

Northern Ireland Affairs Committee

Oral evidence: [Future of the land border with the Republic of Ireland](#), HC 700

Tuesday 13 December 2016

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Members present: Mr Laurence Robertson (Chair); Tom Blenkinsop; Mr Gregory Campbell; Mr Stephen Hepburn; Lady Hermon; Danny Kinahan; Jack Lopresti; Nigel Mills; Jim Shannon

Questions 162 - 225

Witnesses

[I:](#) George Hamilton QPM, Chief Constable, and Will Kerr OBE, Assistant Chief Constable, Police Service of Northern Ireland

Examination of witnesses

George Hamilton QPM, Chief Constable, and Will Kerr OBE, Assistant Chief Constable, Police Service of Northern Ireland

Q162 **Chair:** Chief Constable and Assistant Chief Constable, you are very welcome. Thank you very much for joining us. As you know, we are looking at the future of the land border with the Republic of Ireland following Brexit. You have kindly agreed a little later, when we have covered that subject, to go over one or two other issues. Thank you very much for joining us today. On the land border issue, can I invite you then to make a brief opening statement, Chief Constable?

George Hamilton: Yes, Chair, and thank you for the invitation to attend here today. I understand the Committee may wish to discuss a range of issues, but it is this issue around the future of the land border with the Republic of Ireland that I will focus my short introductory comment upon. If there are other issues through the Chair, that is fine.

The Police Service of Northern Ireland continues to work with a range of partners across law enforcement, including the National Crime Agency, the Joint Agency Task Force and others, to try to understand and plan for the implications of withdrawal from the European Union. This is very much a work in progress as we await greater clarity on the direction of travel from a political and a policy perspective.

We will do our best to answer any questions that the Committee has for us today. It is important to say at the outset that the relationship between the Police Service of Northern Ireland and An Garda Síochána has never been better. Co-operation exists at every level between our organisations and across all activities of policing, from countering terrorism to road safety, illegal drug supply, rural crime, road policing and, indeed, immigration and tax avoidance. However, successful co-operation takes more than just good working relationships, key though that is.

For criminal justice agencies on both sides of the border to be successful in preventing crime and bringing offenders to justice, we need a clear legal policy framework within which to operate. For this reason, we will require careful consideration of the criminal justice implications as the United Kingdom leaves the EU and how we might prepare to close any of those emerging gaps. There are significant legislative implications from the Brexit decision that will require consideration in the interests of all communities on these islands. The Police Service of Northern Ireland, like other UK law enforcement agencies, makes extensive use of a number of European Union justice and home affairs measures to provide a quicker, efficient and dynamic response to crime and criminality impacting on the UK and its citizens.

Many of these measures are used in a similar way to other agencies, for example joint investigation teams, international letters of request



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between EU member states and anti-money laundering directives. But some measures have greater significance than others and different levels of complexity.

However, the open land border with the Republic of Ireland means that there needs to be international legislation to allow the Police Service of Northern Ireland, An Garda Síochána and others to tackle effectively those who use the border to impair investigations and those who exploit the differential legislation to commit crime. It is already a challenge for us. Without wanting to state the obvious to the Committee, because you may be well versed in this, there are some key points that it is important for us to put on the record today that are unique to our circumstances in Northern Ireland.

First, Northern Ireland has a 224-mile porous border with the Republic of Ireland. Secondly, Ireland is not a signatory to Schengen and does not have access to the Schengen Information System II, the latest version. Thirdly, dissident republican terrorists use the land border to frustrate counter-terrorism efforts.

Fourthly, terrorists, organised criminals and even volume crime offenders breach bail and cross the land border routinely to try to avoid prosecution. Fifthly, 43% of Northern Ireland organised crime gangs have a cross-border dimension. Sixthly, European arrest warrants are essential in tackling terrorism, organised and volume crime across the island of Ireland, and we do make use of those.

