources are required to police tensions caused by unresolved parade and protest issues. With finite resources, this requires senior police to divert precious and highly skilled police resources from dealing with child sex offending for example, and there are many others, instead to stand in public order kit to keep opposing community factions apart. This is not*

*sustainable, and children will be harmed as a result of police resources being diverted. I call upon all those of influence to use that influence to resolve these on-going community issues. The PSNI deal with the symptoms of a much deeper-seated community problem for which policing alone will never be the answer."*

That quotation from what I said is exactly what we were discussing earlier about police resources from public protection units, from neighbourhood teams and from other parts of the PSNI being diverted to form up level-2 tactical support groups to police unresolved policing and parades tensions. I want to reassure the Committee that those comments were not in any way blaming one side or another; they were simply a statement of the reality of the pressure under which the PSNI currently is.

**The Chairperson:** I think that that is more than welcome.

**Mr Anderson:** Thank you for that explanation. I welcome that. You were probably expecting the question.

**Deputy Chief Constable Gillespie:** Yes. I welcome this public debate, because it is important that there is an understanding that standing up level-2 tactical support groups has a consequence for other important areas of police business.

**Mr Anderson:** Deputy Chief Constable, you are aware that there are decent, hard-working people who took offence at what they perceived to be getting at them in some way.

I want to tease out something. Have we a breakdown for the £50,000 a night on protests and the number of officers involved?

**The Chairperson:** We can get the breakdown on that, but I am not going back to a subject that we have covered. I know that it is a member from my own party and he might tell me off after, but we have dealt with that and there are a lot of members still to come in.

**Mr Anderson:** We will get those figures.

**Ms McCorley:** Go raibh maith agat, a Chathaoirleach. We all appreciate and acknowledge that we have to deal with this issue and the complexities that are involved in it. There is no simple solution, and no one is saying anything different. I just want to focus on one specific aspect of policing that you might be looking at. The report that Dr Beckett produced mentioned party houses. I am not sure what percentage of the abuse and sexual exploitation takes place in them, but party houses were mentioned. Do you have an operational view on how to deal with that? Are you doing something specific operationally?

**Assistant Chief Constable M Hamilton:** The expression "party houses" forms part of the inquiry, both the historical elements and how we respond going forward. I am kind of reluctant to say how we are going to deal with it in a public arena, but I can assure you that we recognise that it is a major issue as an element of that type of offending.

We also recognise that quick action is needed to prevent offending happening and not just to catch the offenders. I will also say that, from what I am learning about this — I have been learning a lot about it as well — party houses are an element but it might not even be a party house; it might be one on one, or it might be a caravan somewhere. It could be anywhere. I recognise it, and a party colleague of yours talked about party houses this morning. I accept that, and I think there is a general recognition in the community that that goes on as well. What has surprised me is that, once we started talking about it, a number of people said to me that they know that these things go on, but nobody has really put a name on it before. I completely accept the point.

**Ms McCorley:** I just want to add that there is probably a lot of information in the community about where those take place. They are a public nuisance, but a lot of people probably would not have realised the other things that could be going on as well, so there is a lot of information out there in the community.

**Chief Constable Baggott:** I think that it is about making it join up with community policing as well. There are community officers who people might speak to, but they would not necessarily be prepared to speak to a detective, so we have to join all of that up as well. You are absolutely right.



**Mr McGlone:** Chief Constable, thanks very much for being with us today. I want to get it clear in my own head, because I am not entirely clear about it. Currently, there are alleged offences against 22 kids who were in care. Those are under investigation, is that correct?

**Assistant Chief Constable M Hamilton:** We have focused on 22 kids. The victim group is slightly bigger, but our cases are based on 22 children we identified who, between 1 January 2011 and 31 August 2012, were part of a group that had gone missing x amount of times. That was the parameter we set that started us focusing on this. The historical element has been dealing with 22, but we are also trying to deal with today's risks and offences.

**Mr McGlone:** Can I take you to the next step then? Who defined them as being missing? Was that based on a report to the police?

**Assistant Chief Constable M Hamilton:** Yes.

**Mr McGlone:** OK. We will move it to the next step then. The numbers of reports of the kids being missing that I have heard being bandied about seem to be quite extensive. How many reports of being missing have there been relating to those 22 kids?

**Assistant Chief Constable M Hamilton:** The 18 children whom we have focused on most, over the period that I have described, from 1 January 2011 to 31 August 2012, went missing 437 times.

**Mr McGlone:** I am sure that some of them might have gone missing quite a large number of times more than others. As you quite rightly said, Chief Constable, they are young, vulnerable kids who are in care for a reason and, for that reason, as you have highlighted, social services and your organisation have been working closely together since 1988 or something. It does not take rocket science to work out that there is a problem here, particularly if there is a problem with individuals. At what point does the report of an absence made to the police go to social services, and potentially even to mental health or another aspect of the health service, saying that something needs to be addressed? There is a period of time, running from 1 January 2011 until 31 August 2012, where there were repeated absences. Who has the wit or the common sense to say that there is a kid, there is a problem with the kid, and something needs to be done about it rather than waiting until now to have a fully-fledged investigation where you are running around trying to get detectives involved? I want to know whether it should be the care facility, social services or the police? To whom does it fall to say that we have vulnerable kids here, this youngster has gone missing 20 or 30 times and we need action to deal with this situation?

**Assistant Chief Constable M Hamilton:** It falls to all of us.

**Mr McGlone:** Who did it fall to in this case? Presumably, with an individual or individuals, a clear pattern emerges over that period of time.

