Board Members Questions to Chief Constable – September 2014 Meeting

Board Members Questions to the Chief Constable were on the following:

- POPT
- The Hallett Review
- Fingerprint Enhancement Laboratory Staff
- Breaches of Data Protection
- PSNI Co-Operation with other Police Forces International Crime Gangs
- Palestinian Protest in Sainsbury’s, Kennedy Way
- Workforce planning over the next 5 years
- Policing with the Community (Partnership Committee)
- Police Stations at Crosmaglen and Newtownhamilton
- Budgetary pressures facing PSNI
- Officer Recruitment
- Offences and Arrests in relation to Social Media Crime
- Rural Crime
- Domestic Abuse
- E – Crime Reports
- Legacy information evenings
- Funeral Speech
- Ardoyne Speech
Is a police officer part time considered to be a police officer whilst on duty? And whilst on duty a police officer part time is expected to undertake the duties of a Constable - broadly to undertake the same or similar work as a regular police officer. If this is not the case what duties would a regular Constable undertake whilst on duty that a part time officer would not be expected or trained to undertake?

RESPONSE

I am somewhat limited as to the detail which I can provide in response to this question as the matter is currently the subject of ongoing legal proceedings against the Chief Constable.

PSNI can confirm that a Police Officer part time (POPT) is considered a police officer when on duty.

It was always the intention of PSNI to embed POPTs within the neighbourhood policing teams (NPTs), although depending on local needs, the duties that they are asked to perform may vary.

PSNI is keen to have clarity on which roles POPT officers can perform, without being in contravention of employment law. It is hoped that the ongoing litigation will assist in that clarity.
Given that the Hallet review clearly identifies that the PSNI knew of the letters of assurance and their content in December 2011 why was the Policing Board not informed of these letters?

RESPONSE

There was a scheme as outlined in the Hallett Review whereby (ordinarily) the NIO would request PSNI to conduct an assessment as to the individual’s status and, having done so, PSNI would communicate this to the PPS. PSNI made no secret of this arrangement and advised the Policing Board as evidenced on page 263 of the Hallett Report. This question resulted in a follow up letter to the Board outlining the numbers considered under process.

A letter was shared by a member of PPS staff, with a single PSNI member of staff in December 2011. This letter was not passed on. In December 2011, it was not apparent the weight that would be placed on those letters by the Courts.
Question

Fingerprint Enhancement Laboratory Staff (Robin Newton)

Would the Chief Constable identify the deficiencies in the responsibilities of Fingerprint Enhancement Laboratory staff which preclude them from being included in the PSNI/NIC's Scientific Grades as distinct from Technical Grades when so much of their work is so evidently laboratory based forensic science?

RESPONSE

For grading matters PSNI applies the same standards and systems as the NICS, including the Cabinet Office approved Job Evaluation and Grading Support (JEGS) methodology. This system is applied by trained practitioners attached to PSNI's dedicated Job Evaluation Unit. It is used as a tool for assisting decisions on the relative job weight of roles in the organisation and for designing and maintaining grading/pay banding structures. As a core system it provides a flexible, systematic and consistent means of evaluating roles and it has been tested to ensure it does not have any inherent discrimination.

The Job Evaluation Unit liaises with counterpart Units in NICS to ensure that best practice and standards are maintained.

Decisions as to the grading level and appropriate grading discipline for a role are not made on the basis of deficiencies in the role, and we have no reason to believe that the Fingerprint Enhancement Technician role in itself is deficient in some way. Rather grading decisions are taken based on assessment of a range of factors which pertain to a role, these being (for non-Industrials):

- knowledge and skills;
• contacts and communications;
• problem solving;
• decision making;
• autonomy;
• management of resources; and
• impact.

Most of these are also broken down into sub-factors for further assessment.

The Fingerprint Enhancement Technician role is comprised of a variety of activities, some of which are regarded as technical, some are regarded as scientific and some are regarded as appropriate to the Support Grades. It is the overall balance which determines the grading discipline, and this balance may shift from time to time. When last formally reviewed in 2009 it was considered that the overall balance of the activities was still appropriate to the Technical grades.

For completeness we are content with the grade level within the structure, and that this attracts the same rates of pay and allowances regardless of whether it rests within the technical or scientific area.

It can however be confirmed that Fingerprint Bureau management has asked the Job Evaluation Unit to evaluate the role to see if a different determination, from their current technical status, may be appropriate although, as outlined above, a change to the scientific structure, if warranted, would have no impact on pay and allowances. This has been initiated and should be completed in a few weeks.
Question

Breaches of Data Protection (David Mcllveen)

To ask the Chief Constable how many officers have been reinstated to duties in the last five years following breaches of data protection?

Clarification received from board on question 5-

Can we follow Supt Donaldson’s recommendations in that we respond with a table showing details of the sanctions imposed on each officer convicted of a Breach of Data Protection

RESPONSE

The table below outlines the number of officers who were convicted of Breach of the Data Protection Act 1998 (includes Adult Cautions) in the last five years and subsequent disciplinary sanctions imposed;

<table>
<thead>
<tr>
<th>Year</th>
<th>Number of Officers</th>
<th>Disciplinary Sanction Imposed</th>
</tr>
</thead>
<tbody>
<tr>
<td>009 (from 1st August 2009)</td>
<td>0</td>
<td></td>
</tr>
<tr>
<td>010</td>
<td>1</td>
<td>Fast Track Procedure Dismissal (convicted following dismissal)</td>
</tr>
<tr>
<td>011</td>
<td>2</td>
<td>Reduction in Pay x 2</td>
</tr>
<tr>
<td>012</td>
<td>3</td>
<td>Reduction in Pay x 2</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Resigned prior to misconduct proceedings x1</td>
</tr>
<tr>
<td>013</td>
<td>2</td>
<td>Fined x1</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Dismissed in relation to a separate misconduct investigation x1</td>
</tr>
<tr>
<td>014 (to 1st August 2014)</td>
<td>1</td>
<td>misconduct proceedings pending</td>
</tr>
</tbody>
</table>
Section 10:3:2 of the ACPO Data Protection Manual of Guidance allows for Discipline Branch to deal with data protection offences under misconduct where the offence is deemed low-level in nature. The Manual allows Discipline Branch to assess the circumstances of the case taking cognizance of the following factors to ensure proportionate action;

1. The motive of the offender.
2. The nature of the personal data.
3. The harm and /or distress caused to the person to whom the data relates.
4. The level of intrusion or breach of privacy suffered.
5. Previous misconduct or criminal breaches by the offender.
6. Whether the offender was one of many.
7. The wider public interest.