Seventhly, 775 people were detained in Northern Ireland courts in the year 2015-16 for immigration offences. That is an increase of 66% on the previous year. Eighthly, there is a potential for organised abuse of the common travel area as the immigration policy between the United Kingdom and Europe diverges. Ninthly and finally, the uncertainty around Brexit can create an impetus for criminals to exploit perceived gaps in collective enforcement action.

Just to draw to a conclusion my opening comments, I want to say something more about the common travel area, if I may, Chair. The free movement area, comprised of the UK, Ireland, the Channel Islands and the Isle of Man, allows movement with minimal or non-existent border controls, which provides a number of benefits, obviously, such as economic growth through free movement of people and goods.

However, the CTA is also open to exploitation by criminals, organised crime groups, illegal immigrants and extremists, who can evade border controls and exploit these arrangements, aiding their criminality or, indeed, illegal travel. The land border between Northern Ireland and Ireland is the only border within that CTA, obviously, and this border is completely open. Therefore, individuals can cross between the Republic of Ireland and Northern Ireland without being stopped or any record of travel having taken place.



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Forgive us if we are stating the obvious around that, Chair, but I do think it is important that we are unequivocal in terms of the risk managed around that. These arrangements are open to exploitation by criminals and by illegal travellers, but we do want to assure you that our focus will remain firmly on protecting the people in Northern Ireland and, acknowledging that Northern Ireland in this regard is a gateway to the rest of the United Kingdom, protecting people right across the UK. What we do require is the political and policy direction to ensure that we have a frame within which we can work to continue to keep people safe, largely through engagement with other jurisdictions, primarily the Republic of Ireland, and law enforcement agencies both sides of the border.

I was not going to say anything more than that by way of opening statement, Chair, because I realise Members will have questions. Rather than trying to predict those, I am happy to come back to you to manage that.

Q163 Chair: Thank you very much indeed. You have listed a number of areas of concern, or issues that need addressing, at least. With regard to the common travel area, you mentioned that criminals could seek to exploit that. How much of that happens now, and can you give any examples of how it might be further exploited in the future?

George Hamilton: It is exploited at the moment. 43% of organised crime groups have a cross-border dimension, and we believe that is not just because they like to travel. I think they are seeking to exploit that. I suppose that is mitigated to some extent by the amount of intelligence sharing and joint operations we have with An Garda Síochána, and we are quite convinced that spirit of co-operation and determination to continue to work in partnership will exist. It is just important that the risk is mitigated by having the right form of agreements—bilateral agreements between the two Governments or whatever it is going to take—in place to enable us to operate and mitigate the risks.

In some ways the common travel area is nothing new. It predates many of the other EU agreements, but the profile of it has certainly been raised. We see from the numbers in terms of detections and intelligence flows it is something that is being more widely exploited. If we do not have the criminal justice provisions of the European agreements in place, we need to have a series of bilaterals so we can mitigate that risk.

Q164 Chair: Are these criminals British and/or Irish criminals, or are they people coming from abroad into either the United Kingdom or Ireland and then travelling around?

George Hamilton: It is increasingly the latter, so it is international groups who are coming into Ireland, north and south. Another point that needs to be borne in mind is that another mitigation of the risk is the access that we have into the EU systems around the Schengen Intelligence System and so on. The Republic of Ireland is not part of that. They have not signed up to Schengen. Likewise, Prüm, the exchange of



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biometric data, which is another EU arrangement, is something that we as police officers and as law enforcement would seek to continue to exploit. These things help mitigate risk, because they give us powers that help mitigate the risks that are created by the common travel area.

By the way, we are not taking the position that the common travel area is a bad thing. We realise for the wellbeing and prosperity of the economy and so on that that, if the police may offer a view, is a very sensible arrangement, but we do need to be alert to the risks that it creates in terms of policing, law enforcement and keeping people safe.

Q165 Chair: If they are largely and increasingly foreign criminals, I suppose it begs the question of why they are getting into the UK or into Ireland, especially as they are both out of Schengen. What is going wrong at the borders there? We are islands, and it is not easy for people to travel to the UK or Ireland, so how are these people able to access the countries? How are they getting in at the borders? What is going wrong with border control?