**Assistant Chief Constable M Hamilton:** With respect, I cannot give you that level of detail for these children with what I have here. Obviously, they were in the looked-after environment, so would have either returned voluntarily to the home they were staying in or may have been returned by the police in some circumstances. As the children were in the looked-after environment, there would have been a care package or intervention package in place for them because they were not with their parents. As a police officer sitting here now, I cannot comment definitively on the interventions for each of those children as it happened at the time. What we are saying is that, as a group of professionals, we need to improve the quality of the response to each episode when a child leaves home. I cannot give you that level of detail at the minute.

**Chief Constable Baggott:** It is fair to say that, normally, the police would deal with the situation if there were specific allegations made against those young people or made by the care workers about criminal behaviour. That would be investigated as a matter of course.

**Assistant Chief Constable M Hamilton:** In all of these cases, there were criminal investigations at the start.

**Chief Constable Baggott:** The national policy has been to return those children to care. Some policies around persistent absentees have been, basically, to do the minimum, because it has been about saving police time. I think that that approach has been challenged. It has been challenged by

us, here, and it has been challenged nationally now, by our saying that multiple absentees may have significant underlying vulnerabilities that get lost in the gaps because the police are dealing with specific allegations and taking them back. They then become the responsibility of the care worker and somehow, the patterns of behaviour, the absence from care and the previous allegations get lost. That is why I spoke about the specific care package for individuals that would join up those bits.

**Mr McGlone:** With the greatest of respect, Chief Constable, that should be basic common sense. If a very vulnerable kid is repeatedly going missing from care, someone, and I do not know whether it is you, social services, or whoever, should be saying that that youngster needs to be looked after, and that there are clearly other issues with that youngster.

**Assistant Chief Constable M Hamilton:** I think that that is what happens, but the care environment is not a secure environment. No one is arguing that it should be, but there are clearly interventions made for lots of children in the caring environment. They have dedicated social workers and dedicated teams working with them, so I do not think that we can describe this by saying that these kids are getting no intervention and no care when there is millions of pounds spent every year across the caring agencies to try to assist children who have these greater vulnerabilities. It is not the case that nobody is interested in them or nothing was done.

**Mr McGlone:** Perhaps I should ask this a different way. At what point did you, as police officers, become aware that offences were taking place?

**Assistant Chief Constable M Hamilton:** In all the cases that I have been told of, even before we went back to look at the number of missing persons, we were involved in criminal investigations initially. So, if offences had been referred to us, we investigated them.

**Mr McGlone:** Offences of a sexual nature?

**Assistant Chief Constable M Hamilton:** In some cases, yes. In most cases, there was some sexual nature, and that would have been investigated.

**Mr McGlone:** In all 22 cases?

**Assistant Chief Constable M Hamilton:** I believe so, yes. I have been told that that was the case.

**Mr McGlone:** Over what period of time? If you do not have that detail, I would appreciate getting it. This has raised a lot of concerns.

**Assistant Chief Constable M Hamilton:** Part of that detail is part of the ongoing investigation because we are now reviewing all those allegations and establishing new lines of inquiry.

**Mr McGlone:** I will take this a stage further: are you reviewing allegations, or are you going back over repeat absences of kids who were possibly not in care but may have been reported as being missing too and may well have been associated with localities or areas in the proximity of some of the care homes?

**Assistant Chief Constable Hamilton:** We are reviewing 22 cases that we have identified. We are expanding our understanding of victims beyond that. We have asked the social services, Barnardo's and the NSPCC to give us names of people who they feel are vulnerable. We are putting in place a multiagency risk-assessment tool to assess their current vulnerability. All the agencies have been very helpful to us in doing that so that we can identify who else might be at risk of child sexual exploitation.

**Mr Dickson:** Following on from Mr McGlone's comment; what advice would the police have given social services, from a crime-prevention perspective, particularly on the property side? It seems that a lot of looked-after children were in accommodation that had an open door. Can you confirm whether, at some stage, that open-door policy had been discussed or negotiated with the operators and staff of the home in order to advise them on what might be described as a total open door?

**Assistant Chief Constable Hamilton:** I cannot actually help you with that question at all. Each case would have been responded to individually by the police officer who was given the missing-person

report. Public protection teams work closely with local social services. We work together in the same teams. If that type of crime-prevention advice is asked for or needed, we will provide it. I stand to be corrected, but I am not aware that we have ever provided security advice to care homes or the looked-after environment about how to keep children there. I do not think that police have been involved in that role. The matter is not about secure accommodation.

**Mr Dickson:** I wholly understand that it is not about secure accommodation. I am not trying to make that argument. I know, as a local councillor, and valued, as a member of the district policing partnership, advice that was given for the care of the elderly in a not dissimilar style of care home accommodation because, perhaps, those elderly people were in the early stages of dementia and were wandering, or whatever. Again, that is not a locked environment. It is an open-door environment. However, local crime-prevention staff gave that advice.

**Assistant Chief Constable Hamilton:** I am just not sure that I know the answer to that question.

**Mr Dickson:** It goes back to the common-sense aspect that Mr McGlone raised. It is a two-way street. Just because you have a joined-up process with people who operate a home does not necessarily mean that that would allow you to review the protocols for the opening and closing of the front door, for example.

**Assistant Chief Constable Hamilton:** I accept that. To my knowledge, the police would not normally be involved in those issues.

**Mr Dickson:** Will you now revise that area?

**Assistant Chief Constable Hamilton:** The reality for the police and all partners in this is that the debate is opening into a whole range of areas and challenges. We have to find the answers. If we have not got the answers, we have to create solutions. We are aware that questions are being asked for which we do not have ready answers. What we are trying to be, and what we have tried to be all week, is as transparent and honest as we reasonably can be given the live investigations that we are running. We actually welcome this debate. This is difficult, hard stuff. No one wants to avoid accountability. We welcome the debate because it brings us right back to the centre point in our investigative strategy, which is to identify those at risk, protect the victims and bring offenders to justice. So, I completely agree, Stewart. If there are questions that people think should be obvious to us that we have not thought of, I will not pretend that I know the answer if we haven't thought of it.