An example of an investigation where the above criteria were applied, related to an officer who conducted searches on police systems relating to the officers ex-partners and their associates. It was determined that the motive was most likely to be personal benefit and there was no evidence to suggest that the officer passed on any of this information. However, the nature of the data consisted of individual’s ‘sensitive personal data’, i.e. their criminal records, consequently a clear level of intrusion was identified. Taking cognizance of all aggravating and mitigating factors, it was determined that the officer had committed an offence under Section 55 of the DPA 1998, and a file was submitted to the PPS who directed an Adult Caution. This officer was subject to a Formal Misconduct Hearing, where a substantial monetary sanction was imposed on the officer.

Another example of an investigation where the above criteria were applied, was in relation to an officer who accessed police systems regarding an historic road traffic incident involving the officers mother. It was determined that the motive was most likely to be curiosity rather than personal gain or for the benefit of another. The nature of the data consisted of the officers
mother's personal details such as date and place of birth and details of her arrest, therefore the harm/distress and level of intrusion was mitigated due to the relationship between the data subject and the offender. As the officer had not been subject to any previous misconduct, Discipline Branch directed that the officer receive a local management sanction.

The PSNI 'Acceptable Use Policy' and Policy Directive 06/2008 'PSNI Data Protection Policy' provide staff with necessary guidance and protocols regarding data protection matters. All police officers and staff must undertake National College of Policing data protection legislation training on an ongoing compulsory basis. Failure to complete this training will result in the removal of appropriate access to police systems.
Question

PSNI Co-Operation with other Police Forces International Crime Gangs (Robin Newton)

To ask the Chief Constable what are the implications around the lack of ability of the PSNI to fully co-operate with other police forces and to tackle international crime gangs involved in child sexual exploitation and abuse, human trafficking, drugs, money laundering and the range of other serious crimes that have serious implications for our society due to the appropriate legislation not being in place to allow the National Crime Agency to become fully operational.

RESPONSE

Since the operational launch, of the National Crime Agency, on 7 October 2013, the Police Service of Northern Ireland continues to work to develop relationships with the National Crime Agency (NCA). Despite good relationships and keen willingness to promote closer working the absence of a Legislative Consent Motion has created a significantly reduced capability for NCA reducing the operational resources working to tackle serious and organised crime in Northern Ireland. PSNI resources are increasingly stretched in filling the void created by the lack of a Legislative Consent motion and in supporting NCA operations.

Background

Prior to 7 October 2013 the Serious Organised Crime Agency, SOCA, provided critical operational support to PSNI’s most complex operations, including investigations into organised crime gangs involved sexual exploitation, human trafficking, drugs importation and supply, and money laundering. This support took the form of assistance with arrests, searches and seizure operations and the charging of offenders. At a time of reduced
budgets and resources this allowed PSNI to significantly flex its operational capability.

SOCA also carried out investigations in their own right, clearly focusing on those criminals often from other jurisdictions who were causing the most harm to Northern Ireland, through drugs importation, human exploitation and money laundering and whilst PSNI understood the nature and had a clear insight into these investigations they were not required to provide resources in support of same.

Since the introduction of the NCA they have been unable to provide operational support to PSNI as their powers only permit them to operate in reserved matters – (Customs and Immigration Offences), the majority of PSNI operations involve offences which are not reserved. Therefore, where NCA are conducting an investigation that crosses over into Northern Ireland, PSNI have NO OPTION but to take responsibility for that investigation as NCA have no legal powers to conduct the investigation. This has resulted in PSNI having to re-prioritise its investigations to take responsibility for an NCA operation. This does not occur anywhere else in the United Kingdom.

There are between 140 – 160 Organised Crime Groups active in Northern Ireland at any given time, an estimated 800 active criminals. On 29% of these crime groups have links to international criminality and 28% are linked to criminality in the UK and the Republic of Ireland. This criminality includes sexual exploitation, human trafficking, drugs offences, firearms offences and money laundering. The NCA gap is felt most acutely in areas were criminality crosses jurisdictions and international boundaries.

SOCA previously provided significant assistance in money laundering investigations using the investigative powers of Restraint and Confiscation. This provides a valuable asset to PSNI investigations as such investigations are often complex, span multiple jurisdictions and require significant and costly forensic analysis.
The use of Civil Recovery powers, under the Proceeds of Crime Act 2002, used to recover the benefit of crime, is a powerful weapon in tackling organised crime, however use of this tactic has been severely curtailed, since October, and can only be used by NCA in criminality in reserved or excepted matters (immigration and customs offences). This has limited, once again, the ability of PSNI and NCA to protect the public in NI. Northern Ireland in the absence of a legislative consent motion is the only United Kingdom jurisdiction which has no mechanism through which to affect civil recovery, a fact which will not go unnoticed by criminals. (ROI has extensive civil recovery powers).

Specific examples of this operational impact are outlined as follows:

**Operation:** NCA Investigation conducted into an OCG responsible for the importation and distribution of controlled drugs into the UK and Northern Ireland. Following the seizure of a lorry in Great Britain, containing cocaine and heroin, there was a requirement for NCA in Belfast to conduct a post arrest search of the driver’s home in Northern Ireland. As NCA officers did not have the requisite powers they were unable to carry out this activity and required the assistance of PSNI. PSNI supported this operation, however due to other operational policing commitments there was a significant time delay which impacted on the operational delivery in this operation.

**Operation:** NCA Investigation into an OCG involved in importing firearms and controlled drugs into the UK on a regular basis. Whilst the main nexus of operational activity is in Great Britain one of the key facilitators is based in Northern Ireland and the seamless national and international investigation being conducted by NCA Belfast to reduce the threat to UK citizens (including Northern Ireland) is frustrated by their lack of policing powers in Northern Ireland. NCA officers are again required to call upon PSNI for assistance.

