



OFFICIAL - PUBLIC

**CHIEF CONSTABLE'S REPORT TO NORTHERN IRELAND POLICING BOARD
3 SEPTEMBER 2020 (report submitted 28 August 2020)**

PURPOSE

The purpose of this report is to provide Members with updates on the following topical matters:

1. EU Exit preparation
2. Investigating terrorism and serious and organised crime
3. Operations Tabist and Yurta
4. Policing Bonfires
5. Sharing Information with the Police Ombudsman
6. Update on Covid-19
7. Building Talent

1/ EU Exit preparation

A. EU Exit Financial update

The provision of appropriate financing and resources to PSNI in order to meet anticipated EU Exit-related service demand is both important and necessary. An unresolved funding shortfall has been identified for the current financial year and a bid for a three-year resource plan for costs associated with the Ireland/Northern Ireland (IRL/NI) Protocol has been submitted to HM Treasury via the Department of Justice (DOJ) for approval.

B. Current State of PSNI Preparedness

PSNI has prepared for a number of scenarios outlined by the Home Office regarding Future Security Partnerships (FSPs) with the EU. We are also currently refreshing operational readiness by updating our tactical plans in a number of key areas. There is still a high level of uncertainty in relation to the UK Government's ongoing negotiations with the EU and the potential for Non-Negotiated Outcomes (NNOs) remains. Alongside the DOJ in Northern Ireland and the Home Office, PSNI continues to work on practical planning for the implementation of contingency or replacement arrangements for Justice and Home Affairs (JHA) Measures. Once agreed outcomes are established, further education and training for officers in new systems and procedures will be required.

The operating models for the IRL/NI Protocol have not yet been announced. In the meantime, PSNI continues to engage with Department of Agriculture, Environment and Rural Affairs (DAERA), United Kingdom Border Force (UKBF) and other Northern Ireland Civil Service (NICS) Departments which have provided some initial indications to help inform our planning.

It should also be noted that 300 officer posts are based upon EU related funding, and we have yet to receive any assurances as to the sustainability of that resource.

C. EU Exit risks/threats – emerging themes and issues

- I. Serious and Organised Crime - Recent assessments conducted by the National Crime Agency (NCA) suggest that regulatory variance could lead to increased criminal opportunities viz. smuggling; fraud; money laundering; drug trafficking and human trafficking. Criminal profits from these could enrich Organised Crime Groups (OCGs).
- II. Common Travel Area (CTA) -The CTA may be perceived as vulnerable to exploitation by illegal migrants, criminals, paramilitary organisations and persons involved in international terrorism seeking to travel or return to the UK.
- III. Justice and Home Affairs Measures (JHA) - While contingency arrangements would be available, they would not be like-for-like replacements. Any new justice measures would be slower, costlier and more bureaucratic to operate. The loss of access to or use of SIS II, European Arrest Warrants (EAWs), the European Criminal Records Information System (ECRIS) and Europol in particular, would result in reliance on sub-optimal replacements. There is also risk around the possible delay or loss of information/intelligence, lack of arrest powers, additional costs and some countries refusing to extradite their citizens to the UK, in line with their constitutional position.

PSNI is connected into the International Crime Coordination Centre (ICCC) on national contingency planning. The Centre is helping to ensure that PSNI and other UK Police Services are prepared and ready to use alternative arrangements should we lose access to JHA Measures.

PSNI has an excellent working relationship with our counterparts in An Garda Síochána (AGS), which provides a firm basis for practical and strategic co-operation between both Services. This is strategically managed by the cross-border Joint Agency Task Force, which sees regular cross-border collaboration across a range of policing issues such as security, rural crime and intelligence-sharing. There is a

deep and embedded culture of operational co-operation with colleagues in AGS. However, in order to work together to prevent crime and bring offenders to justice, we need a clear legal framework within which to cooperate. PSNI continues to liaise with partners such as DOJ and the Northern Ireland Office (NIO) to advocate for the retention or strengthening of cross-border powers and JHA measures. We continue to plan for a variety of outcomes, including the possibility of the UK considering bilateral agreements with other EU Member States.