**Mr Dickson:** I think that the Committee and the general public should be assured that everybody is now working towards extremely positive outcomes for this matter and the future.

**Assistant Chief Constable Hamilton:** You can be sure of that.

**Mr Humphrey:** Chief Constable, the point that you made earlier and that your colleagues have reinforced about the issue of reassurance for the people of Northern Ireland on the issue is crucial. As Mark has just said, a huge microscope is on the police around this issue, given the appalling vista that we see in front of us and the number of young people who have been involved over a long period. I very much agree that a multiagency approach is required. That is the only way to tackle this issue. However, given that 1,000 mutual aid officers were brought in over the summer for the G8 and parading, there is clearly a huge number of specialist officers across the mainland who could deal with this — Greater Manchester had Rochdale, for example, where there were similar incidents. Given the figure that Mark gave about the number of officers who can be deployed and the resources brought in from social services and so on, are you able to bring in specialist police officers with the expertise that they would have gleaned on the mainland to help the PSNI to deal with this issue?

**Chief Constable Baggott:** That is not something that we thought about in terms of mutual aid for this specific issue, and it would not fit within the mutual aid requirements. It would have to be a joint agreement that we could pay for and bring a limited number over. It would be difficult. Most major police services are downsizing because of similar budgetary issues. To convince a police and crime commissioner to let some of their specialist detectives come over here to work alongside in investigations may be difficult. A peer review is a different issue. We could probably facilitate getting them to come alongside, examine our processes and help us on that, once we could identify, probably through an inspector of constabulary, where that expertise is.

**Assistant Chief Constable M Hamilton:** Our understanding is that this issue is as live in other parts of the United Kingdom as it is here. Therefore, for chief constables to release specialist detectives to come here when most of them are facing similar issues, whether or not they have yet found them, would be difficult, in the same way that we would be reluctant to release detectives. If the call had come to us two weeks ago from somewhere else in the UK for our detectives with skills in this area to go across, I just do not sense that most chief constables would be that keen to release specialist resources, given the difficulties they face.

**Mr Humphrey:** Do we have any evidence that any of the predators were based in, or came across from, the mainland or, indeed, from across the border from the Irish Republic?

**Assistant Chief Constable M Hamilton:** I cannot comment on where they are from originally. We will have to start looking at cross-border issues. At the minute, we have contained ourselves to within Northern Ireland. All I can say is that, to the best of my knowledge, there is no ethnic, nationality or specific defining characteristic of anyone involved. All that can develop.

Also, it is not about just the 22 cases. It is about what else is going on out there and we are trying to get our head around that, so we just do not yet know what exactly we may find.

**The Chairperson:** We will move on to the issue of human trafficking. We will not dwell on the subject because the Assembly will get into the detailed scrutiny of the Bill over the next six months, subject to it reaching Second Stage. However, a number of points arose at last week's meeting that several members want clarity on. I will let Mr Wells lead on this.

**Mr Wells:** Chief Constable, is it the role of the police to develop, formulate and pass legislation or to implement it?

**Chief Constable Baggott:** It is clear that the legislature passes the law and the police enforce it.

**Mr Wells:** It is good to hear that. Was the PSNI consulted about Lord Morrow's Bill on human trafficking?

**Chief Constable Baggott:** I understand that we were.

**Mr Wells:** Did you respond?

**Chief Constable Baggott:** Yes. I think that our response went through the Department of Justice.

**Assistant Chief Constable M Hamilton:** The response was made via the Organised Crime Task Force (OCTF), but we did not —

**Mr Wells:** The PSNI —

**Assistant Chief Constable M Hamilton:** — but we did not respond directly to Lord Morrow.

**Chief Constable Baggott:** Not directly to Lord Morrow, no. We used a different process.

**Mr Wells:** Then why did Chief Superintendent Marshall take it upon himself to make a comment in an attempt to torpedo Lord Morrow's Bill, having not bothered to respond to the consultation process?

**Chief Constable Baggott:** I think that Phil Marshall would probably say that, when he is asked a professional question, he gives a professional reply.

**Mr Wells:** In the 'Belfast Telegraph'?

**Chief Constable Baggott:** It is not really fair to say that he tried to torpedo the Bill. It is fair to say that, speaking to colleagues, there is enormous respect for what Lord Morrow is trying to do. I mean that genuinely.

**Mr Wells:** Good.

**Chief Constable Baggott:** The issue of people trafficking and dealing with prostitution is very real. The professional view, provided by the OCTF through the Department of Justice, is simply that we want to make sure that we have the very best evidence to support legislation. There is a shared desire to deal with the issue, but the question is whether the measures proposed in the Bill, based on the evidence, particularly of Sweden, support that measure. That is the only concern. It is not about torpedoing the Bill. If, having examined the evidence, the Assembly decides to pass the legislation, you have my 100% assurance that the Police Service will enforce it.

**Mr Wells:** So, the timing of Superintendent Marshall's contribution was purely accidental and was without collusion with the DOJ?

**Chief Constable Baggott:** I have no evidence whatsoever that a detective superintendent, who is doing some fantastic work around people trafficking — he is at the forefront of it — would seek to torpedo a Bill or cut across a democratic process. To some degree, I suspect that he was asked a question and gave a professional opinion. None of that cuts across the desire to deal with people trafficking. Please do not take it as any slight on Lord Morrow's desire to deal with the issue.

**Mr Wells:** It struck me as very coincidental that it was such a high profile intervention. Indeed, when the proposer of the Bill got an equally experienced retired police officer to respond, the 'Belfast Telegraph' refused to cover that response. It came out at the most appropriate time for the Department to make it very clear that it does not like the Bill.

