



Northern Ireland Affairs Committee

Oral evidence: [Administrative scheme for 'on-the-runs'](#), HC 177

Tuesday 4 November 2014 (Afternoon Session)

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Members present: Mr Laurence Robertson (Chair); Mr David Anderson; Lady Hermon; Kate Hoey; Naomi Long; Dr Alasdair McDonnell; Nigel Mills; Ian Paisley; David Simpson.

Questions 3040 - 3148

Witness: **Drew Harris OBE**, Deputy Chief Constable, Police Service of Northern Ireland, gave evidence.

Q3040 Chair: Deputy Chief Constable, thank you very much for joining us again. We found your original evidence session very useful. Since then, a number of other sessions have taken place and there are other questions we would like to put to you, if that is okay, but thank you very much for joining us.

I wonder if I could start by asking about Operation Red Field. What progress has been made on that? That is obviously of particular importance to us.

Drew Harris: As I briefed the Committee on my last appearance in evidence¹, Operation Red Field was in response to a catastrophic error that had been made in the Downey case and, in that case, we have undertaken to review all 228 cases. I understand that the terms of reference for Operation Red Field have been shared with the Committee. So far, of those 228 cases, 28 are presently open and underway, so that means that we are conducting research, as the terms of reference say, in respect of all the incidents that an individual may be connected to through intelligence or through evidence; research on all the intelligence material, and there are specific officers in the intelligence branch who are assigned to that duty; and then they supply that information to the investigation team within Operation Red Field.

When we last met, we had hoped, frankly, to have made more progress, but the financial straits that we have found ourselves in since then have meant that we have not been able to resource this work to the extent that we gave the impression in May we would have hoped

¹ A link to the transcript of the oral evidence from Chief Constable Matt Baggott CBE QPM, and (then) Assistant Chief Constable Drew Harris OBE, Police Service of Northern Ireland to the Northern Ireland Affairs Committee on 7 May 2014 (HC 1194) can be found here: <http://data.parliament.uk/writtenevidence/committeeevidence.svc/evidencedocument/northern-ireland-affairs-committee/administrative-scheme-for-ontheruns/oral/9418.html>

to. We had intended to have a team of 30 individuals working on Operation Red Field and we had predicted somewhere in the order of three years to complete this work. However, we have not been able to commit that scale of resource to this given our financial position.

Q3041 Chair: That is quite a worrying situation, because obviously whether letters have gone to people who may not be innocent is at the very heart of this inquiry and the very heart of the whole controversy. It is very worrying you cannot give us any more assurance than that. You have looked at 28 so far; is that correct?

Drew Harris: 28 are open, but that is not to say that that is 28 concluded. That is 28 open and presently under examination and investigation. What I could point to, though, is the priority by which we are doing these. Thirty-six were specifically referred to in Lady Justice Hallett's report, so those 36 are a priority for our work in terms of examination. Those 36 were highlighted in that the work up until 2006 those 36 were regarded as wanted and then, when examined by the Operation Rapid² team, in fact, for a second time, their status was changed to not wanted. Given that in various reports both Lady Hallett and the Police Ombudsman have complimented the depth and quality of the work between 2000 and 2006, we believe that is, as has been pointed out to us, a good starting place in terms of our work and those will receive priority. I think those 36 cases are an appropriate place to begin our efforts and to concentrate our efforts for the moment.

Q3042 Kate Hoey: You have begun work on those 36.

Drew Harris: Yes.

Q3043 Kate Hoey: Are you waiting until you finish all 36 or are you going to report on each one as you finish it?

Drew Harris: No. Each individual is an individual, and each set of circumstances or incidents that they are alleged to have been involved in or there is suspicion of their involvement in will have to be treated as a separate incident and subject to examination. This is complex and potentially a huge piece of work, given the extent of the inquiries that have to be conducted. As HET, in particular, have conducted so many of the homicide reviews, we are in a strong place in terms of their work, but there are other incidents, such as bombings or shootings where there was no fatality, and those will have to be subjected, in effect, to a fresh review of the intelligence and any evidential material that might exist. Within this group of 228, there were hardened and very active terrorists, and so the list of incidents to which there may be a suspicion of them being connected is, for some of the individuals, quite extensive and will require a lot of examination and review.

² The terms of reference of "Operation Rapid" can be found here:
<http://www.parliament.uk/documents/commons-committees/northern-ireland-affairs/Operation-Rapid-Terms-of-Reference.pdf>

Q3044 Naomi Long: To be clear, this is being funded out of the core budget for the PSNI, so the NIO have not stepped in to pay the bill for this review, given that this work was done purely on their behalf for the original scheme. It was never a devolved scheme, so it was always a matter for the NIO, but they are not funding the review of these in Operation Red Field.

Drew Harris: No. This is from what we would call our main grant. Our additional security funding is not used for legacy-type work.

Kate Hoey: Have you made representations about that, because that does seem, as Naomi said, very strange?

Naomi Long: I raised it with the Secretary of State in the Chamber at the time.

Q3045 Chair: Perhaps just question and answer rather than a debate, but can I just press you on this? This might be a naive question. What is the difference between looking at these cases and looking at any other case where a crime has been committed? Is there a distinguishing feature?

Drew Harris: The principles of any serious crime case review are applied to this, so it is a question of gathering all the information and, in this case, intelligence and evidence, making an assessment of that, reporting what we have then to the PPS and getting their direction to what other work we might wish to undertake. That would move us on then towards a phase of gathering maybe more evidence in terms of witness evidence, more examination of exhibits, etc, and ultimately then use executive powers of arrest and interview.

Q3046 Chair: A couple of weeks ago we interviewed two officers from the Metropolitan Police³ and they said there were people who they had looked into whom they did wish to question. Can you tell us whether they are working in close co-operation with you, or is it two operations that are being carried out here?

Drew Harris: We are looking at the offences that have happened in Northern Ireland. That is our remit in this, but we have close co-operation through the Association of Chief Police Officers' Terrorism and Allied Matters function, which is an operational function by which we would operate with counterterrorism units across Great Britain, and we have a close working relationship particularly with the Metropolitan Police in respect of offences that may have been committed in Great Britain and that are still live and under examination. However, it is two separate police forces, law enforcement agencies, taking forward these enquiries, but in tandem and in cooperation with each other.

³ A link to the transcript of the evidence session on 22 October 2014 with Mark Rowley, Assistant Commissioner for Specialist Operations, and Duncan Ball, Commander of the Counter Terrorism Command, Metropolitan Police Service, can be found here:
<http://data.parliament.uk/writtenevidence/committeeevidence.svc/evidencedocument/northern-ireland-affairs-committee/administrative-scheme-for-ontheruns/oral/14626.pdf>

Q3047 Chair: Just returning to the financial situation, obviously we read what the new Chief Constable had to say, and I am remiss in not congratulating you on your appointment as Deputy Chief Constable. My apologies for that, but our congratulations. The last time you appeared before the Committee I think you were Assistant Chief Constable.

Drew Harris: That is correct, yes.

Chair: So congratulations on that. We have obviously read about the concerns and we did hope to get a meeting with the Chief Constable in the near future to discuss a number of issues, including that one. It is very worrying if you are telling us that there are crimes that you suspect have been committed and you do not have the resources to look into them as quickly as you would like. That is essentially what you have told us, is it not?

Drew Harris: The cuts have forced that prioritisation of our policing effort, in effect, and the Committee will be well aware of recent events in Londonderry and Strabane, and over the last four weeks there has been an attempt on the lives of police officers on three occasions. Detective resources and intelligence resources are needed to deal with that threat of today and that forces prioritisation upon us. It does not sit easy with any of us, because we recognise the seriousness of these offences and the real hurt still felt by the families in respect of the crimes that were committed and our obligation—our duty in law—to investigate these matters.

Chair: Thanks for those answers.

Q3048 Lady Hermon: Congratulations on becoming the Deputy Chief Constable of the PSNI; we are very pleased for you. The evidence that you have given us to date has really quite shocked us—the pace of Operation Red Field, in which many victims had placed their confidence. The last time you were before us, you told us that Operation Red Field would take, you estimated, between two and three years.

Drew Harris: That is correct.