**Operation:** PSNI investigation into wide ranging criminality linked to a loyalist paramilitary group. PSNI sought the assistance of a Financial
Investigator from NCA respect of the complex money laundering investigation, however because the predicate offences are devolved, it is not possible for NCA to assist in the financial investigation and POCA powers can be exercised by NCA Officers in respect of same. (NCA in a willing attempt to provide partnership support, have tasked an FI to assist in the scheduling of material – however the support is limited). Further to this principals in this operation have been identified as potentially suitable for Civil Recovery – this would prove an effective tool in removing the assets from this crime gang and would impact their ability to continue their criminal activities. This cannot be taken forward as there is no agency who can perform civil recovery in Northern Ireland.

Operation: PSNI Organised Crime Branch investigation into an international Organised Crime Group, involved in an emerging trend of money laundering (proceeds of crime suspected to be mainly from drugs supply within Northern Ireland), using store gift cards. PSNI sought Financial Investigator assistance from NCA in relation to the money laundering investigation. However the predicate offences are devolved criminality, and NCA are unable to assist with the investigation and cannot exercise powers under Proceeds of Crime Act in respect of same.

Operation: A National Crime Agency Operation relating to the postal importation of cocaine to Belfast by what is believed to be an OCG comprising foreign nationals; over 2kg of uncut high purity cocaine was recovered. NCA required significant operational support during this operation in relation to tactics used to identify the crime gang and then in subsequent search, arrest, interviews and charging.

Conclusion
The National Crime Agency remains an important operational and strategic partner and continues to share information with the PSNI. We are experiencing an increased level of international crime (Chinese, Eastern European, and African etc.) yet the agency set up to provide that international
reach is unable to operate inside Northern Ireland and unfortunately the consequence of NCA not having a full compliment of operational powers in Northern Ireland means that they are legally unable (whilst willing) to support the PSNI effort to frustrate, disrupt and dismantle Organised Crime Groups. Neither can they surge to support PSNI in relation to Child Sexual Exploitation investigations. NCA have already supported GB forces with a surge of Detectives to meet specific serious threats to harm.

In essence Northern Ireland does not have access to the same level of resources and expertise in relation to serious and organised crime investigations as the rest of the United Kingdom and PSNI does not have the resource capacity to fill this void.
To ask the Chief Constable could he inform the Board as to the circumstances of the Palestinian Protest in Sainsbury's, Kennedy Way and what police action has been taken?

RESPONSE

An Anti-Israeli protest took place at Sainsbury's, Kennedy Centre on Tuesday 5th August 2014. Store Managers believed the protest would be peaceful (as was a previous protest) and Neighbourhood Officers from Woodbourne were in attendance in the store car park to monitor the protest. A crowd (including men, women and children) of approximately 100-150 were in attendance. The crowd were addressed by a male and before making their way into the shopping centre.

Whilst inside the store, members of the group began to clear goods they believed to be of Israeli origin from the shelves, filling trolleys with selected items, and became abusive towards staff. Management in Sainsbury's requested Police assistance.

The protesters eventually left on arrival of police, leaving the trolleys of goods at the tills. Nothing was taken from the store, but it has been confirmed some of the goods were not fit for sale afterwards. Organisers of the protest have been identified, CCTV footage has been seized and Police are looking into a number of potential offences.

To date, no complaints have been received to date from either Sainsbury's management or staff. Police have met with management and re-assured them that any complaint from the store or staff would be fully investigated.
To ask the Chief Constable to share his thoughts with regard to workforce planning over the next five years. In particular I would be interested to hear about plans for:

I. Skill mix as appropriate ie freeing up police officers from roles that could be done by a civilian.

II. Ensuring every effort us made to have a representative police service in terms of community background, gender, age etc.

III. Addressing the small application from women to join the PSNI and the attrition rate among women.

RESPONSE

Introduction:

In line with the recommendations of the CJINI report ‘Finding the Balance’ (May 2013), the Corporate HR Department of the PSNI is currently reviewing the People Strategy for the PSNI, coupled with the development of the Workforce Plan. The purpose of the Workforce Plan will be to project the optimum workforce requirements in terms of the people resource of the PSNI, including permanent, temporary and bought in services, to deliver the requirements of the Policing Plan. Engagement with key internal and external stakeholders is currently being completed, as is the establishment of a governance Project Board.

I. Skill mix as appropriate ie freeing up police officers from roles that could be done by a civilian.

The uncertainty over the PSNI budgetary position and the requirement to make savings may have an impact on further
changes to the workforce mix. The PSNI has identified that in order to meet the policing demand and have the appropriate ‘surge’ capacity to respond to major events and public disorder there is a requirement for 6963 officers. The present budgetary pressures may mean that police officers are required to undertake some non-core policing roles to allow for the ability to meet high levels of demand when they arise.

II. Ensuring every effort us made to have a representative police service in terms of community background, gender, age etc.

The Policing Board’s Recruitment Working Group have been given a detailed overview of the PSNI’s approach to attracting applications from the agreed priority under-represented groups, through the contracted service provider. Key Performance Targets have been agreed and implemented within the Deloitte Contract for the 5 identified under-represented groups over the contract term. Two of these targets have been exceeded in applications from the first campaign; these being female applicants and young people applicants (aged 18-24). The target for female applicants is 30% and the actual was 35.2%. The target for young people is 40%; the actual was 47.5%.

The other three under represented groups are:

<table>
<thead>
<tr>
<th></th>
<th>Target %</th>
<th>Actual %</th>
</tr>
</thead>
<tbody>
<tr>
<td>Roman Catholic</td>
<td>35</td>
<td>30.6</td>
</tr>
<tr>
<td>F District</td>
<td>10</td>
<td>7.6</td>
</tr>
<tr>
<td>G District</td>
<td>10</td>
<td>8.9</td>
</tr>
</tbody>
</table>

III. Addressing the small application from women to join the PSNI and the attrition rate among women.
The target for applications from females was 30% over the contract term, and the female applicant rate in the first campaign was 35.2%. The PSNI continues to encourage female applicants through the 'Outreach' programme as part of the recruitment process. The attrition challenge arises at the recruitment stage; the statistical information would show a higher proportion of females failing the Physical Competence Assessment (PCA); this is being addressed by encouraging applicants to prepare thoroughly for the Physical Competence Assessment, and the PSNI have taken a number of steps to promote this requirement for campaign 2.