Our investment in neighbourhood policing alongside a greater emphasis upon roads policing (including an ANPR Interceptor Team) to target criminals who use the road networks are aimed to mitigate some of the risks arising.

2/ Investigating terrorism and serious and organised crime

A. Operation Arbacia

In the week commencing 17 August 2020 the Police Service of Northern Ireland arrested 10 people (8 men and 2 women) under the Terrorism Act as part of a significant and carefully planned operation called Arbacia. This is an ongoing and coordinated investigation into the activities of the New IRA and involves partners such as MI5, Police Scotland, An Garda Síochána and the Metropolitan Police Service.

Ten people have now been charged with a total of 39 terrorist offences. All have been remanded in custody. Overall these offences speak for themselves:

- Directing terrorism
- Preparatory acts of terrorism
- Membership of a proscribed organisation
- Conspiracy to possess explosives with intent to endanger life
- Conspiracy to possess ammunition with intent to endanger life

This investigation did not start this month and it will not end this month. It is a longer term investigation that will look into every aspect of the activities of the New IRA in its entirety. Keeping the public safe is at the heart of the operation.

Effective neighbourhood policing is essential to supporting the cohesion in communities most affected by violent dissent republicans. Over the past year we have increased the number of neighbourhood police officers by 324 and appointment processes are ongoing to raise that number to 400 as soon as possible. In addition we are currently developing a financial bid for extra neighbourhood resources to build that capacity further in our most at risk communities.

This operation will now enter a criminal justice phase. As individuals have been charged, I am unable to comment any further as the matter is now sub-judice.

B. Operations Venetic and Pharmic

Operation Venetic is the name of a UK wide operation targeting middle and top tier organised criminality. It is led by the National Crime Agency (NCA) and has involved Regional Organised Crime Units across the United Kingdom including the Police Service of Northern Ireland. Its focus was EncroChat, one of the largest providers of encrypted communications who offered a secure mobile phone instant messaging service. There were 60,000 users worldwide and around 10,000 users in the UK. The sole use was for coordinating and planning the distribution of illicit commodities, money laundering and plotting to kill rival criminals.

Since 2016, the NCA has been working with international law enforcement agencies to target EncroChat and other encrypted criminal communication platforms by sharing technical expertise and intelligence. Recently, this collaboration resulted in partners in France and the Netherlands infiltrating the platform. The data harvested was shared via Europol. The EncroChat servers have now been shut down.

Operation Pharmic is the PSNI response to the national Operation Venetic and as of the 21 August 2020, PSNI has carried out 65 searches resulting in 26 arrests. 10 of those arrested are currently remanded into custody. 14 EncroChat devices were seized by the PSNI during the search operations along with over £400,000 in cash; over 800 rounds of ammunition and 23 vehicles, many of which are of high value.

Work is continuing to build the evidential files that will be passed to the Public Prosecution Service to review. Further work is underway to develop the information that has been received and exploit all possible opportunities to bring to justice those who are involved in organised criminality.

C. Attempted Murder of Police Officers – May 2013

Christine Connor was found guilty following a second trial earlier this year and was sentenced to 20 years imprisonment and a further four years on licence for the offences of attempted murder of police officers, causing an explosion and preparation of terrorist acts. The offences occurred on 28 May 2013 on Crumlin Road, Belfast when Police were responding to an alleged report of a domestic incident in the area.

D. Weapon Find – Lord Lurgan Park

On Sunday 23 August 2020 detectives from the Terrorism Investigation Unit conducted a pre-planned search in Lord Lurgan Park and nearby waste ground as part of their ongoing investigations into violent dissident republicans. Amongst the items seized for forensic examination was a partially constructed, improvised heavy duty weapon. Forensic examinations are ongoing.