Q3049 Lady Hermon: Would you like to tell the Committee today, at the beginning of November, what you estimate the length of time will be to complete Operation Red Field at the pace at which it is going now?

Drew Harris: It would be very difficult to say. I could give a timescale that, in effect, would almost be pointless, because thinking of the resources we have deployed in this—and this is a question of resources—and the quality of the work that is expected from them and the time needed to do that, it could stretch out to three times as long. So one could be pushing out towards seven, eight—

Q3050 Lady Hermon: Seven or eight years?

Drew Harris: Yes.

Q3051 Lady Hermon: I know you described it as a huge piece of work, but seven or eight years to complete Operation Red Field is a shock.

Drew Harris: It is shocking, and it gives me no pleasure to give that sort of timescale, because for a lot of victims and those who have placed their faith in Operation Red Field it is not good news for them and obviously devastating for them. However, I would restate that we will examine the 36 cases that Lady Justice Hallett⁴ referred to us. Secondly, HET will have conducted many of the reviews in respect of homicide, and so we can build on work that has already been done by HET and prioritise our effort. Also, of the 228, there are some individuals who we have no knowledge of or very limited knowledge in respect of what their offences might be, because it was not our choice that people decided to go on the run; people elected themselves to go on the run for various reasons and a small group of that 228 are virtually unknown to us.

Q3052 Lady Hermon: What size is the team? Originally, when you gave us the evidence in May, I think it was, you estimated the size of the team and you have repeated today that you would hope that the team would be 30 officers.

Drew Harris: Yes, we had hoped for about 30.

Q3053 Lady Hermon: How many currently are working?

Drew Harris: At this moment in time, it is 17.

Q3054 Lady Hermon: Will that be further reduced, or can we give a commitment that those 17 will remain dedicated to this work?

Drew Harris: The Committee will be well aware of what has happened around HET as well, so our intention is to set up a legacy investigation branch, which will take forward the work of HET, it will take forward the work of Operation Red Field, and it will take forward other investigations that are currently open legacy investigations. That is the plan so that we can, in effect, ring-fence that and it will work through these cases. We are in the process of doing that. HET will, in effect, lose the vast majority of its staff by 31 December when the temporary worker contract finishes, and so we will have to find another way, which will be full-time staff, main grant staff, working on these legacy cases.

Q3055 Lady Hermon: Do you mean police officers?

Drew Harris: Police officers, but also we intend to use assistant investigators as well, who are suitably qualified for reviewing investigation work.

⁴ A link to the Hallett Review report can be found here: <http://www.hallettreview.org/report/>

Q3056 Lady Hermon: Does that mean people qualified anywhere outside Northern Ireland can be recruited to this?

Drew Harris: No. For anybody we will be employing we require a skills verification process to ensure that they are up to modern-day standards in terms of the standards that we require around serious crime and homicide investigations. So their skills have to be of an appropriate level and many of those assistant investigators will come through our own training and work experience process within investigation in the PSNI.

Q3057 Lady Hermon: I was particularly struck by your description of some of the criminals you are looking at. You used the words “hardened” and “very active”—hardened and very active criminals. Those people are in receipt of OTR letters.

Drew Harris: Yes, that is correct, yes.

Q3058 Lady Hermon: Since the Secretary of State has announced that those letters are worthless, in what circumstances would the PSNI reveal those letters to this Committee?

Drew Harris: There has been an exchange of correspondence between the clerk and the Chief Constable’s Office in respect of that, and we are in a position where we wish to assist to the maximum in the information that we do provide. The issue that now exists is that some of these people have never been in a court of law, and our suspicions of them are based on intelligence and some evidence, but they have never been convicted. Secondly, because they elected to be on the run themselves, we have no information on them and we would regard them as not being suspects in our investigation. Therefore, the handling of that list would need to be carefully thought-through, because whilst on that list there are core members of terrorist groups, there are also individuals who we would not regard as being suspects, and it is preserving the confidentiality of that overall list that is our principal concern. A risk would exist to individuals if that list was in general circulation.

Q3059 Lady Hermon: What sort of risk, from whom?

Drew Harris: I presume the risk perhaps of revenge or revenge upon their family members.

Q3060 Lady Hermon: Although Mr Downey, who is the case that we could look at, is working and walking free to breathe the air in County Donegal.

Drew Harris: Mr Downey faced due process, which is a public process, and he faced due process after consideration of all the facts of the case. That was a very public case, but in all cases when you are bringing a prosecution it is in a public arena. The point is, for the

majority of these we may never be in a position where we are bringing a prosecution and bringing these individuals into the public arena with a series of indictments to put to them.

Q3061 Lady Hermon: What about the 13 who are identified in Lady Justice Hallett's report as having received the royal prerogative of mercy? They are not going to face a court case again. Could we have the names of those 13 OTRs who received the royal prerogative?

Drew Harris: The royal prerogative of mercy happens out with the Office of the Chief Constable, and at the last evidence session the Chief Constable explained that that was not a matter that crossed our desk in respect of the royal prerogative of mercy. In fact, Lady Justice Hallett referred to the fact that there was no central repository of information in respect of the royal prerogative of mercy and so we do not have a complete picture in respect of that.

Q3062 Lady Hermon: Since the publication of Lady Justice Hallett's report identifying that 13 OTRs received the royal prerogative of mercy, is it the case that the PSNI has not sought to identify those 13 people?

Drew Harris: What we have sought to do is concentrate on the 36. I do not know the present location of those 13. I can identify them, yes.

Q3063 Lady Hermon: So the PSNI does know.

Drew Harris: Yes, we do know, in consequence of the examination of this list, on where we should concentrate our efforts. For instance, some within the list of 228 are now deceased and the 36 is, I believe, the appropriate place to start in terms of our investigative effort.

Q3064 Kate Hoey: Congratulations. The Police Ombudsman report⁵ was fairly critical of the PSNI and obviously everybody at the beginning, when this all came out first, was very critical of the PSNI. Has the PSNI responded yet to the Police Ombudsman report, and what is their official view of the recommendations?

Drew Harris: The Ombudsman's report is accepted in its entirety. It is the subject of scrutiny by our accountability body, the Policing Board and, indeed, this Thursday questions have been tabled in respect of the Ombudsman's report, which we will answer then in public session. So it is now for our principal accountability body, the Policing Board, to examine this issue as well, but we have accepted the Ombudsman's report and we have accepted the conclusions. He also notes that by the time of publication we had

⁵ The Police Ombudsman for Northern Ireland's 'Public Statement on PSNI Operation Rapid, matters arising from the ruling in R v John Anthony Downey' (21 October 2014) can be found here: <http://www.policeombudsman.org/PONI/files/9d/9d6aa90c-5429-43cd-9f66-8ed229fde238.pdf>

commenced Operation Red Field and he has examined our terms of reference for Operation Red Field as well.

Q3065 Kate Hoey: Mr Baggott obviously was quite happy for the PSNI to be scapegoated. Is that still the position of the PSNI and the new regime there?

Drew Harris: I am not sure that I would agree with the term “scapegoated”, with respect. I think what we acknowledged was our failing in respect of the Downey case and the catastrophic error that was pointed out in terms of the letter being issued contrary to the information that was held within PSNI systems. It was entirely proper that we did that. We met with the families; I met with the families to express my deep and sincere regret at the blunder that had been made, and that still remains our position.

It is for others to consider their position, but in terms of our position and our relationship with those families and to try to have a relationship of some confidence with them, I felt that it was entirely appropriate that we should give a full and wholesome apology for all the hurt that was caused to them and really the manner in which they were further traumatised by the outcome of the case.

Q3066 Kate Hoey: Does the PSNI take any view on the position of the Northern Ireland Office in any of this—whether they had any responsibility in what ended up being victims of the Hyde Park bombing seeing somebody walk free?

Drew Harris: This matter has been covered at length by Lady Justice Hallett, and it would be entirely inappropriate for the Police Service to then point a finger of blame. We have accepted the blunder and the catastrophic error that we made and the impact that had on the attempt to prosecute Mr Downey, and I think that is the appropriate position for us to hold.

Q3067 Kate Hoey: Do you not think that an ordinary rank-and-file member of the PSNI might feel that their leadership is not being very brave on this issue, and that you are just sitting back and taking it all when it is very clear, from some of the evidence that I am sure you will have read, that the Northern Ireland Office made some fundamental errors as well?