**Chief Constable Baggott:** I wish that I could control the media. I understand the point that you are making, but having seen the 'Belfast Telegraph' for the past two days, I do not have much influence over it.

**Mr Wells:** You are somewhere behind the Queen and the President of the Republic.

**Chief Constable Baggott:** I think that Phil Marshall was asked a question at the OCTF and responded to it. I think that the media were there. There was no attempt to scupper or torpedo. The genuine intention is to do the best we can to deal with people trafficking.

**Mr Wells:** Good. Maybe I am just being cynical. Are you saying that, if the Assembly, in its wisdom, decides that what Mr Marshall is saying is totally wrong and proceeds to implement a Bill to protect vulnerable women against trafficking and prostitution, you have the resources and ability to enforce it on the ground?

**Chief Constable Baggott:** We have a range of options available from discretion through to enforcement, but we will respect the law and do everything we can. Of course we will. That is the law.

**Mr Wells:** Finally, did Superintendent Marshall seek approval from you or senior staff before that statement was issued?

**Chief Constable Baggott:** I understand that it was a response to a question.

**Assistant Chief Constable M Hamilton:** My understanding is that he was asked a question at a crime conference and he responded. The position that he took overall has been endorsed by the senior management team. I do not know whether he asked for permission to answer that, but he was not speaking unilaterally.

**Chief Constable Baggott:** I think that it is the chief officer's position, too. It is just about trying to find the best evidence of what works here. Phil Marshall is a senior colleague. He holds enormous responsibility. I do not expect colleagues to have to ask for my permission to respond to questions. I appreciate your concerns, but he is a senior colleague and is highly respected in our organisation.

**The Chairperson:** I appreciate the clarity on that point. The comment that you made that, if we pass the law, you will be able to enforce the law —

**Chief Constable Baggott:** Absolutely. That is our job.

**The Chairperson:** It is important to have that on the record.

We will move to the next item, which is the Her Majesty's Inspectorate of Constabulary (HMIC) report on the inspection of the PSNI Historical Enquiries Team (HET).

**Mr McCartney:** This flows on from the previous conversation around public confidence and how you restore it. It is fair to say that Patricia Lundy's report and the inspectorate's report were very critical of the HET. One of the issues was investigations that were carried out by the British Royal Military Police, which Brian Kerr described as having dubious legal standing. Obviously, the investigation was not proper and did not fulfil the article 2 requirements. Then, we find in the HET process that a different type of investigation and procedure was carried out in relation to those same killings. It goes back to the idea of hindsight and retrospection, but who should have spotted that an improper procedure was being carried out, and when?

**Chief Constable Baggott:** To be clear: I have accepted the recommendations, and we are moving ahead on those with the Policing Board. The timeline has been produced and a new leadership team will be put in place, which will comprise independent PSNI officers who are fully trained senior investigating officers (SIOs), taking command of the HET in about a week's time. That has been agreed with the Policing Board. At the moment, we are looking at reviewing all of the recommendations, the consistency, the practice, the policy and the training. That process will go on over the next two months.

They misinterpreted the law on this. The HMIC is very clear on that and I am clear on it as well. The responsibility should have been to have taken clearer legal advice when they were putting the operating practice in place. I think that legal advice at the time on how they were dealing with military cases would have been appropriate. They took some advice, but it was historical, and, clearly, that was a misinterpretation. The HMIC has been very clear about that. I am clear about that too. We are currently reviewing the practice, and then we will have a new investigation in place. At the moment I am reviewing about 13 of the cases that were dealt with in which soldiers were interviewed under caution, to see whether any evidential opportunities were missed. It is important to say that HMIC looked at policy and procedure. What we are now doing is reviewing whether any opportunities should have been taken and, on the back of that, I will determine where we review all of those cases again, because I made a commitment to do that.

**Mr McCartney:** I appreciate that end of it, but, specifically, if someone misinterprets legal advice that leads to a practice that is improper, the person who made that judgement, or the people who were supervising that person, should have their judgement scrutinised, so that we do not end up with a situation where someone, on their own, or collectively if it is a group of people, end up interpreting something wrongly and do something that is seen to be improper. We just feel that then we move on by saying that we recognise that. I do not think that is good enough in this case.

**Chief Constable Baggott:** The leadership team responsible for setting the direction of this will be replaced in September, so there has been a consequence to it. I think it is also fair to say that, in relation to the files, we are currently reviewing everything. We have stopped the completion of reports and the opening of reports until we get it exactly right. We are making it happen. I have invited the HMIC, through the Policing Board and the Department of Justice, to come back and inspect us again. We are determined to get it right. It is important that we get it right for public confidence issues, and we have taken some very strong steps immediately to make sure that we have got the new leadership in place.

**Mr McCartney:** You talk about consequence, and you say that you are replacing the top team. My understanding is that the leadership of the HET was on fixed-term contracts.

**Chief Constable Baggott:** Not quite.

**Mr McCartney:** Well, the leader of the HET?

**Chief Constable Baggott:** The leader is a member of police staff.

**Mr McCartney:** There was no open recruitment for his post?

**Chief Constable Baggott:** No, he moved originally from a series of fixed-term contracts, but, under the law, after a period of time he became entitled to be a police staff member, so he assumed the rights of the full-time police staff. The number two was on a fixed —

**Mr McCartney:** I will come to that in time. Was he appointed after a public appointment process?

**Chief Constable Baggott:** No.

**Mr McCartney:** Was he on a fixed-term contract?

**Chief Constable Baggott:** Originally, but then, under the legislation, that became —

**Mr McCartney:** Was he on a fixed-term contract?

**Chief Constable Baggott:** Not in the last six months. He was originally on a fixed-term contract.

**Mr McCartney:** From my understanding, he was on a fixed-term contract for four years, and was re-appointed each year on a four-year basis.