George Hamilton: The access into the Republic of Ireland might not have the resource assigned to it or the immigration checks that we would have in Northern Ireland or, indeed, more broadly in the United Kingdom. We have had over 700 people detained at Northern Ireland ports for immigration offences in a year, which is a massive increase of over 60%. We are working away at this. There is good co-operation and exchange of information between us and An Garda Síochána and, indeed, other agencies in the Republic of Ireland. But it would be fair to say that the immigration controls into the Republic of Ireland may not have the same resource and focus that we would be seeing in Northern Ireland.

Q166 Chair: That is a wider concern than just over Brexit, because this Committee proposed a while ago that we explore the possibility of common visas to travel to the United Kingdom and Ireland and, indeed, that has been pursued. But we did so on the basis that the checks in Ireland and the UK were of the same level and quality. Are you saying that is not the case?

George Hamilton: We might want to do some further research around that, but regarding some of the risks that we have been managing jointly around more extreme forms of radicalised people and so on returning from Syria and places like that, we will be seeking to maximise the security right across the island of Ireland in terms of immigration and access into these islands, north and south, and into the UK.

Q167 Nigel Mills: Can you just talk us through what those 700 offences are for? Are they just people who are trying to get in illegally without a visa, or are they for people trafficking or other serious things?

George Hamilton: I think it is all of that. Will may have some more detail on that.



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Will Kerr: It is. These are people who are attempting to either exploit or facilitate the exploitation of ports through Northern Ireland, to access the rest of the United Kingdom. It is a full range of offences. However, just to give you some context, those 775 people included 73 criminals who have previously been deported from the United Kingdom. It included 34 nationals who had serious criminal convictions in the UK or abroad, so everybody from predatory sex offenders to people whom we would have a concern had been, or were intending to be, foreign fighters, to those involved in organised crime activity. It covers a full spectrum.

Q168 **Nigel Mills:** The only way that Brexit influences this is if we wanted to somehow stop at the border a collection of EU nationals that Ireland would have to let straight in. I think that excludes people convicted of serious criminal offences anyway, so they could continue to exclude those. I am trying to tease out what you think might get more difficult as a result of Brexit, unless you really think we will require holiday and work visas for EU nationals, which I doubt.

Will Kerr: To give it some practical flavour, the Chief Constable has outlined some of the issues with, for example, Prüm, which is a biometric exchange database—DNA and fingerprint hits. We have a predatory sex offender who is out in another part of the EU who has committed offences in Northern Ireland, and we have some DNA evidence from that offender. When the UK has signed up to Prüm, which is due to commence in December 2017, the time response for a hit/no-hit response back from that DNA database will reduce from 10 days to 15 minutes. That is immensely useful for law enforcement, particularly for very serious, high-end offending.

It is the same with the Schengen Information System the Chief referred to. That has over 63 million alerts on the system. It is everything from stolen vehicles right through to travelling sex offenders. We will lose access to both of those databases. That is immensely concerning to us, because it will make it harder for us to do our job.

Q169 **Nigel Mills:** When you say we will lose access, you mean we might unless we get an agreement.

Will Kerr: We might. Hopefully we will get something different.

Q170 **Nigel Mills:** I thought, George, you said at your point number two that Ireland did not have access to the Schengen Information System. Did I mishear that?

George Hamilton: No. The Republic of Ireland is not signed up to Schengen, so the fact that we are provides us with that opportunity.

Nigel Mills: We are signed up to that information system but Ireland are not.

George Hamilton: Yes.

Q171 **Nigel Mills:** At the moment a predatory paedophile could come in



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through the Republic, and we would not get told because they are not coming into our fort, but they could come in through Dublin.

Will Kerr: We mitigate that risk in a number of different ways with very good north-to-south and south-to-north information exchange arrangements, mostly based on MoUs and SLAs with our colleagues in An Garda Síochána. There are a number of different ways that threat is mitigated but, yes, of course it would be much easier if we both had access to the same systems and same information. That much is a given.