Drew Harris: For our part, we acknowledge the mistake we made. It is for others to explain their actions. We had a policing function within this, but in effect it was a bureaucratic system that was set up and the bureaucracy did not match up and so, in the end, the message that was communicated did not have a final check with those who provided the original opinion—the original information. That is one of the systemic errors in this process. Also, Lady Justice Hallett has said that other issues about the consideration of what a letter would mean in terms of the risk of abuse of process and the lack of a risk management process, in effect, or a risk register to try to mitigate some of those factors. All of that is recognised now. The Northern Ireland Office has an oversight panel, which we have reported to in terms of our compliance with the recommendations and, secondly, we will be reporting on those recommendations to the Policing Board.

Q3068 Lady Hermon: Can I just ask for clarification, Deputy Chief Constable, just to put on the record that the then ACC Peter Sheridan and, indeed, Norman Baxter had no awareness when Mr Mark Sweeney phoned or emailed from the Northern Ireland Office that the information was going to be conveyed in a letter to Mr Downey?

Drew Harris: From all I have read and all I have seen that is my understanding of this position as well.

Q3069 Lady Hermon: They had no awareness of the letter going out to Mr Downey.

Drew Harris: No. That is my understanding, and it would be wrong to give hearsay evidence on their behalf, but that is my understanding from all that I have seen as well, yes.

Q3070 Kate Hoey: That is rather interesting because that is why I am surprised the PSNI is not sticking up for its officers more. However, were you surprised when you read the evidence of the Metropolitan Police, who came to see us—how little they knew about this? In fact, they said they knew nothing about the scheme.

Drew Harris: No, not particularly surprised, and I think it is just another facet of how this scheme lacked the governance necessary for what was, in the end, a pretty high-risk enterprise. We were looking at so many cases involving so much serious crime that there was always the potential for a mistake and that crime did not just refer to crime in Northern Ireland; there were also very serious offences committed here in Great Britain. It is just another facet of the operation of the scheme and, I think, now, given the potential within the scheme for so many places of error, that no faith can be placed in those letters, as reported by the Secretary of State.

Q3071 Kate Hoey: Were you, or anyone in your area that you knew of, ever involved with when the Metropolitan Police did look at extradition at earlier stages regarding Mr Downey? Was the PSNI involved in the discussions on that?

Drew Harris: No, the extradition of Mr Downey was a factor in the early 1980s, and I was not involved in that and I do not know that we have even a record of that. Extradition would have been difficult against the evidence that was there, because it would have always been an issue that he would have wanted to be in a position to interview them and put salient facts and have their response to salient facts, whereas extradition is the presumption of being, in effect, charge-ready; that you are case-ready and ready to charge.

Q3072 Kate Hoey: Are all the files and intelligence on Mr Downey still within the PSNI? There is still a file on Mr Downey. You are still actively looking to see if there might be

further information that would be new or different that could lead to Mr Downey still being sought.

Drew Harris: Yes, that is correct, yes.

Q3073 Kate Hoey: Therefore, would Mr Downey not be advised to visit Northern Ireland very often?

Drew Harris: That is for Mr Downey. I am not going to advise him on his movements.

Q3074 Kate Hoey: Finally, just again on these names, why should the public not know these names of people who have been given pardons and who have been given letters that now are meaningless anyway, according to the Secretary of State?

Drew Harris: You will forgive me on the pardons, because I do not know the intricacies of the law in respect of pardons.

Kate Hoey: Nobody seems to.

Drew Harris: Whether those are a matter of public record or not. The others are, in effect, suspects and it would not be our position, except in real extremis, to name individuals as suspects.

Q3075 Kate Hoey: However, it was public money that sent those letters out. It was public governance that made it happen. The public pay the taxes. Surely the public have a right to know who got these letters.

Drew Harris: I follow entirely the argument that you are making, but I revert back to our obligations—and we do have obligations in law—to protect information around individuals, and it is sensitive personal data, whether an individual is a suspect or not.

Q3076 Kate Hoey: How many people do you think in Northern Ireland know the names of all these? You obviously do, as presumably do a few people within the PSNI. Who else in Northern Ireland knows the names on these letters that went out, apart from Gerry Kelly?

Drew Harris: Some officials in the Northern Ireland Office, because we have worked on the database with them. Members of the PPS obviously as well, again because we have worked on the database with them. Beyond that, very few. Some have emerged in terms of news reporting but, by and large, their identities are unknown.

Q3077 Kate Hoey: Are you surprised they have not been leaked by somebody?

Drew Harris: No, not particularly. It is sensitive data and we hold a lot of sensitive data.

Q3078 Kate Hoey: How would you feel if they were leaked?

Drew Harris: It would be somewhat frustrating, because within that there are people who may become or who are potential suspects, who will then be the subject of investigation and we would wish to interview them.

Q3079 Kate Hoey: They might go on the run.

Drew Harris: We would not want to give anyone pre-warning of our notice of interest around investigation.

Q3080 Kate Hoey: Just one last question. I appreciate you cannot make it happen, but you could request it and argue for it. Given the millions of pounds that were spent on the Bloody Sunday Inquiry where there were 13 terrible tragedies, here we have numerous hundreds of victims and yet there is going to be no extra public money spent on trying to get to the bottom of this. You are going to have to use your other resources or you are going to have to make cutbacks elsewhere. Do you not think this would be something that Her Majesty's Government should come forward with some extra money for?

Drew Harris: It has to said that, overall, in respect of legacy and the amount of work there now is, and the advances in prosecution in terms of new forensic routes and all of that, we are facing a challenge that is not faced by any other police service in the United Kingdom, and there is an issue of the resources necessary for us to properly comply with our duty under the Police Act to investigate. There are crimes here that I do think are worthy of investigation, which you could have a reasonable prospect as to prosecution, and it is terrible to sit and say that and know that you are not in a position to resource that type of investigation.

Now, there is often a lot of commentary about there being no hope with these cases, etc, and for a large majority of the cases that may be true. However, there are instances where justice could be done through investigation and then prosecution. Where that is possible, then that is always worthy of pursuit. Some of the things that were thought and said about historic cases—2006, 2007, 2008—have changed by the experience we have had around prosecutions and even with the experience of prosecutions here in respect of historic sex offences. There are ways into the criminal justice system with older cases.

Q3081 Lady Hermon: You speak with confidence that some of these OTRs are going to be successfully prosecuted.

Drew Harris: I am always an optimist around investigation. I think if you have a case and there is something to do with it in terms of investigative action, then you should do that and you should do that with full vigour, because that is our duty and that is required of us. So if that comes across as optimism, it is because through experience I have seen these things work. Not in all cases, but in a small number of cases, yes, that has worked.

Q3082 Chair: You may remember I raised the issue of the funding of Operation Red Field with the Secretary of State in the Commons last week⁶, and I was assured she is discussing it with the Police Service of Northern Ireland. Are those discussions directly with yourselves or are they through the Minister in Northern Ireland?

Drew Harris: No, there have been discussions over the last number of weeks, just in respect of the financial position we find ourselves in.

Q3083 Chair: With the Secretary of State?

Drew Harris: With the Secretary of State, yes.

Q3084 Chair: You, the PSNI, have spoken directly to the Secretary of State.

Drew Harris: In respect of our overall funding position, which obviously touches on these legacy issues, but also touches upon the ongoing public order issues that we are having and obviously then the threat from violent dissident republicans.

Q3085 Chair: Can I press you on that, though? How much discussion has there been specifically on Operation Red Field, because this is a very important point?

Drew Harris: Red Field itself was not specifically mentioned as a funding stream. It was mentioned in respect of our overall responsibilities, along with all our legacy investigations, and the need to finish off the work of the Historical Enquiries Team.

Q3086 Naomi Long: It is good to see you here, Drew, and congratulations on your promotion. You have just said that Red Field has not been specifically mentioned, but where it differs from the work of the HET is that surely this was work that was commissioned. The work around the OTRs was commissioned specifically by the Northern Ireland Office for reasons other than policing; let us be blunt about it. These were not checks being done originally for the OTRs, because the police were doing those checks. They were being done at the request of the NIO for political reasons. What has followed and the difficulties surrounding it and the fact we now need Operation Red Field to review that work is as of a direct result of that piece of work being commissioned by the NIO, effectively.