**Chief Constable Baggott:** I am not quite sure about the reappointment basis. I know that his remuneration was looked at, I think in 2007-8, and contracts were renewed, but after a period of time you acquire the rights to become a full-time employee, and that is what happened here.

**Mr McCartney:** We will come to that in a moment, but I am asking a specific question. He was on a fixed-term contract for 12 months, and it was renewed on four separate occasions.

**Chief Constable Baggott:** That may be the case; forgive me. I know that the contract was renewed, yes.

**Mr McCartney:** Can anybody say if that is the case?

**Deputy Chief Constable Gillespie:** We have provided details of his contracts to the Policing Board in writing, so all of that is subject to its scrutiny. I think you are right, Raymond, but I cannot be 100% definitive because I do not have the papers in front of me. We have provided them to the Policing Board.

**Mr McCartney:** My understanding is that it is. Although the Policing Board has its role, this Committee can ask legitimate questions about that. That brings me to the issue of public confidence. The movement from a fixed-term contract to being a full-time employee of the PSNI was done without a public appointment process. Is that right?

**Deputy Chief Constable Gillespie:** It is my understanding that we did that to regularise the position. I can understand exactly where you are coming from in that it looks like we moved him from a fixed-term contract to a permanent staff position for reasons other than good management, but that is exactly what we did. He was entitled, having been employed by the organisation for the length of time he was, to move to the status of a permanent member of staff, and that is what happened in March of this year.

**Mr McCartney:** I have not quite said that yet, but how are people who are supposed to be promoting public confidence, particularly when this happened between Patricia Lundy's report and the inspectorate report, able to suddenly move a person who is on a fixed-term contract that seems to satisfy everyone to a full-time appointment within the PSNI? He was moved from his position as the leader of the HET to being a full-time appointee of the PSNI. How can we look the public in the eye and say that that is good practice?

**Deputy Chief Constable Gillespie:** Perhaps I can deal with that, and the Chief Constable may want to come in after me. As a result of the Northern Ireland Audit Office report into temporary staff, we undertook a complete review of all staff on fixed-term contracts. From that review, it became obvious that there were certain people who had been on fixed-term contracts for a long period, one of whom was the head of the HET, who were entitled to full-time staff rights because they had been employed for that period. I do not think that anybody envisaged, when the HET was established in 2005, that its work would go on for quite so long. The fixed-term contract was for a short period at the outset and was repeatedly renewed. It became obvious that Dave Cox's services were going to be required for much longer than his fixed-term contract, so, to regularise his position, and with employment lawyers'

advice, he was moved to a full-time post. I understand exactly the question that you are asking and why you are asking it, but that is what happened.

**Mr McCartney:** How many people on fixed-term contracts were regularised at the same time? I do not want people's names.

**Deputy Chief Constable Gillespie:** I believe that he was the only one.

**Mr McCartney:** Were other people who were working on fixed-term contracts offered the same thing?

**Deputy Chief Constable Gillespie:** No, because they had not been employed for the same length of time. He was the one who was uniquely employed for that length of time.

**Mr McCartney:** So he is the only person a fixed-term contract —

**Deputy Chief Constable Gillespie:** — who was offered a full-time permanent post? Yes, I believe so.

**Mr McCartney:** I think that the way in which Patricia Lundy's report, which the HMIC virtually endorsed word for word, was practically dismissed shows practice in which something that I think the Chief Constable has described as "illegal" was taking place, or did not follow the legal practice as is laid down.

**Chief Constable Baggott:** That is a word that the HMIC used in its report.

**Mr McCartney:** You accepted all the recommendations.

**Chief Constable Baggott:** I have accepted the recommendations in the report.

**Mr McCartney:** Therefore, what was carried out was illegal.

**Chief Constable Baggott:** It was a misinterpretation of law. It should not have happened. I accept that.

**Mr McCartney:** I do not think that a good defence in court would be, "I misinterpreted the law when I broke it."

**Chief Constable Baggott:** The word "illegal" in this context has a number of connotations. For some, it means criminal, for some it means acting outside the law and, for others, it means getting it wrong. In discussions that we have had with the Policing Board, I have been told that there are four different interpretations of the word "illegal". I do not want to get into a complex debate because, ultimately, the practice was wrong.

**Mr McCartney:** But you have to put this into the context that the first investigations were handed over to the British Royal Military Police. The Lord Chief Justice, Brian Kerr, said that that was legally questionable, which, in any other person's parlance, means illegal. You then have the same procedure being carried out and the same malpractice in place. It is now accepted by the inspectorate that, whatever word you want to use, it certainly was not good practice. It was malpractice and, indeed, it was termed "illegal". The person who leads this organisation, who was responsible for interpreting the law, and misinterpreted it, is now a full-time employee in the PSNI without any public appointment. It is little wonder that people have no confidence in the way that the report and how the HET investigated cases has been handled.

**Chief Constable Baggott:** There are two issues. The first is that our human resources staff and our employment lawyers would say that we are obliged to follow the law on this matter. That is what happened. Secondly, having brought the HMIC in, we had to wait for a definitive judgement and a view before we could deal with the matter. We are dealing with it now, as this employee is a police staff member. He is being replaced in the leadership and he will leave the Police Service. That is a very strong step to have taken, particularly as the number two is also leaving. His contract has not been renewed; it is being ended. We will have new leadership.