The PSNI has an ongoing level of engagement with Northern Ireland Policing Board in relation to this matter, including a briefing given to the Resources Committee on the 15th May 2014.
Question

Policing with the Community (Partnership Committee)

Can the Chief Constable update the Board on his priorities for developing the culture and ethos of Policing with the Community within PSNI and the timescale for refreshing the Policing with the Community 2020 Strategy?

RESPONSE

Policing with the Community is the means by which the Police Service of Northern Ireland delivers its Service to keep people safe. This can only truly be developed and delivered across Northern Ireland through collaborative decision making and partnership working. The Chief Constable will prioritise his efforts towards shaping a way of working in which an in-depth understanding of the needs and expectations of individuals and local communities is routinely reflected in decision-making, service delivery and practice.

In order to develop and embed the culture and ethos of Policing with the Community within PSNI the Chief Constable has tasked the Service Improvement Department to carry out a refresh of the PWC 2020 strategy to provide consistently effective, efficient policing services that are flexible to the needs and priorities of people who use them or are affected by them. This review will be carried out in partnership with all Districts and Departments in PSNI as well as external consultation and partnership with the community through the NIPB, PCSPs and other key stakeholders. It is anticipated that the review will commence on 25 August 2014 and will be completed, ready for implementation in April 2015.

The review will consider how PWC reflects community needs and concerns and how it shapes behaviours and culture across every area of the Service. In
particular it will consider how to create and sustain an organisation that behaves in an accountable, fair and collaborative way ensuring it keeps people safe through the core activities of prevention, protection and detection.

As a first stage, a Terms of Reference (ToR) for the Review is being developed and Policing with the Community Branch will be engaging with the Partnership Committee of the NIPB to collaboratively progress this. The role and involvement of the Board is however critical at all phases of the ‘refresh’ and the Chief Constable welcomes the Board’s active engagement and indeed consideration as to how the Annual Policing Plan can support and be supported by the PWC Strategy of the PSNI.
Question

Police Stations at Crosmaglen and Newtownhamilton (Brian Rowntree)

Can the Chief Constable confirm his intentions for the physical upgrading of Police Stations at Crosmaglen and Newtownhamilton and whether consideration is being given to present these as more accessible by the public and more in keeping with the continuing normalisation policy?

RESPONSE

There has been an aspiration for some time to present Crosmaglen and Newtownhamilton stations as more accessible by the public, however the reality of delivering this against the current severe threat, and indeed cuts to capital estates budgets have made it difficult to realise. As such, there are no planned projects in relation to accessibility or normalisation for these stations, however we continue to look at steps that might be taken subject to the constraints above.
Question

Budgetary pressures facing PSNI (Brian Rowntree)

Can the Chief Constable confirm the extent of the additional budgetary pressures now facing PSNI as a direct consequence of the recent August budget statement by the NI Executive and the impact these will have on frontline policing and priority policing areas?

RESPONSE

- Following the Executive meeting on 31 July, the Finance Minister issued a written statement confirming that the Department of Justice will face an immediate 2.1% reduction in its resource DEL baseline and that it should plan for a further 2.3% reduction as part of October monitoring. This adds to total reductions of 4.4%.

- In response to a request from the Justice Minister, PSNI has completed an initial exercise to identify the impact of additional 3%, 4% and 5% cuts in-year.

- The Justice Minister has indicated that he will only decide on how the Department’s overall cuts will be allocated across spending areas, including PSNI, after he has considered all the information.

- The exact budget reduction for PSNI is therefore not known, although it is important to note that the Department has already withheld 1.5% (or £11.0m) from the Police budget at the start of the year, as well as a further £4.3m for savings in relation to Police Pay reform.
• For PSNI, cuts of 3%, 4% and 5% translate to additional reductions, on top of the £11.0m already made, of £11.0m, £18.4m and £25.7m.

• Clearly, it is difficult to envisage cuts of this size not impacting on front line policing services. That said, in assessing the impact of any cuts, I have set 3 key principles to guide resourcing allocations:

  o **Principle 1**: The PSNI is committed to keeping people safe today, whilst acknowledging statutory responsibilities to investigate the past.
  o **Principle 2**: The PSNI is committed to maintain operational capacity and capability, with officer numbers (6,963) reflecting the findings of the Resilience Review.
  o **Principle 3**: The PSNI is committed to delivering a sustained reduction in baseline spending by continuing to invest in enabling technology and processes.

• In our initial assessment, to achieve cuts of 3% involves quite radical reductions in support infrastructure. These include reductions to core forensic, transport, estates and training budgets that will inevitably limit surge capacity, reduce fleet size, impact frontline patrolling and prevent reactive maintenance of custody facilities, data centres etc.

• To achieve a 4% reduction, significant cuts will need to be made in both police and staff overtime. Police overtime budgets are already under pressure and forecasting a £7.6m overspend by year end. A reduction would therefore impact frontline service delivery, increasing exposure to risk and harm, in areas such as public order, national security and neighbourhood policing.
• It is only possible to deliver an additional reduction of £7.3m (or 5%) by deferring important IT development projects (such as Causeway and Locate), releasing the majority of temporary workers and reducing police staff recruitment by 150 posts. Such measures would significantly impact the capacity and performance of the organisation and potentially tie up frontline police officers in back office functions.

• Any erosion into this capacity will directly impact on the ability of the Service to meet demands, especially in the areas of Neighbourhood Policing in vulnerable areas, Serious Harm and public protection, Public Order and Emerging Crime such as Cyber Crime and Child Sexual Exploitation. Areas such as legacy (including Op Jennet, OTR’s, MRF investigation etc.), as well as other live investigations will be significantly impacted.

• Although there is a focus on the current year, actions taken now will impact on future years and this must be an important element in our collective decision making. Indeed, the Department has now asked for us to consider the impact of a 2.8%, 5.1% and 7.8% cut in 2015/16, which we are currently assessing.