Surely it needs to be separated out from the wider work around historic investigations, in the sense that it is a very specific piece of work, which was never devolved, was never the responsibility of the devolved administration and was purely commissioned by the Northern Ireland Office in order to fulfil a political remit. Could you at least give an

⁶ Laurence Robertson's oral question to the Secretary of State, 29 October 2014, can be found here: <http://www.publications.parliament.uk/pa/cm201415/cmhansrd/cm141029/debtext/141029-0001.htm#14102956000176>

undertaking that, when you do next engage with the Secretary of State and with the Northern Ireland Office, those points will be made? They are points that we have made in terms of the Committee and as individuals, but it is important they are also coming from the PSNI, because otherwise there may be an assumption that there is no particular issue with the PSNI continuing to do this work from your own funds.

Drew Harris: I accept entirely the point that you make, and we have made representations around our funding but have not raised the issue in the manner you have, in terms of the coherence of that argument.

Q3087 Naomi Long: I think it was Lady Sylvia that described the “optimism” you had expressed that some of the people who were involved in this may still be prosecuted. If that is the case, how did they ever get letters in the first place? If there was any prospect of prosecution, how could they have got letters in the first place?

Drew Harris: That goes back to the examination of the standards applied by Operation Rapid in 2007 to the 36 cases then that were referred specifically to us, but also, from 2007-2008 onwards, what we have learnt about the prosecution of historic serious crime cases, what is possible and what can be done. The experience and the learning continues to grow in respect of that, but advances around forensic science also do mean that every couple of years things just move on and you see a new advance, a new method of proving something. That can change our opinion then.

The Ombudsman’s report refers specifically to it. At the time, in 2006, 2007 and 2008, a number of high-profile cases had failed in terms of failed in terms of prosecution. That had undoubtedly knocked the confidence of the Police Service around the prosecution of big cases. Indeed, I remember Mr Paisley at the Policing Board saying how we had not succeeded in some of these big-ticket trials, and that did knock our overall confidence. That has changed because of the success we have had and the experience that we are able to bring, but also then the experience of others that we have learnt from and the advanced in forensic science.

Q3088 Naomi Long: Would things like progress in investigatory techniques, improved police methods and so on and so forth not have been predictable to some degree—perhaps not the nature of them, but that they could happen—at the time? Did the PSNI, at that point when they were asked for an assessment of whether or not somebody was wanted, if you like, not push back against that to say, “Actually, it is very hard to make that definitive call, because things can change with time”? Was that not a conversation that needed to be had in terms of pressing back against making a call on whether or not somebody could be prosecuted and giving them a letter?

Drew Harris: That conversation did happen outwith Operation Rapid. If you take Operation Rapid from 2007 to mid-2008, certainly those sorts of conversations did happen in that. However, at any one moment in time could you say, “I can see a way through this and we have a case we can pursue now”? That might not have been the case, but a view was taken looking at an individual, the extent of our suspicion and the extent of their

alleged and suspected involvement in serious crime: “There is no way we could say that person is not wanted. If they were in this jurisdiction, we would at least arrest them to put what we have to them.” That pushback did happen.

Q3089 Naomi Long: What was the response to that?

Drew Harris: That was our call: the person remained wanted.

Q3090 Naomi Long: You said earlier in response to another question that you would not want to alert someone to the fact that you have an interest in bringing them in for questioning or whatever,

Drew Harris: I would not want to do that.

Naomi Long: You would not want to do that, because they may decide to flee the jurisdiction or otherwise. Can I ask your view on this? We have been guided with respect to the legal position on the OTR letters and we have been advised that there is, if you like, nothing illegal or improper in telling someone that at that point in time the police have no interest in arresting or questioning them or whatever. Those that asked for letters and were told they could not have them were effectively being told that the police had an interest in them. Was that not in some way undermining a live investigation?

Drew Harris: The other thing you may have done, which would be entirely unethical, would have been to say, “No, we are not interested in you”, and allayed their suspicions. However, that, in effect, would have been regarded as entirely unethical and could have led, in effect, to an abuse of process.

Naomi Long: That is effectively—

Drew Harris: It is where we are now. One is often caught in a dilemma around this. There are people who still evade justice by leaving the jurisdiction and not periodically but very regularly there is correspondence about whether an individual is still suspected or wanted for questioning or whatever it might be.

In effect, we do not give clarity on whether a person is wanted or not. If we want them, that is the status they have and it is not our role to clarify that to them. In law, we have an exemption from clarifying that, because it defeats the purpose of the prevention and detection of crime. The data-protection legislation gives us that exemption.

Q3091 Naomi Long: That exemption surely then would have applied in these cases, where the request for that information was being made through political channels. That, I guess, is the key point. There may be nothing improper in telling someone they are not wanted, but the corollary of doing so is that some people were told, in effect, that they were. In effect, they were advised not to return to the jurisdiction where they could have been arrested, questioned and potentially charged. To be clear about this, as things stand, if I were to write

to you and ask if I were wanted in connection with a serious offence, you would not give me clarity on that point.

Drew Harris: Presuming, for the purposes of the question, you were wanted for serious crime, no, we would not provide that clarity. It would be a form of words that would evade the answer, because we are under no obligation to answer that and warn a fugitive as to their status, whether they are wanted or not. What is wrong for us is to, in effect, give a false answer and say, “You are not wanted”, and trick a person into coming back to the jurisdiction.

Q3092 Naomi Long: As a rule, if someone asks whether or not they are wanted in connection with a serious crime, you would not clarify yes or no as a matter of course, because the implication is, on an occasion when you did not clarify that they were not, you were inferring that they were.

Drew Harris: No, if people are not wanted we do clarify that to them, but it is a clarification with qualification. The qualifications are, “On the basis of the information that you have provided as to your identity, as our records show and as of this date”—it is a qualified clarification in respect of, “You are not wanted”.

Q3093 Naomi Long: Drew, the point that I am trying to make is if someone asks the question and they get that answer, then surely they know, with those qualifications, they are not wanted. If they get an answer that is not that answer, you are in all but name telling them that they are wanted.

Drew Harris: Yes, but—

Naomi Long: Is the answer to that conundrum simply not to clarify for anyone?

Drew Harris: That is not fair, and it would not withstand a challenge in respect of Article 8 of the Human Rights Act—the right to private life. If an individual believes they are a fugitive and they are not, that should be clarified to them.

Q3094 Naomi Long: It has been raised with us. Norman Baxter, when he gave his evidence⁷, said that he believed to have alerted John Downey to the fact that he was wanted in the UK by the Metropolitan Police would have been potentially illegal, because it would have been interfering with due process and it would be, essentially, wrong to do so. What is your view on that specific point?

Drew Harris: If we deal with the general point, as we have been dealing with, this dilemma is one that we have very regularly and, in effect, we do not answer the question.

⁷ The transcript of the oral evidence to the Northern Ireland Affairs Committee by Norman Baxter and Peter Sheridan on 2 April 2014 can be found here: <http://data.parliament.uk/writtenevidence/committeeevidence.svc/evidencedocument/northern-ireland-affairs-committee/administrative-scheme-for-ontheruns/oral/8333.html>

They can draw whatever inference they wish to draw from that, but that is the inference they draw. We have seen one not to have acted unethically, but have acted ethically within the Data Protection Act.

To go back to the point of the person who believes they are a fugitive for whatever reason, but we do not regard them as a suspect and they are not wanted, we do have, under Article 8, a right to private life and a right to know that from the Police Service.

Q3095 Naomi Long: Would you draw any distinction between sharing that information from another police force and from the PSNI in that context, in terms of whether or not it would be legal to share that with somebody who made that request?

Drew Harris: No, all police services within the UK jurisdiction are working within the confines of the Data Protection Act. All of us have exemptions to aid the prevention and detection of crime and the sharing of information between police services is daily. It happens in nanoseconds, really. So much information is shared now by the computer systems and all of us have access to UK-wide systems.