I should also say, of course, that some of the questions that I asked of the HMIC were about integrity. This was wrong; it was a misinterpretation and it should not have happened. There are issues in the HET around policy practice against modern murder investigation standards. Part of the problem, which I wish I had dealt with in 2010, to be frank, was that the goalposts — the way in which this was set up — have moved over the years, and rightly so. Our difficulty has been that we have had an organisation that has been somewhat at arm's length because of its independence, which is very important, but modern standards and expectations have moved on. It is important to me now that we have PSNI leadership in there that is independent from the past so that it is seen to be completely free of that and able to implement the standards, policies and procedures that bring it right up to date. That will happen.

I want to make it clear that we have taken some very decisive action here about the leadership. The Policing Board made its view very clear to me on this, and I acknowledged my accountability to it. I have taken steps to move ahead with the appointment of new people. That will happen next week, and other colleagues will leave the organisation.

**Mr McCartney:** You may not be able to answer this question today. How long do you have to be employed on a fixed-term contract before you are entitled to full employment?

**Deputy Chief Constable Gillespie:** I think that it is four years.

**The Chairperson:** Did the PSNI follow normal public protocol when it came to turning the fixed-term contract into a full-time contract?

**Chief Constable Baggott:** It is the law.

**Deputy Chief Constable Gillespie:** The advice from our lawyers was that Dave Cox could have claimed full-time employment anyway, even if we had not offered it. He could have claimed that right, having been employed by us for that length of time. We were simply regularising the position on the advice of employment law. I understand that that is what happens in other organisations as well. As I said earlier, nobody could have envisaged that he would have been required to be in his position for so long.

**The Chairperson:** I have another question about the HET. Do you know whether Sinn Féin has ever met the HET?

**Chief Constable Baggott:** I do not have an answer to that, I am afraid.

**Deputy Chief Constable Gillespie:** The head of HET would have appeared before the Policing Board on a number of occasions.

**The Chairperson:** What about meetings in a private capacity?

**Chief Constable Baggott:** I would not have a —

**The Chairperson:** When do you think the HET will start bringing republicans before the courts, given that they were responsible for killing more people than any other organisation? So far, it has predominantly been loyalists. I do not mind who is brought before the courts; if they killed people, they should be brought before the courts. However, so far, the HET has not performed in dealing with those who were responsible for the vast bulk of what happened during the Troubles.

**Chief Constable Baggott:** I will answer that in a completely non-political way, as you would expect. I am probably treading on eggshells, but the HET has to be utterly impartial. The benefit of the HMIC report has been to bring the HET up to date on the standards of a modern murder investigation review team. It will become more effective. I do not know what the consequences of that will be in respect of the new resources that are needed and for how long they will be sustained. I can provide you with figures for outcomes, but the HET has brought both loyalists and republicans to the notice of the Public Prosecution Service. It is not as skewed as people think. The reason for that perception being in the public domain was because of the work of Operations Stafford and Ballast, which has become a main PSNI operation and not one for the HET.

**Deputy Chief Constable Gillespie:** The HET has referred a number of cases with live lines of enquiry to the crime operations department, C2, which comprises the main investigation teams. It is my understanding that roughly twice as many cases involving republican terrorist atrocities as there are involving loyalist atrocities have been referred to the C2 branch.

**The Chairperson:** Are republicans willingly cooperating with the HET team? Do they voluntarily come forward whenever the police knock the door and say that they are investigating a murder and that they are trying to bring closure to the families? Do those republicans who are under investigation say, "No problem. Let me come down to the station and tell you all that I know"?

**Chief Constable Baggott:** The HET is an investigative team. The important thing is that it starts with the evidence. It looks at witnesses and forensic opportunities. That has to be a completely impartial process. Where that leads to is a question of whether suspects are identified or not. There will always be a difference in the sense that the soldiers' identities are known, but that does not mean that there should be a differential approach, because every investigation should start with the evidence and not with the individual.

**The Chairperson:** The question was this: do republicans under investigation voluntarily cooperate with the police and provide them with all the information that is needed?

**Chief Constable Baggott:** In the past, people have volunteered information, but, to be clear, an investigation should start with the evidence. Whether it then goes to an interview should be a question of identification. Army personnel are known because of their role, but that does not mean that investigations should be anything other than completely objective and completely impartial. You start with the evidence and work from that, and the differential approach was that the interview process may have been premature. I have to be clear: the report is the HMIC's view of an operating guidance or an explanation of it. We are reviewing the cases. I do not have the evidence yet on whether that followed through to missed opportunities. My C2 branch is doing that work at the moment, and I cannot give a view on that. HMIC looks at policy and procedure, and I am now assessing the evidence and the consequences of that.

**Mr Lynch:** My question, Chief Constable, is about article 2 of the European Convention on Human Rights. I am led to believe that the British Government previously informed the Council of Ministers that they are compliant with article 2. Is that correct?

**Chief Constable Baggott:** When the HET was set up in 2005, it was part of a number of institutions that, collectively, added up to an article 2 compliance. That is my understanding. The HET was always trying, in its reports, to combine two things. One is giving an answer to families, and that entailed an element of subjective opinion. That is not normally part of the criminal justice process. We do not normally give opinions; we normally stick to the facts. However, it was an opportunity to try to do something on truth and resolution. Meanwhile, it was also about reviewing the evidence and passing it on. In 2010, on the back of some concerns from the PPS about whether we could take those investigations into a court setting, I moved any evidential opportunities that were uncovered back into the PSNI and C2 branch to try to make sure that that was fully compliant with article 2.

**Mr Lynch:** Are you now saying that the HET was not compliant with article 2?

**Chief Constable Baggott:** We have to first examine all the individual cases in that serious case review. At the moment, I do not know whether any opportunities were missed. They may have been; I will not deny that. However, it is important that we review all those military cases to make sure that, if people have committed offences, they are brought before the PPS for decision-making and they appear before the courts.