E. Paramilitary Crime Task Force

The Paramilitary Crime Task Force (PCTF) is proactively investigating 5 paramilitary organised crime groups, namely, East Belfast UVF, West Belfast UDA, INLA (Belfast & North West), South East Antrim UDA and North Antrim UDA.

Table of PCTF activity:

Activity	May-2020	Jun-2020	Jul-2020
Arrests	2	3	7
Charges & Reports	3	4	7
Searches	13	14	25
Drugs Seizures	6	7	11
Vehicle Seizures	3	0	3
Weapon Seizures	2	2	3

Over the spring and summer period it continued to undertake operations aimed at disrupting and ultimately dismantling a number of paramilitary organised crime groups. A few illustrative examples follow:

East Belfast UVF - In May 2020 searches were conducted in Belfast and Ballyclare resulting in a cannabis factory and approximately £600,000 of cannabis being recovered across the two addresses. In addition a motor vehicle was seized from the suspect.

West Belfast UDA - Prominent loyalist Dee Coleman was arrested and imprisoned following the revocation of his Art 17 licence at the request of PCTF.

South East Antrim UDA- A series of seven searches were conducted on the 26 May 2020 across B and C Districts resulting in the seizure of a Maserati and BMW motor vehicle along with £8,285 in suspected criminal cash. Components parts of a cannabis factory and suspected Class A and B controlled drugs were also recovered. In addition two weapons (suspected replica or air weapons) were seized for forensic examination. One suspect was arrested and charged with various drugs and proceeds of crime offences, a number of other suspects are to be interviewed and reported for their suspected offending.

INLA - In July 2020 a suspect was searched in Derry/Londonderry. A quantity of suspected Class A drugs, scales, bags, gloves and cable ties were found. A further examination of a rucksack carried by the suspect resulted in the discovery of approximately 60-80 suspected 9mm rounds of ammunition. Subsequent searches at two properties in Derry/Londonderry resulted in approximately 215g of suspected herbal cannabis being recovered from the rear yard of a property in the City, this would have a street value of between £2150 and £4300. Also in July, three searches were conducted in respect of an INLA suspect. A Range Rover, Ford Transit, Quad, Breitling watch and a quantity of cash were seized. The suspect has been charged with drugs and Proceeds of Crime Act offences and remanded in custody.

3/ Operations Tabist and Yurta

A. Operation Tabist

Background

This Operation is a criminal investigation in to the theft and unlawful disclosure of secret documents. The need for an investigation arose following the disclosure of 'secret and sensitive' documents in a civil case managed by the Crown Solicitors Office (CSO). The CSO immediately seized the documents and reported the matter to the PSNI.

It was established that the documents were Office of the Police Ombudsman for Northern Ireland (OPONI) generated documents, which were never intended to leave the possession of OPONI. The documents were reported as stolen by OPONI to PSNI who commenced a criminal investigation.

In May 2017, the Chief Constable of the Police Service of Northern Ireland (PSNI) asked for the assistance of the then Durham Constabulary Chief Constable Michael Barton to lead an external investigation team to carry out a full investigation in response to the OPONI complaint of theft of sensitive and secret documents.

Update

All investigative actions have been completed and a file has been submitted to the Public Prosecution Service (PPS). We await their decision.

B. Operation Yurta

Background

On the 3 October 2017, senior members of OPONI were given an advanced private showing of a documentary film, 'No Stone Unturned', during which it became apparent

that the production team had acquired sensitive OPONI documents in relation to the Loughinisland investigation. They reported this to PSNI, as the film contained clips of secret OPONI reports that named a number of individuals. It was decided that this investigation would be conducted by Durham Constabulary as (then) Chief Constable Barton already had a team working on Operation Tabist (see above).

Update

Since the Policing Board last met, the Lord Chief Justice issued his written Judgement on 10 July 2020, detailing his decision made in Court on 31 May 2019. I fully accept his ruling, and have written to both Mr Birney and Mr McCaffrey to offer them an apology on behalf of the Police Service of Northern Ireland.