Q3096 Chair: Can I just return to the question I asked the Secretary of State? Her response was, “I have regular discussions with the PSNI on the operation of the on-the-runs and Operation Red Field, and I will do so again.” Is that your recollection of the discussions?

Drew Harris: I am referring to discussions since I was appointed Deputy Chief Constable in the last four weeks and discussions primarily over the last two weeks.

Q3097 Chair: She is promising further discussions, so that is obviously the time to raise the funding issue.

Drew Harris: The Secretary of State is in regular contact and is alive to all our funding issues in their entirety.

Q3098 Ian Paisley: Can I add my voice to those who have congratulated you publicly on your appointment as Deputy Chief Constable? Very many congratulations. I joked with you that it is amazing what arresting Gerry Adams can do for your career prospects, but, on a serious point, could I say that, following on from the arrest of Gerry Adams, it does show that no one is above the law in Northern Ireland and it is a very positive step. With not even so much as a bin lid rattled in West Belfast, you can arrest very prominent people, question them and release them again. That is a very positive move for policing.

Turning to the issue before us in terms of the on-the-runs, Theresa Villiers said on-the-runs should place no reliance whatsoever on these letters. From what you are saying today, it appears that statement appears to have changed the game altogether for the on-the-runs, because, if I am right to draw this from what you are saying, the 228 recipients or more are no longer seen as recipients, but are, in your words, “potential suspects”.

Drew Harris: Yes, that is correct.

Q3099 Ian Paisley: That has changed the character or status—that is a better word, I suppose—of those individuals. If we follow that through, would it be right to conclude that some, indeed maybe many, of those suspects could actually find themselves subject to being arrested?

Drew Harris: If I go back just to the initial point, in respect of Red Field and why we commenced Operation Red Field, it is because of abuse of process applications in very specific circumstances. What we have to be sure about in Red Field is that we entirely and absolutely avoid that set of circumstances again. Even before the Secretary of State made her announcement, we considered how we would take this forward and, as I set out in the evidence in May, how we would take this on in terms of reporting to the PPS and making sure that we were in a position then to proceed and defeat any abuse of process application.

The Secretary of State's announcement has further clarified that. It has, in effect, broadened the ground on which we stand, and that is to be welcomed. We regard these individuals as the same as any other citizen and their letters are now without worth. In respect of the investigations, these are investigations into serious crime and if evidential thresholds are met, and even the requirements of the investigation are met, then an interview report will follow to the Public Prosecution Service.

Q3100 Ian Paisley: Following through on that, with regards to the issue of transparency—in principle, I agree that the names should be published; I want to say that publicly and on the record, and I have said that many times—what you have said today does change the colour of that, somewhat at least, if the status of these individuals is now that they are suspects as opposed to recipients. That is an important factor that you have put into the public domain today.

Drew Harris: Can I just clarify? As we look at each individual, we will clarify whether they should be regarded as a suspect or not. The first 28 are regarded as suspects. I am not sure some within that 228 will get to that status, because we have no information in respect of them. However, when we come to look at them, I can anticipate that the majority of the 228 will be regarded initially certainly as suspects and then we will work our way through the process of gathering material, examining it and reporting it to the PPS.

Q3101 Ian Paisley: As many people know, you cannot put yourself entirely in the shoes of victims. However, many of them will take comfort from what you have said today in terms of the fact that there is now a level playing-field, that people are, in your words, “potentially suspects” as opposed, beforehand, to appearing to be—I am using my words carefully—above the law. That is welcome. However, given that one of the names is in public, and it is the well documented case that is the Downey case, is Mr Downey being examined by the police in any way?

Drew Harris: I have clarified already that the case of Mr Downey is under active examination.

Q3102 Ian Paisley: Does that go beyond what has happened in terms of a mainland bombing? What are we looking at?

Drew Harris: There is quite a bit in various public records in respect of the material that is held and the extent of the material that is held regarding Mr Downey. I really do not want to be in the position of clarifying further what exactly we are looking at—

Q3103 Ian Paisley: Okay, I buy that. The PSNI, at their last appearance before our Committee, indicated that they were looking into the allegations of a phone call received by Norman Baxter from someone within Number 10, which basically was trying to pressurise Mr Baxter in how he performed his duties as a senior police officer and investigating officer in Northern Ireland. Can you tell us whether that is being progressed in any way?

Drew Harris: The matters have been examined and there has been exhaustive examination, in that we have checked all PSNI phone records for that particular night in question, and all the ACPO officers in post on that night have been spoken to. They do not recall this particular issue. However, they have records and notebooks of phone calls that night, and none of them reflected the account provided by Mr Baxter.

Indeed, all this information was provided to Lady Justice Hallett, who did further examine this, and there was no further information provided. We have also written twice to Mr Baxter to ask for further information and have received no reply, so we are unable to advance any further, because we can find no further substantiation of the allegation that was made.

Ian Paisley: Have you got his notebook yet?

Drew Harris: To my knowledge, no, we do not have Mr Baxter's notebook.

Ian Paisley: That would be instrumental or key to any investigation, I assume.

Drew Harris: Yes.

Q3104 Ian Paisley: The catastrophic error, then, which is one of the reasons given for Downey evading justice, was undermined somewhat by the Metropolitan Police when they gave us evidence—in my mind it was, anyway—who suggested that there was a sequence. Whenever they arrested Downey, he did not initially speak about a letter; he spoke about a document. Subsequently, a document did appear with no signature and then the Northern Ireland Office facilitated the production of the actual letter, which is not as clear-cut as someone being arrested and saying, “I have a letter that gets me out of this”. Has any consideration been given to the idea that the letter could have actually materialised post Mr Downey's arrest? That is, only when he ultimately needed it was it pulled out of a drawer in the NIO and topped and tailed, and maybe even changed.

Drew Harris: No consideration has been given to that, because the record is clear around the communication. This is the communication to Mr Downey from the Northern Ireland Office. The bona fides of that letter has never been an issue or contested.

Q3105 Ian Paisley: It appeared from what the Metropolitan Police told us that what Mr Downey had was incomplete, and a complete version only subsequently emerged when the NIO facilitated, out of their generosity of spirit towards a terrorist. It was only when they facilitated that that the full picture emerged.

Drew Harris: All I can add to that is that following his arrest—he was arrested on the weekend, on a Saturday—that following week, in May of 2013 there was effectively a conference regarding the letter. Pretty quickly, we were talking about the letter. The existence of a letter was news to me, but what was shocking was the manner in which this letter was being spoken about, in terms of the value that might be placed upon it and the potential for an abuse of process. That was within, in effect, days of Mr Downey’s arrest.

Ian Paisley: That was shocking to you. It was very shocking, ultimately, to the public when it emerged.

Drew Harris: Yes.

Q3106 Ian Paisley: Kate Hoey, in her questions to you, has rightly expressed her view that the police have taken a lot of the blame here, and maybe they are not quite as culpable as some people would like to portray them as. I must say I have sympathy with that view, given that a few days before that letter was given originally to Mr Downey, or his solicitor, all of the reports that Peter Hain had in front of him were very clear that Downey should not receive one of these letters. Almost moments after Mr Hain leaves office, a letter wings its way to Downey, which is spoken of in terms that you say are shocking. That is why I am asking you: has any thought been given to the fact that that letter could have changed and that it was changed not by you or your officers—“you” in the collective—but by someone in the Northern Ireland Office?

Drew Harris: That particular scenario has not been visited or thought about. There was no issue in respect of the bona fides of that particular letter, to my knowledge, until questioned here today.

Q3107 David Simpson: Very briefly, I apologise that I was in late, Chairman. A lot of the questions have been asked. Congratulations, again, Drew. It is very well deserved. Can I go back to the relation of the names of these individuals and specifically narrow it into the issue of the 13 pardons? Did I hear you correctly saying that you knew who the 13 were?

Drew Harris: Yes, we now have knowledge of who those 13 are.

Q3108 David Simpson: Are you in the position—not today, I am sure; as you have said, the names should not be released—to confirm for us today whether or not any of those 13 are currently elected members within this House or the Northern Ireland Assembly?

Drew Harris: No, I am not in a position to confirm that.

Q3109 Kate Hoey: Are you in a position to deny it?

Drew Harris: No, it would be wrong for me to comment further on that.

Lady Hermon: Your silence has commented enough.