Q172 **Mr Hepburn:** The UK is obviously very attractive to individuals from abroad to come over and work and earn money. If we are going to stop the free movement of labour, do you have any concerns that the Republic of Ireland could look like the easiest way of access into the UK for foreign nationals wanting to come in to work?

George Hamilton: I suppose it is a hypothesis.

Q173 **Mr Hepburn:** Everywhere else is water-bound. It is access into the Republic and then straight over its soft border.

George Hamilton: That is the challenge facing us, whether it is criminals in the traditional sense or immigration issues or tax avoidance or whatever. Clearly with an open border, those are all possibilities.

Q174 **Nigel Mills:** We should be clear. Unless we are going to require visas for EU nationals to come on holiday or for short-term business visits, I could fly into Heathrow as a Romanian and say, "I am here on holiday," and we would let them straight in. Then they could try to work. I cannot see how that is any different from them flying into Dublin with complete permission and then driving across the border and trying to work. It does not look to be a much weaker situation, unless you think it is from that particular perspective.

George Hamilton: No, but then in the same way that a Romanian could fly into Heathrow on holiday here or fly into Heathrow and be engaged in criminal activity here, all I was doing was agreeing with Mr Hepburn's hypothesis that it is a possibility. It is nothing stronger than that. Because these risks exist, we need to make sure that the mitigations are in place for them so that when they do come up and we do get the alerts, we can do something about it. It is things like information sharing and sharing of biometric data through Prüm and the Schengen Intelligence System and so on. Those are the tools in the police toolbox that help mitigate all these possibilities.

However, I do not want to create the impression that the PSNI view or my view is that these various hypothetical risks are so real and how they are assessed creates a major problem for us. But it is sensible to have the infrastructure for information sharing and criminal justice partnership arrangements with other EU countries in place.

Q175 **Lady Hermon:** Thank you both very much indeed for coming this



afternoon to give evidence. What you have already said is actually very concerning, so I wonder if I could just focus on a number of issues, Chief Constable, that you raised in your opening remarks. If I could just jump to point 3—dissident republican activity—you were quite clear that we know dissident republicans do use the border to their advantage. What impact do you anticipate, as the Police Service of Northern Ireland, from dissident republicans in response to a more tangible border? What are you preparing yourselves for at this stage?

George Hamilton: I am not sure about a more tangible border. I have not advocated that or referenced that.

Q176 **Lady Hermon:** In light of your earlier evidence, that seemed to be the direction of travel. You wanted politicians to give a direction of travel, but you seemed to imply that you expected a more tangible border.

George Hamilton: No. We know that violent dissident republicans currently seek to exploit the border to frustrate our counter-terrorism efforts. This is not about what the border looks like. It is about making sure that the other infrastructure and agreements for information sharing are in place, primarily with An Garda Síochána and us, so that we can mitigate that risk—things like European arrest warrants, when they become necessary, joint investigation teams and so on. We have got to a point over the years of a real spirit of partnership, and that has been evident through some of our recent successes with An Garda Síochána in catching people, frankly, and everything from protecting people from child abuse online right through to more higher-profile cases to do with counter-terrorism.

The border is always going to be porous to some extent, regardless of how firm a decision is taken to make it. It is 224 miles with over 200 formal crossing points and probably the same number again of informal crossing points. It is always going to be, to some extent, a porous border. My point was not about trying to make the border more tangible. My point was that, if we know that risk exists, we must ensure we do not take away some of the mitigations for that risk around the criminal justice agreements that we have through the EU or, if they are disappearing with membership of the European Union, bilateral arrangements in place between the Irish and UK Governments, for example—the risk that the information sharing is not done. We need a legal basis for doing that. It is okay having a spirit of good will and partnership, but we need some formality around the cross-jurisdictional work, and that was really my point.

If we know that there are risks created by this porous border and we know the profile of that open border is coming more to the front just because of the public debate all around this, it is important that we have the mitigation in place—or that we do not feel any detriment from our exit from the EU and we try to replace that with, hopefully, from our point of view, at least bilateral arrangements with the Governments of the Republic of Ireland and the UK.