**Mr Lynch:** Finally, do you think that the Council of Ministers was misled?

**Chief Constable Baggott:** I do not think that anybody set out to deliberately mislead the Council of Ministers. In fact, I do not think that the HET was set up to be anything other than innovative and bold in the context of 2005. It was supposed to be a precursor to something like an Eames/Bradley solution, which is something that Richard Haass will now explore with Assembly Members. However, over time, the view of it has changed, and there is no doubt about that. The HMIC has a very clear view that you cannot have a unit that operates a subjective report-writing function alongside being fairly loose in terms of investigations. He is clear that we should have up-to-date detectives with the

right qualifications and right training, managing these things consistently against national standards. That has an implication because, to be frank, we have to review 3,000 murders. If there is an insistence that they have to be reviewed all over again in the greatest detail, that is hugely resource intensive. I am not arguing against that, but we need to be very careful about what we do. At the moment, the reports focus on military cases.

There is also a large measure of satisfaction from a large number of people about what the HET has achieved. The report talks about areas of good practice. It does not suggest the HET should be collapsed or brought down; it states that it should be brought up to modern standards, and that is what we are doing at the moment.

**Mr McCartney:** Again, this is something that you might come back to. It is my understanding that the current director was appointed in 2005, so he would have been entitled to full employment rights in 2009.

**Deputy Chief Constable Gillespie:** That is right.

**Mr McCartney:** Is there any explanation of why he was not offered that then?

**Deputy Chief Constable Gillespie:** He ought to have been. It was only when we undertook the review of staff on fixed-term contracts, prompted by the Northern Ireland Audit Office report on temporary staff, that his position became obvious. At that point, the position was regularised.

**Ms McCorley:** On the same point, apart from the case that we are talking about, how many other people have been moved from a fixed-term to a permanent post?

**Deputy Chief Constable Gillespie:** I believe that he is the only one.

**Ms McCorley:** Nobody else has ever been moved to a permanent contract from a fixed-term one?

**Deputy Chief Constable Gillespie:** I cannot say that nobody else has ever been, but, to my knowledge, he is the only one, certainly in the recent past.

**Chief Constable Baggott:** I am not sure that we have had fixed-term contracts that have been rolling over in that way. Most fixed-term contracts are for short-term pieces of work. As the deputy said, the HET has rolled on a lot longer than people anticipated. It contains some quite complex employment arrangements, from Grafton associates through to fixed-term appointments and permanent staff. Part of the review of the leadership team will be an examination of the training, skills and employment practices. We can do that fairly quickly.

**The Chairperson:** Let us move on. There are a couple of more minor but important points on our agenda. The firearms licensing issue is an ongoing piece of work that we, as a Committee, have been dealing with, particularly with respect to fees. I know that ACC Hamilton is across the brief on this issue. A number of points have been raised with the Committee, one of which is around security specification. The Police Service has delayed the implementation. I think that January or February next year is the time frame for that. The question being asked by those involved in the legitimate gun trade is whether it is necessary. They allege a lack of consultation in designing it.

**Assistant Chief Constable M Hamilton:** I recognise that this has been a difficult journey for everybody. I accept that. I also accept the need to improve relationships. I believe that there are meetings arranged for this month. I recognise that there is a lot of strong feeling about this matter. I am very keen to get us all moved on from this if we can.

Is the security necessary? We feel that it is. Six guns were taken from a private home this week in a burglary. The Chief Constable has outlined the threats that exist in Northern Ireland. We feel that a minimum specification is required for dealers. We tasked security branch to specify that, and we then diluted the recommendations that we received. I feel that it would be irresponsible to ask the Chief Constable to accept anything less than a minimum level of security for people who routinely store firearms in the course of their business. I accept, however, that the dealers do not necessarily agree and that there has been disagreement about whether they were consulted. I also accept that the consultation as they saw it was not as we saw it. Our staff would say that leaders of the various

groups were told about it or presented with papers, but I accept that that perhaps did not seem to them to be a consultation.

It would be disingenuous for me to say that consulting again would lead to a different outcome, given that the specification was recommended to me as a minimum, and we have now diluted that. I accept that it has led to a position of difficulty between us and the dealers. This needs to be moved forward, but we feel that we have to establish a line where we feel the security level must be, given the necessity to secure firearms.

**The Chairperson:** I understand that. It can sometimes be easy to say "public safety", and it almost makes it look as though I am trying to compromise public safety.

**Assistant Chief Constable M Hamilton:** Fair enough. I do not think that at all, Chair. I understand that there is a lot to this.

**The Chairperson:** The point has been made to me that, particularly for some small dealers and for some who are repairing, sometimes they have only three or four arms on their premises, but this specification will put them out of business. One individual was licensed in 2006, and the police signed off on the arrangements that that individual has. Now, he is closing down as a result of the new specification. He just cannot stay open. It is very small scale; he repairs a couple of guns. Is there nothing that can be looked at to accommodate that?

**Assistant Chief Constable M Hamilton:** Through the firearms branch, I have already extended the date of this so that we can do as much as we can for people. We have talked a lot about hindsight today. Yes; it issued in 2006, but if one gun goes missing and is used to murder somebody, questions will be asked of me and the Chief Constable about the stance that we took on this. I do not want any dealers or anyone to go out of business, and that is certainly not our intention. I am very keen to work with people as much as we can to help them. We do not want it to be a huge cost to people, but there are costs in spec'ing up, as there are costs to private owners who keep weapons — sometimes multiple weapons — in their home. It is not our intention to put anybody out of business. However, I do not know what I could do around forcing a minimum specification for everybody else and saying to a few others, "Well, maybe not for you."