Q3110 Dr McDonnell: Congratulations, Drew. I am glad to formally publically be able to congratulate you, and I wish you well. I just have a few minor supplementary questions. I have enjoyed listening to you and, certainly, the extra information you bring to us. I want to go back to a point that was raised earlier. Could Norman Baxter have been misled by a third party somewhere? Was there room there for somebody to mislead, misinform or second-guess him? Call it what you like.

Drew Harris: Mr Baxter is very firm in his view in respect of this. It is just not further borne out by other records of the events of that night. It may be that he is mistaken in his mind about the sequence of these events, but we cannot further corroborate his specific allegation.

Q3111 Dr McDonnell: Yes, you have not been able to corroborate. However, I was very impressed by the evidence that he gave us and the sincerity with which he gave it. We talked a lot there about you not being able to tell somebody they are wanted, but under the various human-rights legislation—Article 8—you can tell somebody they are not wanted. If there is a legal intermediary, a solicitor or representative on behalf of a client, does that change the situation at all?

Drew Harris: No, not really. In effect, it is always treated as a request for information about a particular person. The technical expression is “subject access request”, but the legislation would apply equally.

Q3112 Dr McDonnell: In other words, a lawyer only becomes relevant when somebody is wanted for questioning.

Drew Harris: The same principles apply. I would not necessarily clarify to a solicitor or a lawyer that an individual was actually wanted.

Q3113 Dr McDonnell: Again, to go back to other stuff, let us say somebody was wanted in Dublin or somebody was wanted by the Metropolitan Police here, would the same apply? If

you were in possession of second-hand information of that nature, you would not be in a position to confirm or deny either.

Drew Harris: That is correct. Indeed, with the information-sharing systems we have in place, if somebody was wanted by the Metropolitan Police and did come across our path, we would be in a position to exercise our warrant to arrest that individual on behalf of the Metropolitan Police.

Q3114 Dr McDonnell: Thank you for that. I am concerned—and I was even before you came here today—about the financial position and the overall position, particularly pertaining to these issues but even the broader legacy issues in the past. Would it help, and should we be advocating, for there to be a separate budget line for this project, Red Field, or indeed for wider issues? Is there some way in which we could help? If it was possible and if the Chairman would allow a little bit of discretion, I would like to hear a little more about the financial position, the financial pressures and the financial concerns—if that is possible, Chair.

Chair: Quite possibly we could come back to that. We certainly can do. There are one or two issues we might want to—

Dr McDonnell: I am quite happy to park it as long as before Drew leaves we talk about it.

Chair: That is fine.

Q3115 Mr Anderson: Congratulations from me on your promotion. Can you just run the figures past me again? When you first opened, you said, as we all know, 228 cases.

Drew Harris: Yes.

Mr Anderson: You said there were 28 open; then you referred to 36. What has happened with the rest of the numbers? I should probably know this, but just for clarity.

Drew Harris: When I was in front of the Committee before, I gave evidence in respect of six cases that had been reopened through our own inquiries and just in the normal course of our examination of exhibits and investigations in the past. Then, to supplement that, a further 28 cases are now open, of the 228. The remainder, then, will have to wait until we have resources, in effect, to open them. The 28 cases are, at this moment, subject to research, both in terms of intelligence and evidence, and gathering information together to see what there is and what we can advance.

Q3116 Mr Anderson: But the intention is to go through all 228, as and when resources allow.

Drew Harris: Yes, it would be.

Q3117 Mr Anderson: In terms of the discussion about whether or not these names should be made public, in a normal criminal case, how would you decide whether or not it was the right thing to do to put a suspect's name in the public arena?

Drew Harris: I have weighed this decision up. One has to consider the rights of the suspect—this is potentially an Article 2 right, because this is only about serious crime, so you would be concerned about someone doing harm to the individual—against the potential for harm to the public of someone who is a fugitive, whom you have already made strenuous efforts to try to locate. You would have to have been through a process of inquiry and investigation to attempt to locate them. You would need to be certain in your own mind as to the risk that they would be to the public, and set that against that individual's right, both under Article 2, right to life, and also Article 8, but the Article 2 consideration would be the major consideration.

Q3118 Mr Anderson: Whose responsibly would it be to decide that?

Drew Harris: It would be at least an Assistant Chief Constable deciding that.

Q3119 Mr Anderson: You would take outside advice.

Drew Harris: One would take advice through the SIO in terms of what the PPS—Public Prosecution Service—view is of the case. One also might, and in most cases would, take legal advice in respect of the human rights considerations, but, if there is a risk to the public, our first duty is to protect the public. These cases are relatively rare, and, when they arise, they arise for very necessary and good reasons, but one has to go through a process to make sure we have been diligent about trying to find this individual without going to the step of publicising a name.

Q3120 Mr Anderson: When you say they are rare, how often do you do it?

Drew Harris: I have done two in eight years.

Q3121 Lady Hermon: I have listened very carefully, Deputy Chief Constable, to the reply you have just given to my colleague, Dave Anderson, and other colleagues. You have emphasised that, in reviewing all of the cases of the OTRs, these people are now regarded as potential suspects.

Drew Harris: Yes, that is correct.

Q3122 Lady Hermon: Let's just go, then, to the 13 OTRs who have received the benefit of the royal prerogative of mercy, so they are not suspects; they are not in the same category; they are not going to face further prosecution, so we need not worry about jeopardising a

future criminal case or prosecution. In those circumstances, what possible justification can there be for refusing to confirm or deny? The question was posed by my colleague David Simpson here whether a public representative, a member of Sinn Féin, a senior politician, is the recipient of the prerogative of mercy. What justification can there be for refusing to tell us that?

Drew Harris: I have not sought to justify not telling that, in that I do not believe that is my information to share. The RPM—the royal prerogative of mercy—process is not a police process. We only became aware of these RPMs through the examination of the full gambit of all 228 individuals within Operation Red Field. There may be others who have received royal prerogatives of mercy, and, at times, we have, in conducting our inquiries, bumped up against royal prerogatives of mercy. I can think of one occasion at least on which this has happened. However, we are not the custodians of the information as to who holds the royal prerogative of mercy. It would be wrong for me, then, to intimate anything in respect of who may or may not have a royal prerogative of mercy.

Q3123 Lady Hermon: I find that quite an exceptional reply. Let me just ask, from a different direction: have you had meetings with Sinn Féin where they have asked the PSNI to make sure these names are withheld?

Drew Harris: I have not, no.

Q3124 Lady Hermon: Have you received letters from solicitors—and I do not want the names, obviously, because confidentiality attaches to both the solicitor and the exchange of correspondence—on behalf of their OTR clients in relation to Operation Red Field?

Drew Harris: No. In 2009 and 2010, there was correspondence with solicitors around specific individuals who are now within Operation Red Field, a small handful, in effect, but that is several years ago.

Q3125 Lady Hermon: Let me just extend that a little bit further. Are you telling the Committee that, since we became aware of the secret letters that were sent to 228 OTRs through the publication of the Downey judgment at the end of February, Sinn Féin have not, in any circumstances or any meetings with the PSNI senior officers, mentioned the OTR letters or Operation Red Field?

Drew Harris: It has been mentioned at the Policing Board, but it has been in the context of the Policing Board. It has not been raised with me and, to my knowledge, it has not been raised with my colleagues in respect of Operation Red Field, its existence or how it might advance.

Q3126 Lady Hermon: Are you surprised by that? We are. I am.

Drew Harris: I am actually not surprised, because these matters have never been raised with me.

Q3127 Lady Hermon: They have never been raised with you, or do you mean with the PSNI? You sit in many meetings as ACC and now as a Deputy Chief Constable.

Drew Harris: I have been in plenty of meetings and cannot recall an occasion when the investigation and perhaps subsequent prosecution of individuals was raised.

Q3128 Lady Hermon: By Sinn Féin.

Drew Harris: By Sinn Féin.

Lady Hermon: That is quite remarkable—really interesting indeed.

Q3129 Kate Hoey: On the royal prerogative of mercy, we are finding it incredibly confusing; nobody wants to take responsibility for royal prerogatives of mercy, where the names are held. Now, you know the names, but you are quite understandably saying the PSNI were not responsible or involved.