• When the size of the budget cut is known for this year, there is no doubt that difficult choices will need to be made and the options will be further constrained by the limited time available to the end of the year.

• The more time we are afforded to collectively consider the implications for the Service both in year and in future years, the better in terms of planning and for the community.
Question

Officer Recruitment (Brian Rowntree)

As we are now in a cycle of sustained public sector budget reductions and enhanced austerity measures can the Chief Constable confirm his intentions to review officer recruitment and in particular the issue of Officers Part Time to create a more dynamic and flexible approach to front line policing and reduce the demand placed upon overtime as the key means of servicing public order and exceptional policing requirements.

RESPONSE

Organisational requirement is focused on regular officers at present. An operational review is ongoing with regard to Police Officers Part-Time, the outcome of which will determine future need.

It is important to note that Police Officers Part-Time do not fulfil the full range of duties, therefore do not provide the level of flexibility or capacity reflective of the recent Resilience Review.
Question

Prosecution/Conviction Data for on-line hate crime (Chris Lyttle)

To ask the Chief Constable for any update regards prosecution/conviction data for online hate crime pursuant to previous question answered 3.4.14 (attached).

RESPONSE

As part of on-going efforts to enhance our understanding and response to hate crime, in September 2013 the PSNI made a change to our crime recording system (Niche) to include a ‘Cyber-enabled’ motivation alongside other existing motivations/methods, including hate crime.

Since September 2013 there have been 13 incidents of online hate crime recorded on NICHE, none of which to date have resulted in a conviction.

Further context for the effective investigation of Cyber Crime:

- Investigating Cybercrime is a challenge for all Police Forces in that it is extremely skilled labour-intensive, with high costs including mandatory and specialist training.
- Where some sites are identified as being the origin of hate-crime and they are closed or ‘private’ sites, a RIPA authority is required and very often they do not reach the required threshold of gravity for approval
- The Internet is a vast domain and source of information with millions of websites, and it is extremely difficult to choose which sites to monitor without a specific complaint. This invariably leads to a reactive response as opposed to the preventative and proactive approach that is easier achieved with ‘physical’ crime.
• On a similar vein, websites are not monitored exclusively and we rely on the reporting of members of the public in the same way as we rely on this for other crimes.

• Where any hate crime is reported, by whatever means, it is fully investigated.

• Directions have gone out to crime recorders to ensure that the correct motivation code is recorded against the report, to ensure a robust response against these crime types whether online or elsewhere.

• PSNI have developed proactive Investigative and Intelligence cybercrime capabilities. In the current resourcing climate this had to be achieved from within existing establishment, reflecting the need to invest resources in a critical area. The Investigative capability is focused on Organised Crime. The Intelligence capability supports a wide range of policing requirements from Community Intelligence and Public Order through to Serious and Organised Crime.

• We are working in partnership with National Law Enforcement colleagues and Industry representatives to address under reporting of online crime and provide alternative means of reporting. We are also working with external organisations to increase awareness and education through publicity and education campaigns.
Question

Offences and Arrests in relation to Social Media Crime (Chris Lyttle)

To ask the Chief Constable for the number of offences and arrests in relation to social media crime, including those which reference Twitter and/or Facebook, from January 1 2013 to December 31 2013 and from Jan 1 2014 to present, by police district?

RESPONSE

There is no singular offence that deals with crimes committed via Social Media, so unfortunately the PSNI is unable to provide the information requested. Whilst there may be specific instances where an offence under the Communications Act 2003 has been committed, other offences are also often committed such as harassment, where there is a course of conduct (2 or more incidents). The facts of these offences also sometimes require that consideration be given to an offence under the Public Order (Northern Ireland) Order 1987 or the Malicious Communications (Northern Ireland) Order 1988.

In addition, to extrapolate information for those offences committed contrary to the Communications Act would require a physical check of each record held to establish if it did in fact relate to the use of social media.

It is worthy of note that the Right to Freedom of Expression (Article 10 ECHR) is enshrined in UK law by virtue of The Human Rights Act 1998. Whilst this is not an absolute right the threshold to be reached for a prosecution is a high one.

In recognition of the complexity of Social Media-based criminality, the former Director of Public Prosecutions (DPP) for England and Wales, Sir Keir
Starmer, QC issued guidance via the CPS. PSNI take this guidance into account, as do the Public Prosecution Service (PPS).

Social Media related incidents/crimes are relatively new so there is presently an inconsistent approach to the recording of same on police systems. A number of cases have been referred to the PPS. A successful prosecution was achieved in a high profile case in which a prominent local politician was the victim. A number of other cases have met the evidential test for prosecution but the PPS considered that the public interest was met by discretionary disposals such as cautions and informed warnings. We will of course continue to work closely with the PPS in respect of such matters and refer individual cases as and when all investigative strands are complete.

As stated in response to a Policing Board question in March 2014 it is our intention to explore how we could more easily identify and report on offences committed via Social Media. This is an area of work we believe will add value to our understanding of this growing phenomenon. Accordingly in last year’s Resilience Review we outlined our intention to invest in the emerging area of Cyber Crime. Unfortunately, given the current and anticipated budgetary pressures this investment may now be called into question.
To ask the Chief Constable, given that tackling domestic violence is a central theme in the Policing Plan, to comment on the criticism by the magistrate of the police’s decision to grant bail in a recent domestic violence case, rather than leaving the bail decision to a court. The defendant was released despite evidence of a violent attack. The judge described this as ‘highly disturbing’ and ‘another example of profound failure’ in the PSNI’s handling of domestic violence. Give that it seems from the judge’s comments that this is far from an isolated instance, what does the Chief Constable intend to do to address this criticism?

**RESPONSE**

With respect to this specific case, at the time of the reported incident of criminal damage, there was no evidence of a threat being made. The suspect did not have a previous offending history and made no admissions to the offence. A risk assessment conducted at the time showed that the risk to the victim was “standard” which is defined as “current evidence does not indicate the likelihood of causing serious harm”. The investigating officer was unable to obtain key evidence whilst the suspect was in custody, as, despite indicating a willingness to provide statements, witnesses were unable to do so at this time. In the absence of an admission from the suspect it was unlikely the evidence gathered at that point would have provided a realistic prospect of conviction.