If it is based on a specification related to the number of weapons, and if it is one or two, perhaps that puts us in a different position, and I would have to have a look at that. However, we feel that there is a minimum necessity to secure those weapons. We use the term "public safety", but it is also about our responsibility to ensure that that happens.

**The Chairperson:** This is my final point. I know that colleagues will take the matter up with the Policing Board, so I will not labour this point any further. I get complaints repeatedly from individual firearms holders and businesses about their relationship with the firearms branch.

**Assistant Chief Constable M Hamilton:** I accept that.

**The Chairperson:** You will know the number of complaints that are generated in that division of the organisation, but I should not be getting the level of complaints that I am getting.

**Assistant Chief Constable M Hamilton:** I would like to say two things. First, I accept that that is happening, and I am addressing that with the head of the branch. He and I have discussed this at length, and there are invitations this month to dealers and others to meet us to get these issues aired and start moving on. I want to move on from that position.

Secondly, I want to put the record straight on some of the issues. When the current head of branch took over the firearms branch, it was running a delay of around 360 days. The average delay for processing is now 13 days. It is a hugely efficient model. There are still some delays, but those are primarily around what we describe as intelligence cases and other queries. I accept that there has been a backlog around what we described as intelligence cases, but that is because we are trying to act in the interests of the applicant and not just exclude on the first basis. We are moving to deal with that backlog. However, if every department in the Police Service was as efficient as the firearms licensing branch, irrespective of what some people say about it, we would be in a really great place, because it moves its material very quickly. Nevertheless, I accept that we need to improve the quality of our relationship. In my view, the staff have turned around a model that was extremely inefficient. It

is now lean and gives good value for money for the taxpayer and, in my view, to those who apply. I accept that there are those who have been delayed for quite some time, but there are specific reasons for that. Even so, the vast majority of applicants get a turnaround extremely quickly. I accept your point, and I have made it clear that we want to move on.

**The Chairperson:** You have been very generous with your time, and I will not detain you — I do not have the powers to detain you; you can detain me. *[Laughter.]* My last point is around the UK opt-out with regard to the European arrest warrant (EAW). I just want to get a picture of how important the European arrest warrant is, particularly as we have a land boundary with the Republic.

**Assistant Chief Constable M Hamilton:** Without getting into the politics of the decisions to opt out, Northern Ireland is the only part of the United Kingdom that has a land border with a different legal jurisdiction. The European arrest warrant is the quickest and most effective way for both sides to recover suspects to be tried in either the Republic of Ireland or in Northern Ireland. If the EAW were not there, we would probably end up going back to the old system, which was a very long, protracted process. It took almost 10 years to have someone extradited. We have two cases pending at the moment: one related to terrorist crime, and another to serious violent crime. We are trying to bring those people back up from Dublin. Equally, at times, the Republic of Ireland authorities need us to send people south. For us, the EAW is the best system at present — the best way to extradite people efficiently and effectively. It is almost as simple as that for us, and we are really concerned that, if we go back to the old system, it will become even more protracted, expensive and drawn out. There are a lot of intricacies in the system. The EAW is not instant because it has to afford everyone the right to challenge it. That is appropriate, whatever jurisdiction they are in.

This issue has arisen because there are more applications for EAWs from the far side of Europe to take people out of the UK for lesser offences than there are from the UK to get people back. We are quite sparing in our applications; we tend to leave it for the most serious offences, whereas some other jurisdictions have been quite liberal in their applications for it and not for very serious offences. That is why there is a sense that it is an inefficient process for some. We end up spending more time extraditing people to other jurisdictions than bringing people in.

**The Chairperson:** Thank you very much for coming to the Committee —

**Mr McCartney:** Sorry, Chair. We have still Desertcreat to deal with.

**The Chairperson:** Yes. Apologies.

**Mr Lynch:** I have two questions. Judith has updated the Committee on overtime. The first question is about the preferred bidder. There are news stories going around that they are in financial difficulties. Can you give us any assurance? Do you have any concerns about that?

**Deputy Chief Constable Gillespie:** It would be quite wrong to speak in an open forum about the financial status of a preferred bidder who has not been confirmed in any way with that status. However, I can assure the Committee that, for any of the bidders to be involved in the process, there was a thorough Constructionline check. Moreover, before we sign any contract, there will be a further due diligence check which will be thorough and independent, and any issues raised through that will be dealt with by risk mitigation. It would be quite wrong of me to talk about that further in public.

**Mr Lynch:** I understand that. My second question is about security. We have heard that some staff and perhaps contractors have raised some issues of security. Were those issues raised at the project board?

**Deputy Chief Constable Gillespie:** I have met regularly with the three unions involved: the Fire Brigades Union, the Police Federation and the Prison Officers' Association. We have offered another briefing, and it is already in the diary for a couple of weeks' time, when we will talk through the security of Desertcreat again and provide any reassurance that they feel that they need. From time to time, they have raised issues, but none that are of a nature that causes me any concern that they would be unwilling to go to the college. It is important to give that reassurance. However, the process is ongoing.

**The Chairperson:** Once again, I thank you for attending. Chief Constable, do you want to make a concluding comment to wrap up this meeting?

**Chief Constable Baggott:** I just want to say thank you very much for this very constructive three hours. I really appreciate it, and so does my team. Let me just say that the resilience issue is, for us, a very live one. We need to resolve the question of budget clarity, because I want to recruit. I want to recruit high-quality people as widely as possible. I am nervous that, in the next two years, numbers will drop and suddenly people will ask, in a couple of years, "How did that happen?". We really cannot afford that. In spite of the challenges and some of critical comments, policing is in a good place. We have good people doing excellent work, from the most serious to the local. It is essential that we keep that going. I am grateful for the opportunity to air that in public today and to give some assurance around the child exploitation issues. Thank you very much.

**The Chairperson:** Thank you very much.