Drew Harris: Yes.

Q3130 Kate Hoey: Secretaries of State seem to either not know anything or certainly not want to say anything about royal prerogatives of mercy. Do you think we should ask Her Majesty? I am not being serious about that, but I am serious about the fact it seems like nobody wants to take responsibility. If somebody got a royal prerogative of mercy in the rest of the United Kingdom, it would be in *The London Gazette*. That was not happening. The Secretary of State said that was not normal practice. How will we get those 13 names? Could you advise me?

Drew Harris: I cannot answer that.

Q3131 Kate Hoey: Who could?

Drew Harris: We are not the custodian, and it is wrong for me to comment on who those individuals may or may not be.

Q3132 Kate Hoey: I appreciate that, but who could give me them?

Drew Harris: My understanding is it is a scheme run by Her Majesty's Government. The Police Service have really no involvement in that scheme. These matters do not cross our desk for opinion.

Kate Hoey: Okay. We will have to find another way.

Chair: It is important we ask the questions of the people whose responsibility it is, if we can discover who they are. Of course, you will be aware that there is a somewhat controversial Bill going through Parliament about the recall of MPs, which may or may not extend to people who have received such pardons. The climate at the moment in this place is that people should not sit in this House if they have things in the background that ordinary would prevent them from doing so. I am trying to put it as gently as I can, but I think we understand each other. It is important we do not press Mr Harris too much on this, but we are concerned about this issue.

Q3133 Ian Paisley: I do not want to press you too much, but I do think there is an issue of public interest. It follows on from the intriguing answer that you gave to David Simpson. If an individual was responsible and known by the police to be responsible, wanted or a suspect for a very serious crime and they were in or holding public office and sought to meet Her Majesty the Queen, would that person be prohibited from meeting Her Majesty the Queen because of security advice?

Drew Harris: That is not a consideration that I have ever been involved in or aware of.

Q3134 Ian Paisley: So, to protect the throne, police would not give advice about whether it was sensible or not sensible for Her Majesty to meet an individual.

Drew Harris: I cannot assist you further in that.

Q3135 Ian Paisley: I will ask it, then, from a more obvious direction. I believe that, if you have information that shows that the Deputy First Minister has one of these letters, it would be in the public interest that we would be aware of that. I believe, to carry through the question, if a Member of Parliament had one of those letters, it would certainly be in the public interest. If a member or leader of a political party in Northern Ireland or a TD had one of those letters, or indeed were subject to a royal prerogative of mercy, it would certainly be in the public interest that we would know that, given that that is a public interest issue. Do you understand why I am saying that?

Drew Harris: I understand entirely the point you are making, but it seems to me to be a political point as opposed to a policing point that I can assist with.

Q3136 Ian Paisley: Really? I am not trying to score a point. Put it like this: if it turned out that one of my colleagues in my party had one of these letters, I would want to know.

Drew Harris: I can understand entirely the point that you have made in respect of public interest, but my job and my role as a police officer is the investigation of crime and to be diligent in the exercise of my duties to investigate and prevent crime. Wherever the evidence goes then, that is where we should follow it. That is our duty, and that is the oath that we take. In the application of that, we are absolutely rigorous.

Q3137 Ian Paisley: But do you appreciate that, with the lack of clarity on this singular issue about senior members of our community who hold elected office, there is a cloud now hanging there? There is a perception that they might have; they might not have. That is as dangerous, if not more dangerous, than not having clarity that, no, they have not, or, yes, they have.

Drew Harris: Again, I do think you are inviting me to comment on a political point there.

Q3138 Chair: I think we need to take it further elsewhere with others. Can I press you on another point, though? When your investigations have concluded, let's say that, for some of these you are looking into, you decide you should pass the file onto the PPS. The PPS may take the view it is not in the public interest to pursue the prosecution, for whatever reason. Are we going to be made aware of that? Will that be made public, or are we just going to be asking questions that we are not going to get answers to in the future? Obviously, a lot of time and money resources are going into this. There is a great deal of interest in this inquiry and whether people who received letters should have received them or not. Will there be any transparency available?

Drew Harris: These are principally matters for the Director. If we are conducting an investigation, certainly, for instance, a homicide investigation, particularly if we are reporting people and there have been arrests, etc, it will always involve family liaison. The transparency of this is the victims or the relatives or victims are informed about progress, and they are then informed as to how the file is progressing and of its submission into the PPS. The PSS, in turn, take their responsibilities to the families of victims very seriously, so there is transparency and information for family members.

Q3139 Chair: But it would end there, would it?

Drew Harris: I do not know, because I have had no experience of such a circumstance, certainly against circumstances in respect of the serious offences that we would be reporting.

Q3140 Kate Hoey: So would this be the same DPP who was the solicitor to the original on-the-runs?

Drew Harris: I believe it is entirely wrong for me to comment on the Director. The Director holds a very important role in terms of his independent role in the prosecution of offences within Northern Ireland.

Kate Hoey: But it would be the same DPP.

Dr McDonnell: Chair, with all due respect, the Director of Public Prosecutions is entitled to some protection. He has said clearly, in cases where there is any compromise, an alternative within the office of the DPP takes up the case. Anywhere where he feels compromised or in difficulty, he basically disqualifies himself.

Naomi Long: Chairman, in fairness, anyone holding the office of the Director of Public Prosecutions will find themselves with former clients and have to deal with that matter, and he has done so in a transparent way.

Chair: Indeed, and he has also been very clear in saying that, even though he was Sinn Féin's solicitor, he felt in ordinary circumstances the police would have wanted to talk to those people, so he has made some very strong statements already. That is worth putting on the record.

Q3141 Lady Hermon: I wanted to just come back to the royal prerogative of mercy, but not to put you in an awkward position. It was simply a phrase that you used, which I found really interesting and concerning. That was, you said at the very end that the police had not even been asked for a view on it. Could you just confirm and clarify that, when we were looking at OTRs and there were 13 royal prerogatives of mercy granted to OTRs, four of them, it would appear from Lady Justice Hallett's report, in December of 2000 when Peter Mandelson was Secretary of State—in fact, we took evidence from him this morning and he confirmed that he had granted at least four prerogatives of mercy—there was no consultation with what would have been the RUC and now the PSNI on the royal prerogative of mercy?

Drew Harris: No, and this was confirmed by Mr Baggott in May as well. We have no role in the royal prerogative of mercy process.

Q3142 Lady Hermon: So those 13 royal prerogatives of mercy were really issued for political reasons and had nothing to do with policing issues at all, or justice for that matter.

Drew Harris: I do not know what other consultations happen in respect of royal prerogatives of mercy, but there is no input from police.

Lady Hermon: That is amazing, shocking. Thank you. I just needed that to be clarified.

Q3143 Chair: Could I raise a couple of issues, if you are happy? I know we did not alert you to this, but a number of Members are concerned about the National Crime Agency and apparent lack of movement in that direction. Is there anything you would like to say and put on the record with respect to that?

Drew Harris: We have been involved most recently with a presentation to our own Policing Board in respect of how we would work alongside the National Crime Agency. The National Crime Agency are a very responsible law enforcement agency, a very good partner. We have good working relationships with them across Great Britain and then into

the international field, and indeed we need that. Drugs is our most prevalent organised crime and that always has an international flavour, and so our work with the NCA is essential.

What we have found to our disadvantage is that in NCA operations and investigations that are commenced elsewhere and then touch into Northern Ireland—so it may be the end of a supply route—we have had to take over the executive action on their behalf. On one occasion, that has led to a delay and the loss of some suspects and some evidence. It is placing an extra burden on us in terms of the work that we need to do.

Secondly, without the NCA being fully operational in Northern Ireland, though they have provided a surge-type capacity for other forces, particularly in England and Wales, around pressing issues, most notably child sexual exploitation, that facility is not open to us. Lastly, we are still at a disadvantage around the civil recovery of criminal assets. The recovery of criminal assets through conviction for criminal offences is still there, under the Proceeds of Crime Act, but the civil recovery of proceedings is a major concern for us, and we really hope that that particular gap is plugged as soon as possible, because that is of the most pressing need.