At the material time there were no clear grounds to remand the suspect before a court, therefore a decision was made to bail the suspect to allow the evidence to be gathered and suitable bail conditions were put in place to mitigate the risk to the victim. This decision making process involved the
investigating officer, the custody officer and a service gatekeeper; an experienced supervisor independent from the investigation.

Pro-active policing subsequently brought to light the breach of bail as it was during a bail check that police identified the suspect was not at his agreed bail address. Positive action was taken and the suspect was arrested. As the necessary level of evidence had by then been obtained, the suspect was charged.

It was unfortunate that the Judge felt it necessary to raise this concern in such a public manner as opposed to raising via other means when context could have been provided. This was the first time the issue had been raised and as such the public comment does not reflect the particular circumstances of this case accurately and as such has a detrimental impact on our continuing efforts to increase the confidence of victims and the wider community to report domestic abuse.

The Police Service is proactively committed to tackling domestic abuse but must do so within the confines of legislation and this can only be with the full support of the community and partner agencies.
Question

Operation Hydrant (Dolores Kelly)

In relation to Operation Hydrant, the new coordinated police service initiative to be set up in September, which will coordinate the investigations into child sex abuse cases involving public figures and institutions in Great Britain and Northern Ireland, what mechanisms will be put in place and what additional resources will be required to support the new body? How does the Chief Constable envisage this body coordinating its work with the work of the Westminster Child Abuse Inquiry, when that is finally established, and will the new body seek to request the lifting of the Official Secrets Act in relation to the orders which have to date prevented key witnesses from providing information to previous attempts to investigate child sex abuse claims here?

RESPONSE

1. The PSNI will be supporting Operation Hydrant and providing details of all cases currently being investigated. This includes the details of historic abuse inquiries where the abuse has occurred in institutionalised settings. The terms of reference for Operation Hydrant include Northern Ireland.

   The aim of Operation Hydrant is not to investigate, rather it is to coordinate the investigations. This is to ensure that appropriate information is exchanged and guidance and best practice identified. The PSNI will retain responsibility in regards to the investigations currently under way in Northern Ireland.

2. A Detective Chief Inspector from Public Protection Branch will be coordinating the support provided. The operation at this stage is
limited to collating information on all ongoing investigations, no additional resources are required.

It is, however, anticipated any Inquiry is likely to lead to a significant amount of material being passed to the police for investigation. The PSNI Public Protection Branch is currently assessing how support will be provided in the future including suitable resourcing levels.

3. The Home Secretary recently announced that two reviews will take place into concerns relating to alleged child abuse activity. The first will focus on concerns regarding the Home Office response to allegations of child sex abuse. The second of the reviews will be a wide ranging and independent inquiry, which will look at how seriously public bodies and other important institutions have taken their duty of care to protect children from sexual abuse.

Operation Hydrant has been established to deal with the issues that both reviews may present, in a coherent and coordinated way.

4. The remit and scope of the wide ranging Inquiry, with regard to how it collates or gathers its information, is not known at this time. With regards to the Official Secrets Act, it is unclear at this time whether the new body will seek to request the lifting of this Act, however there will be no hiding place for offenders and police will ensure that robust investigations into child sex abuse claims are conducted and that all potential lines of enquiry are exhausted.
I. Given the results of the NFU Mutual survey, which showed a rise of 15% in the level of rural crime in Northern Ireland last year, and a loss to our economy of £3.9M, can the Chief Constable outline how current policing methods will be reviewed and what additional measures will be considered in order to address this epidemic in our countryside.

II. Given that the survey indicated that tractors, tools and livestock were the most commonly stolen items, and given that the theft, transportation and disposal of such large, yet well documented items, would require considerable skills and logistics, would the Chief Constable confirm that the majority of such crimes are carried out by organized crime gangs, and if so, why has greater success not been achieved in tackling these?

III. Can the Chief Constable also comment on the level of cooperation with the Department of Agriculture, which reported last September that some 9,000 cattle had been reported missing or stolen across Northern Ireland over the previous three years; given the level of documentation and monitoring of livestock which is in place, what role, if any, does the PSNI play in supporting DARD officials in their investigations?

RESPONSE

I. The PSNI takes rural crime very seriously and understands the concerns of rural communities. The focus and priority afforded to combating rural crime by police and partners are reflected in recent crime figures which show that in the 12 months to 30 June 2014 agricultural crime fell by 1.3% (11 offences) (from 868 to 857). This follows reductions of 2.03% in 2012/13 and 5.76% in 2011/12. These figures should be viewed in the context that crime
against the farming community accounts for less than 1% of all crime and only 2.3% of all burglary, theft and robbery offences.

We do however note that the NFU Mutual survey reported a 15% increase in the cost of rural crime from £3.4m in 2012 to £3.9m in 2013, but is lower than the 2011 cost which was £4.2m. The survey recognised that 'while the number of agricultural vehicles stolen actually fell the value of insurance claims rose. This is because farm machinery is becoming much more high-tech and expensive to buy'.

As part of our ongoing response to rural crime, and in a joint initiative between DoJ Community Safety Unit, NFU Mutual Insurance and PSNI, a data analyst has been dedicated to rural crime since 1st September 2013. Their role is to analyse rural crimes and identify emerging crime trends and crime series. This information is then supplied to Police Commanders in Districts to put in place the operational tactics to prevent and detect rural crime. As such, the Data Analyst has provided detailed Problem Profiles in relation to Agricultural Crime in Northern Ireland, Livestock Theft, Farm Machinery Theft, Subject Profiles and work to support District efforts to tackle rural crime.

Our Control Strategy for Rural Crime is based around the principles of Prevention, Information, Enforcement and Reassurance.

Prevention
CPOs and NPT officers are regularly engaging with the rural community at rural crime prevention events such as the numerous agricultural shows and events attended by the Police Service over the spring and summer months.