The matter of how records are deleted remains before the Court, and is next listed for 7 and 8 October 2020. The manner of record deletion will be dictated by the final direction of the Court. Once that process has been completed, the Senior Investigating Officer will be able to submit her final report which will also seek to focus upon the learning arising from what has been a complex case.

Related civil matters remain ongoing and it would be inappropriate for me to comment further upon them at this time.

The paid total for the Operation Yurta investigation to date is £270,875. This is broken down as follows:

- £149,901 relating to costs from Durham Constabulary
- £113,116 relating to costs within the Police Service of Northern Ireland
- £1,558 expenses for the Senior Investigating Officer
- £6,300 under contract for Mr Barton (former Chief Constable, Durham Constabulary)

As the final elements of this matter come to a conclusion, this estimation of costs will increase.

8. Policing Bonfires

A. Strategic Developments

On 6 August 2020, a Memorandum of Understanding (MOU) regarding Bonfire Management was agreed for the first time between:

The Department for Communities (DFC)

Northern Ireland Housing Executive (NIHE)

The Department for Infrastructure (DFI)

The Department of Justice (DOJ)

Local Councils *(It should be noted that Local Councils are not signatories of the MOU.*

However, where possible, the Partners will liaise with the Local Council)

Police Service of Northern Ireland (PSNI)

The purpose of the MOU is to provide clarity in terms of accountability, policy, operational and reporting procedures for each of the named parties.

The structure to enable the enacting of this MOU is:

- Strategic level – The relevant Ministers will meet with PSNI and other partners as necessary to agree their approach, supported by
- Community Safety Response Group – to co-ordinate multi-agency tactical activity
- Operational Group – meeting daily (or as appropriate) to agree and progress operational activity.

B. Operational Issues

11th July Bonfires

The Police Service of Northern Ireland received 12 reports of hate incidents/crimes in respect of material placed on bonfires which is less than in previous years. The reports included burning of election posters, tricolours, banners and an effigy. Two hate crime investigations have commenced into the burning of election posters and are awaiting statements from the elected members in order to progress files through to prosecution.

Internment Related Bonfires

A/ Planning and Engagement

Significant planning and engagement took place in the preceding weeks in anticipation of bonfires being erected to mark the anniversary of internment.

A Community Safety Response Group chaired by DOJ commissioned the operational daily check-in meeting which commenced 23 July 2020. Its main focus was to discuss key sites of concern relating to internment bonfires in Belfast, Newry and Derry/Londonderry areas. This facilitated early information sharing by partners including emerging issues or tensions which was hugely beneficial, with a valuable contribution from Education Authority colleagues in particular. Partners represented at these meetings included the Department of Justice, Department for Infrastructure, Department for Communities, NI Housing Executive, Belfast City Council, Education Authority, PSNI, and latterly the Health Trust and NI Environment Agency.

A focus was placed upon sharing information around materials being gathered up and any likely requests for PSNI support from landowners or agents on their behalf with an objective agreed by all partners of removals being conducted on an early and often basis.

B/ Distillery Street, Belfast – attack upon officers, 8 August 2020

At 1310 on 8 August 2020 hours a formal request was received by PSNI to support the removal of the bonfire material. At 1330 hours Police resources deployed into Distillery Street, with the contractor following closely behind.

The main bonfire was ignited and those present engaged in minor disorder throwing missiles at the police units. This necessitated the contractor having to withdraw and wait for the area to be made sterile to effect the removal of the material. Officers proceeded on foot, wearing full Personal Protection Equipment (PPE) including helmets and the carrying of shields. The area was quickly secured by police units and after some sporadic and low-level disorder and throwing of missiles, tensions appeared to settle and the contractor was brought in to remove the bonfire material.