Q177 Lady Hermon: Visually, is your expectation that the border will not look particularly different? We have had evidence given to us that there will have to be checks, particularly on goods or whatever coming into the UK across the border. Are you saying that that is not what you are anticipating?

George Hamilton: I probably see those decisions about the firmness of the border being in the political space and then us having to react to that. Almost regardless of how hard—this seems to be one of the adjectives that is being used, the other being “soft”—that border is, there is approximately 200 miles of border and 200 formal crossing points and probably the same number of informal crossing points, some of which are fire gaps in forests between two counties. All of that is going to mean that there will be a degree of openness or a porous nature to the border. I do not know if there is a need for immigration and tax purposes checks or whatever—some sort of checkpoint at borders. That is something for the EU and the UK Government to come to some sort of agreement on.

From a policing perspective, with this porous border that we have had now for a number of decades, even if there were additional security measures put in place, we would still need other, more sophisticated mitigations to accompany that, i.e. things like access to each other’s information. We would need to be able, with a legal basis, to share private information about individuals who have broken the law or intend to cause harm north or south of the border. At the moment, we have very strong working relationships and the mechanisms, with the legal basis, to actually interdict such people and bring them to justice on either side of the border—whichever is going to be most beneficial or most likely to reduce harm.

Q178 Lady Hermon: I have listened very carefully to your response to each of the questions. If there were to be checkpoints, would you expect, anticipate or fear that those would be targeted by dissident republicans?

George Hamilton: That is likely. History has told us that there is a certain pattern around that. These become static and obvious targets. The other point to make of course is that, depending on the purpose of the border controls, it may be that a policing organisation such as mine is not the best place for people to do that. In the absence of all the other mitigations around information sharing and working together on criminal justice issues, if the decision was taken that the risk was going to be mitigated by going for a harder border, clearly that would be a counter-terrorism or national security issue that we would play into.

However, if the purpose were more one of immigration and taxation, for example, and freedom of movement of goods and the taxation issues attached to that, I would be expecting that that would not necessarily be a policing issue.

Lady Hermon: That is very useful, because of course that will inform the decisions by politicians as to whether in fact it is soft or not.



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George Hamilton: In the same way as in our patrolling even in non-border areas, parts of Belfast and throughout Northern Ireland, tactically, especially in areas where the threat has historically been higher and there have been attacks on police officers, if you put large numbers of police officers or large structures in place, they just become big, static targets.

Although I would not want to second-guess our threat assessments, it would become obvious that you would need to build additional security infrastructure around, in this instance, border crossing points or whatever. As we saw during the Troubles, this was not just a case of a couple of police officers standing on their own, but quite a bit of surveillance and infrastructure built around it to protect them and make a meaningful checkpoint. Even then, we questioned how meaningful it was when there were so many other unguarded, unprotected crossing points, both formal and informal.

Q179 **Lady Hermon:** Moving on to point 4 in your introduction, you mentioned that organised criminals jump bail regularly—I think those were your words—and flee the jurisdiction of the United Kingdom and cross the border into the Republic of Ireland. In those cases, could you indicate to the Committee how often the European arrest warrant has actually been used? We have this very good relationship between An Garda Síochána and the PSNI. How often has the European arrest warrant been used?

George Hamilton: I do not think I have the numbers to hand. It is not just about use of the European arrest warrants. It is also about sharing of information. I do not want to give too many of our trade secrets away.

Q180 **Lady Hermon:** I am not asking you to do that. How many have been retrieved back to the jurisdiction to face the courts in Northern Ireland? That is what I want to know.

George Hamilton: I do not have a number to hand. The point I am making is that European arrest warrants are useful and we do use them. I can get the Committee the number in due course. We also have information sharing that, for example, might tell us that someone is boarding a train in Belfast bound to Dublin, so that we are ready to interdict them at Portadown, so they are rearrested back within Ireland's jurisdiction on the basis of good information sharing between the two jurisdictions. It is not as straightforward as the only measure of success being how often we apply for and execute a European arrest warrant. There may well be that number somewhere within this large volume of papers, but I do not have it to hand at the moment.