These events provide an opportunity not only for police to engage with the rural community but also to discuss how farm security can be improved through products such as CCTV, TRACKER, CESAR Datatagging, closed shackle locks etc.
Information
Through organised rural crime prevention events and informal day to day contact with farmers whilst on patrol, Officers are continually encouraging farmers and the rural community to report suspicious behaviour and suspicious vehicles. Farmers know the rural community better than anyone and know what is normal and what is unusual or suspicious. Live time reporting of unusual or suspicious activity significantly enhances our opportunity to prevent and detect rural criminality.

Enforcement
The analysis of rural crime enables us identify 'hot-spots' and target (via Waymarkers on Locate) high visibility patrolling in those areas.

An additional 23 of our Road and Armed Support vehicles have been fitted with the latest tracking technology from TRACKER. This has already proved successful with a quad which was fitted with TRACKER and stolen in Crumlin being recovered in Glenarm.

Reassurance
In addition to the engagement events referred to above, police officers and CPOs engage with farmers at UFU offices, livestock marts, on their farms and through the FarmWatch rural text alert schemes. Farmers are encouraged to sign up to their local FarmWatch scheme to have property security marked, receive signage for display at the roadside or on their laneways and be part of the local Text Alert scheme. Rural NPT Teams use their PSNI Facebook sites to post information and appeals re rural crime in the area and to inform followers of recoveries and arrests.

II In respect of combating Organised Crime Gangs, whilst rural crime is often opportunistic, there is also an amount of this crime which is carried out by organised criminals. The proportion of rural crime which may be attributable to organised criminals is not readily quantifiable. Notwithstanding this, PSNI has and continues to invest significant resources to the
investigation of rural and organised rural crime, including specialist resources. These resources take the form of investigative teams from our Organised Crime Branch, resources from our Special Operations Branch and organised crime analysts.

As a consequence, PSNI, in association with colleagues in An Garda Síochána and others are investigating organised criminal gangs involved in plant theft. These are complex investigations and are ongoing. Colleagues in District Policing, including Response officers, NPT officers and Detectives are also progressing investigations into Rural Crime. In respect of the border Districts this involves regular contact and liaison between officers on both sides of the border.

A number of operations have been commissioned for investigation by Organised Crime Branch covering crimes which could be categorised as rural crime, investigating the theft of plant and machinery and vehicles. A recent example spanned across a number of policing districts (H, D, E & F Districts). This operation was successful and led to the recovery of 2 Tractors, 5 Large trailers, 1 Lorry, 2 Diggers, and a Mission vehicle. It also successfully identified two premises were these vehicles were being brought to for the purpose of vehicle ringing. This investigation is still ongoing.

In another operation a prolific plant thief who had evaded police for a number of years was apprehended, charged and subsequently remanded in custody. Following this significant arrest a decrease in rural crime was experienced within E District, where the thief had been most active.

In addition to the overt police work which can be reported upon, many disruptions and frustrations of the crime gangs involved in Rural Crime occur which are not suitable to be reported in the public domain.

Education and prevention are key factors in the reduction of rural crime and PSNI continue with crime prevention programmes in all rural areas.
III. There is an excellent working relationship between PSNI and DARD officials in the investigation of livestock theft.

PSNI and DARD are represented on the multi-agency Rural Crime Partnership (along with DoJ Community Safety Unit and NFU Mutual). A DARD official attends an operational group chaired by the Area Commander for Dungannon & South Tyrone looking at livestock theft in the border region. This group is also attended by An Garda Siochana, the Department of Agriculture, Food and the Marine (DAFM, RoI), HMRC and the Department of Health's Medicines Regulatory Group. DARD have provided PSNI with a contact telephone number whereby we can ring a DARD official 24/7 and check the bona fides of any livestock movements.

DARD, DAFM, AGS and PSNI are in regular contact providing assistance and information to each organisation's investigations concerning the theft and movement of livestock on both sides of the border.

A recent example of this was the recovery of 32 unidentified cattle at a farm in Donegal. This is an ongoing DAFM investigation but assisted by DARD(NI), AGS and PSNI.

Finally, you will be aware that scientists from QUB, led by Professor Chris Elliott, won one of five grants under the ‘Understanding the Challenges of the Food System’ call by the Economic and Social Research Council and the Food Standards Agency, under the Global Food Security programme. I understand Professor Elliott’s report is due to be published today (4th September) and we look forward to examining any recommendations which may help reduce livestock theft in Northern Ireland.

There are many other examples of operational activity and successes across the Districts which I would be happy to discuss with the member in private should she so wish.
Can the chief constable outline what backlog exists with the publication or submission of e-crime reports? Can he outline what resources are committed to this? And can he further outline what impact this is having on the justice process?

RESPONSE

The current backlog of eCrime examinations are 250 in number for computers which represents approximately 1 year and 65 for phones which represents approximately 2 months. There are currently 2 D/Sgts and 12 D/Constables in the PSNI eCrime unit. In addition approximately 120 officers are trained to conduct speedy 'triage' examinations of mobile phones locally in order to minimise the impact of such seizures on the community. Only those which may be required evidentially as part of the criminal justice system are retained for a longer period.

All examinations are prioritised on the basis of risk to the community and the criminal justice system. As such the justice system is generally not delayed.

A dedicated PSNI Cyber-Unit within Serious Crime Branch has been given initial approval and plans are currently being brought forward. This unit will have responsibility for providing strategic direction for the organisation in addressing cyber crime and communities needs in this area. It will incorporate the current eCrime unit and will continue to manage performance in respect of the examination backlog. The use of viewing software for investigators is currently under consideration as a significant step towards reducing the computer backlog.
Question

Current Status of the HET report into the Miami Showband Killings (Ms Caitriona Ruane)

Could the Chief Constable update us on the current status of the HET report into the Miami Showband killings in view of concerns raised by the families and survivors in relation to the report?

RESPONSE

The HET have no plans to reopen this report. No further issues or concerns have been raised by the families or survivors with HET.
Question

Legacy information evenings (Pat Sheehan)

Can the Chief Constable:

I. inform us how many of those who attended the legacy information evenings with the NI Retired Police Officers' Association were agency staff, consultancy staff or associate staff?

II. inform us how many members of the PSNI LSU are also NIRPOA members and whether any assessment has been made of potential conflicts of interest given NIRPOA positions on cooperation with legacy investigations.