In the other aspects of the NCA, we do work well with them and share information and intelligence with them. They are a good partner, because they have a lot of expertise around cybercrime and drug enforcement and development of drugs markets. I think it is important that we find a resolution to this as soon as possible.

Q3144 Ian Paisley: How confident are you that you are going to find that resolution, given that Her Majesty's Government's spokesman in the House last week or the week before in a debate on the NCA basically left the House with the view that we are just going to just let this one roll on and see how it develops, as opposed to taking specific action to make things happen? How confident are you of that?

Drew Harris: I feel more confident than that. I think a resolution may not be far away. We have explained to the Policing Board how our operations with the NCA are working, how the NCA would work with the agreement of the Chief Constable in respect of all covert and overt investigations being conducted in Northern Ireland. We have worked through how we would share information, and this is well-practised because we shared the most sensitive information with its predecessor, SOCA, and those practices are standard in respect of how law enforcement agencies would work together.

However, it is very clear that they would work with the agreement of the Chief Constable and they would be accountable to the Police Ombudsman in respect of complaints, including the application of powers around civil recovery. Those are two important elements in respect of their accountability mechanism.

As I say, they are a very responsible organisation. I cannot envisage a circumstance where they would work in the face of our advice. They would always seek our advice, because Northern Ireland is a very particular operating environment, and we have always had a very close relationship with its predecessor, SOCA. We do have a good working relationship with NCA as well, which has shifted gear. It is a different organisation from

SOCA and it is a lot more proactive, and we really want to be able to enjoy the fruits of their experience and success.

Chair: We will go back to the police budget more generally.

Q3145 Dr McDonnell: As you talked through some stuff there, I felt that I would appreciate more detail in terms of the financial position. It is fairly obvious that you are struggling to cope with the operations that you have and the operations arising out of the Downey case—Red Field, as you have named it. I would want some observations, without compromising you, on the difficulties that the budget is now presenting. Daily, I am getting complaints from people who expect more from the police than the police are funded to deliver.

Drew Harris: All of us know that we are in a position as public servants in the age of austerity. Within this particular CSR, we had to save £135 million of our main grant over four years. This year in particular, 2014-15 in comparison to 2013-14, by that route of finding £135 million, we had to find £45 million of that, so that was a £45 million cut on last year already. On top of that, then, further cuts have been made in-year. Those cuts amounted to £51.4 million. Now, that has been somewhat mitigated by approximately £13 million returning to us, in effect, because of the Treasury funding that was finally secured last week through agreement on the budget.

All that has really done is moved us from a position of near impossibility in terms of achieving those sorts of cuts to a very stringent and difficult position. It is very worrying and concerning for us, because we have had to cut every possible budget we could. We stopped recruiting support staff. We had three recruitment competitions for police officers planned; we cut the third. We have to think, every five weeks, whether we will have a further intake of police recruits, and we have to measure that against our budget. The position has become very difficult. There have been heavy restrictions on every possible area of budget, including overtime and transport.

As the Chief Constable has said, effectively our organisation has to be restructured. It is certainly going to be very different from what it was before, and our focus going forward will have to be on serious harm, vulnerability and threat risk and harm. That is in the context of a terrorist threat, ongoing public order issues and also then providing a normal service. People have an expectation that the police will be there to protect them in respect of organised crime, domestic abuse, child sexual exploitation—all the serious crime that carries risk of harm—so these are the important factors that we are bearing in mind as we redesign the organisation and what it is going to look like going forward and prepare for cuts in main grant from 1 April next year.

Q3146 Ian Paisley: For the record, could I just also express to your officers who have been recently attacked, in Londonderry in particular and in Belfast, the sympathy of the Members, and certainly my sympathy? I hope that they continue to remain safe in the face of these great dangers. In terms of the budget, could I come back to the issue of the Police College? Yesterday, we got the news that the college is now off the agenda, by and large. What is plan B for the training of officers in the future and the development of current officers? We know

that plan was to be a world leader in terms of development of officer skill, not just a training college. What is the plan B? I think that falls under your bailiwick now.

Drew Harris: Following a meeting of the steering group last week, I will now take forward a programme of work to see how we will keep the concept of a joint-services college, but it has become very apparent that, since the initial concept of a police college, which goes right back to the Patten report, police training is moving on and has changed. In the academic part of police training, we are increasingly expecting people to pre-qualify, in effect. Even our own student officers who are starting in these months are expected to go through a programme of online study and pass that before they enter Garnerville. That is the way training is developing.

What is unique to police training, but also to the fire and rescue service, is the situational practical training, and that is the facility that the Desertcreat programme really did deliver on. It is not only a financial issue; it is also a change in the business case for what we needed in terms of a training facility: probably less in terms of classrooms, but the same in terms of the village for scenario training, firearms ranges, the various training facilities that the fire service would need—all those places where people can learn their practical skills as opposed to the academic bookwork. That has changed the nature of our requirement, and that fits in with where a lot of other nations are going in terms of training of public-sector personnel: in effect, to preload in terms of the academic work, and then learn the actual practicalities whilst on the job.

Q3147 Naomi Long: Drew, first of all, I want to pay tribute to your officers who are currently placed in interface violence in my constituency, and have been over the last number of weeks, and have also dealt with three bomb alerts in the space of a week in East Belfast. I am aware of the pressure that officers are under, given all the other demands on their time, and I would just want to pay tribute to them for what they have been doing there in very difficult circumstances. I know that some of them have been injured and some vehicles have been damaged, so I am conscious that it is a very serious situation.

Part of my concern, I guess, in that context is that one of the ways that the police have been able to stabilise things around the interface before is by very intensive community policing in those neighbourhoods. When I hear you talking about serious harm being the focus in terms of policing priorities and so on, I am slightly concerned at the future of that sort of intensive community policing that happens in areas where having a visible police presence on the ground, officers who are known by name by the community and so on, is an important link into communities. It builds confidence and makes people feel comfortable sharing information they may have with the police in order to do the protecting from harm stuff. To what degree is that going to be hampered by the pressures that are currently being applied on the budget?

Drew Harris: To go back to the principle, first of all, thinking about threat, risk and harm, we recognise the work that is done on the interfaces, the neighbourhood policing that is done and the ability then for officers to interact quickly with the appropriate people and to dampen down tensions, and indeed, at times, trouble. That is not something we would wish to jettison. That would really be throwing the baby out with the bathwater around dealing with serious harm. When I talk about threat, risk and harm, the full gambit of that

would include serious public disorder and hate crime, particularly things like sectarian hate crime, which is often a feature of interface violence. That would be something that we would intend to concentrate on. Indeed, we expect that the Policing Board will want that to be a priority going forward into next year as well, and we will undertake to do that.

We have a model of policing at the moment, and what we will need to do is restructure that model without losing all that Patten said about our community focus. We have a particular model of policing now, and, in effect, we are going to have to revisit that and redesign and restructure the organisation, but the Chief Constable is very clear that the Patten report is in our DNA; community policing, policemen in the community, is in our DNA; and that is the ethos by which we will provide a policing service to protect the citizens of Northern Ireland.

Q3148 Naomi Long: I appreciate that. I suppose the only other thing I would say, just very briefly, is that obviously even in areas that are remote from the interface, being able to engage with communities, being able to build trust and confidence, is an important part of keeping people away from the interface, in many cases. Some of the young people, certainly, who gather at the interface in East Belfast when trouble is at its worst are not from inner East Belfast. Some of them actually arrive on public transport, and police officers are obviously aware that that is the case.

Really, what I am saying is that I understand about the need for intensive work around the interface, and that is important, but there are also young people and communities, parents and others, who are working with people remote from the interface, but nevertheless the connections that the police have in those contexts can be really important in terms of being able to limit the kind of violence and the spread of it around that area. I am partly reassured by what you say, but I confess I am very concerned about the future for community policing and the impact that will have more generally on confidence, though I realise that it is not a matter that you have much choice in, given the financial situation we are in.

Drew Harris: We do have a choice in terms of how we provide the Police Service. Though we have faced and are facing stringent cuts, we do have a choice in terms of what our Police Service looks like and how it engages with the public. We do have a choice around identifying areas of risk and how we act on those and prevent crime, in effect.

Chair: That is very useful, Mr Harris. Thank you very much for coming to see us again. We wish you well with your very difficult work.