At 1440 hours the contractor completed his task of clearing the site and left. As police officers started to withdraw from the site, they came under vicious and sustained attack from missiles being thrown including bricks, wood and petrol bombs. All police resources had left the area by 1510 hours.

29 officers were injured during this incident of whom 3 required hospital treatment. Medical triage and immediate treatment for less serious injuries was provided through the custody health care nurse at Musgrave Police Station.

A detailed debrief took place on 21 August 2020, chaired by the Gold Commander ACC McEwan. The learning arising from the operation will be considered in detail, and factored into planning for future such operations.

The Public Order Enquiry Team (POET) at Musgrave Police Station are leading the investigation into disorder at Distillery Street, Belfast, with oversight from a D/Chief Inspector as Senior Investigating Officer.

Police are reviewing video evidence recorded during the incident, from police CCTV, Body Worn Video, and police aircraft, as well as from social media. 30 people have been noted as involved in the disorder and investigators are cataloguing their alleged offending. The offences range from Assault on Police to Attempted Murder, Riot and Criminal Damage. (this list is not exhaustive)

As the investigation progresses, images will be made available for viewing by police officers and staff seeking to identify those allegedly involved.

As of 26 August 2020 images of 12 suspects have been released into the public domain. To date three people have been identified and charged. Further images may be released as the investigation progresses.

5. Sharing Information with the Police Ombudsman

I am pleased to confirm that on 11 August 2020, the Police Ombudsman and I signed a Memorandum of Understanding (MOU) as to how information would be shared by the Police Service of Northern Ireland with her office.

The signing of the MOU comes after much hard work and commitment from staff in both the Police Service and the Ombudsman's Office. The Ombudsman and I are in firm agreement that the effective disclosure of information is central to public confidence in both our organisations, particularly in relation to dealing with the past. It will support the searching and sharing of information as well as the legal duty on all of us to protect sensitive information.

A copy of the MOU has been shared with the Policing Board under separate cover.

6. Update on Covid-19 Response

Members will be aware that we have had a confirmed local outbreak of Covid-19 infection in the organisation, centred on uniformed officers attached to Antrim & Newtownabbey District (L District). At present, I can confirm that nine of our officers have tested positive for COVID-19. I trust that all the officers concerned make a full and speedy recovery. Please be assured that we continue to have appropriate plans in place across L District to provide a normal service to the community and keep people safe.

ACC Alan Todd continues to share guidance and advice with the whole organisation as to how best to keep safe, and how to access support when needed. From last week, where more than one individual travels in a police vehicle all occupants must wear a PSNI issued fluid repellent surgical mask for the duration of the journey This is based upon advice from the National Police Chiefs Council.

We continue to adopt a graduated and proportionate approach of engage, explain, encourage and enforcement. Any emphasis upon enforcement is being fully considered with all of our partners. Any changes in the health picture in relation to Covid-19 will inform our policing approach, with resources being focussed upon areas of higher community transmission. As of 24 August 2020, we have issued nine prohibition notices on licensed premises that failed to adhere to the Health Regulations.

Finally, I can advise Members that a joint working group of PSNI and An Garda Síochána (AGS) Officers has undertaken a structured learning review of our respective approaches to the Covid-19 challenges. Both the AGS Commissioner and I will hear of their findings in a few weeks' time at an online joint meeting. Alongside any recommendations coming from the Board's Human Rights Adviser, they will be used to inform our practices as we continue to police and work in a Covid-19 environment.

7. Building Talent

I am pleased to confirm that police officer recruitment assessments have recommenced after much hard work by our Human Resources Department and the contactor to build a safe selection environment in the context of Covid-19. This will help to maintain organisational resilience and capacity.

20 officers were found successful for promotion to the rank of Superintendent in a recent competition. With the completion of a Chief Superintendent competition due soon, we will be making a number of senior appointments in late September. Those appointed will have a vital role in leading colleagues in a challenging operational environment and implementing our ambitious transformation agenda.

Ends