III. outline the positions articulated by senior PSNI representatives at Legacy Information Evenings in relation to cooperation with legacy investigations and why no records were kept of them

RESPONSE

By way of background

- Five Legacy Information Evenings have been held, the first being on 18 June 2012.
- The evenings were organised by the Office of the Deputy Chief Constable
- PSNI were represented at the meetings by the Deputy Chief Constable and/or ACC Drew Harris, D/Chief Superintendent - Head of C1 Department (now retired), Senior Legal Advisor(s) from the PSNI Legacy Support Unit and Corporate Communications Department (Corporate Communications attendance was subsequently reviewed and that they only attended the first few meetings).
• The purpose of the evenings was to encourage former colleagues to support the legacy inquest process and also to ensure that they understood what level of legal support was available from the PSNI Legal Services Department and to provide information on matters such as anonymity, screening, access to records and compellability.

• PSNI was aware that many former colleagues were seeking legal advice from outside of PSNI and it was believed that the PSNI and the Coronial process would be better served if the PSNI Legal Services Department were assisting these individuals.

• The support of the Northern Ireland Retired Police Officer’s Association (NIRPOA) was requested to assist in advising former colleagues through their network of contacts of the intention to hold the first evening. Contact details were recorded at the first meeting and Invitations by letter or email were issued for the follow up evenings.

Part i

• Invitations to attend the Legacy Information Evenings are issued by the Deputy Chief Constables office.

• Whilst some recipients may notify their intention to attend a formal record of who attend is not recorded at each evening.

• Those attending the Legacy Information Evenings are not required to notify PSNI of their current employment status

• PSNI is aware that at least one attendee was at the time an Associate staff member.

Part ii

• The NIRPOA is independent of PSNI and therefore it does not hold a list of NIRPOA members

• Having asked current LSU staff PSNI can confirm that there are currently 5 members of the unit who are also members of NIRPOA.
• LSU staff members are required to declare if they have had any operational involvement as a former serving officer in each piece of disclosure work to which they are assigned.

• If a staff member is or becomes aware of such involvement, he/she will immediately alert the senior legal advisor and a decision will be taken in regard to their continued involvement in that specific disclosure work.

Part iii

• Senior PSNI representatives have participated in the legacy information evenings

• As previously outlined the purpose of these evenings is to encourage former police officers to engage in legacy processes, this was the position articulated by Senior PSNI representatives.

• The legacy information evenings were intended to be informal evenings, no presentations have been given, no record of attendees has been maintained and no formal minutes have been kept.

• Some informal and non-verbatim notes have been taken by some PSNI attendees. These only related to 2 of the meetings.
Question

Racist Crime (Pat Sheehan)

Could the Chief Constable

I. give us an assurance that no covert deployment authorisations have been issued to allow the involvement of CHIS or undercover officers in racist incidents

II. given the PSNI assessment of UVF involvement in racist incidents, tell us whether an assessment has been or can be conducted into any links between those thought to be responsible and other far right groups within or outside of the jurisdiction

III. in relation to 'incitement to hatred' charges, inform us whether the PSNI will consider adopting the same six-stage test included in paragraph 31 of the Attorney General’s human rights guidance to the PPS which informs prosecutorial decisions on the same types charges.

RESPONSE

I. The PSNI does not comment on the nature of covert deployment authorisations either through the deployment of CHIS or Undercover Officers suffice to say that all covert deployments are properly authorised in line with legislation and are regularly audited by the Office of Surveillance Commissioners (OSC.)
II. All racist incidents are thoroughly investigated in order to identify and prosecute offenders. A police investigation is also ongoing into criminality associated with the UVF. All investigations involve research to identify suspects, motives, links (national and international) in order to progress lines of enquiry. This is conducted at both the strategic and the tactical level within the PSNI.

III. The test set out at paragraph 31 of the Attorney General’s guidance reflects the statutory role and functions of the PPS. For example, it focuses particularly on decisions re whether to proceed with a prosecution and on the public interest test. The role of the PSNI in context of hate speech is to protect the public, maintain public order and investigate alleged crimes.

Once an investigation is completed, a file will be sent to the PPS for decision. Accordingly the test set out in the guidance would not be capable of direct application to the PSNI’s role. We do take cognisance of the guidance, in terms of assessing the issues that the PPS may consider relevant in terms of discharging our functions.
Question

Costs associated with a Republican march on 10 August 2014

To ask the Chief Constable what was the total cost of implementing the Parades Commission decision to allow a dissident republican march through the centre of Belfast on Sunday 10 August?

RESPONSE

It is difficult to estimate costs without having been through month end financial routines. However, at this stage we would estimate the following.

- Additional Costs (mainly Police Overtime) - £271,825
- Opportunity Costs (Duty Time) - £45,116
- Total Costs – £316,941

Costs are estimates only and may be subject to change.
I. Can the Chief Constable advise how many police officers were on duty during a paramilitary funeral today in West Belfast.

II. Are the police aware of the identity of those dressed in an illegal paramilitary uniform and can we be advised of the number of expected arrests and details of any charges preferred.

III. Were any firearms discharged at the funeral or after the funeral as is sometimes the case?

RESPONSE

The PSNI were aware that this funeral was to take place and as such a policing operation was planned. There were between 35 and 45 officers deployed in relation to the funeral at various stages throughout the day.

An evidence gathering operation took place throughout the duration of the funeral, and footage gathered will now be reviewed. Any evidence of suspected offences including those relating to the wearing of paramilitary clothing, or possible firearms offences will be brought to the attention of the Public Prosecution Service (PPS) for the purposes of receiving prosecutorial advice. The PSNI will subsequently submit all evidence obtained, and the subsequent decision to proceed with prosecutions will be a matter for the PPS.
Question

Ardoyne Speech (Ross Hussey)

Note the attached link below;
Will police be investigating as there are clear breaches of ‘hate laws’?
https://www.youtube.com/watch?feature=youtu.be&v=obAuG1MEb64&app=desktop

RESPONSE

To date the PSNI have received two complaints regarding this incident. The matter is currently being reviewed by District CID and enquiries are continuing. Police will be meeting with the Public Prosecution Service to confirm if it meets the threshold for prosecution.