Q181 **Lady Hermon:** You might find it before the end of the afternoon, but that is very helpful. When the UK leaves the European Union and we do not have access to the European arrest warrant, am I right in thinking that the Republic of Ireland has currently no extradition arrangements with the United Kingdom, apart from the European arrest warrant?



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George Hamilton: That is not the case. There is always the possibility to apply to another jurisdiction for extradition, but it is much more cumbersome. You may recall from the times before we had European arrest warrants, especially around security-related issues, it was never a straightforward process.

Lady Hermon: I remember it unhappily well.

George Hamilton: The European arrest warrant mechanism, especially after it got embedded and people knew how to use it properly—prosecutor to prosecutor and police to police and all those relationships around it—became a much more efficient and effective way of doing this.

There are very few countries to which we cannot to apply to have someone extradited from. It may not always be straightforward and it may take a very long time to do it, but even in non-EU countries at the moment, for example, there are cases where we have successfully extradited people.

Q182 **Lady Hermon:** I am just concentrating on the Republic of Ireland. I am just quoting from the House of Lords and their *Brexit: UK-Irish relations* report, which has just been published in recent days. I am just reading from paragraph 147, where evidence was given to the House of Lords that pointed out that there was no legislation in the Republic of Ireland to allow for extradition to the UK other than under the European arrest warrant. That is the point I was making.

George Hamilton: In the past we have had legislation for extradition.

Lady Hermon: Is that with the Republic of Ireland from the UK?

George Hamilton: Yes, that is with the Republic of Ireland.

Lady Hermon: Was it very all-encompassing?

George Hamilton: Yes. My recollection of this is that it was almost impossible to successfully engage that legislation. When it became a European arrangement, that smoothed the way to depoliticise issues. The evidence was either there or it was not there. That has worked. Of course it is possible to have bilateral extradition arrangements that would require legislation in both jurisdictions, and that can be fixed. What I am saying is that the European arrest warrant system has seen a much more successful movement of people who are charge-ready. We cannot just go on fishing expeditions around this, but for people who we are ready to charge and take to court through the European arrest system, that has been proven to work and to be quite effective. When you compare that against our experience when we were depending on bespoke legislation in both jurisdictions, then it was problematic.

Q183 **Lady Hermon:** What do you wish to see taking the place of the European arrest warrant whenever the UK leaves the European Union?



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George Hamilton: It is just one of those questions we have about what that is going to look like in terms of a legal framework and how, in practical terms, that is going to be dealt with, because we have a tried and tested mechanism at the moment that works. I do not know. It would need to be resolved Government to Government by officials, but if this is just taking the provisions of the European arrest warrant and turning that into bilateral agreements so that for us as practitioners it would not actually feel any different, I guess that would be what success would look like. I do not know if that would be the case. Presumably such an agreement would require legislation in Dublin and London, and that is outside of my space, clearly.

There are some assumptions built in there, but I am saying that the European arrest warrants, especially over time as they have been embedded and officials and practitioners have begun to work out how to use them properly, have been successful. Those provisions, if they could be translated with the same ease into bilateral arrangements—presumably there would be bilateral arrangements embedded in legislation in both jurisdictions—are probably the best we could hope for. That would be success from a police practitioner point of view.

Q184 **Danny Kinahan:** It is very good to see you both today. In the various points you made, you raised the fact that there were high criminal links not just across the border in Ireland but in Europe and everywhere else. Does the Brexit move highlight that Northern Ireland and our criminals there are worse—or, to put it another way, in a better position to misuse the border—than any in the rest of the United Kingdom? Taking what Nigel said earlier, are we the soft touch, the easy one, because we have got a better organised criminal system?

George Hamilton: Brexit and the challenges and opportunities it presents sit parallel to another phenomenon, and that is that crime is changing anyway. It is becoming more digitally enabled. It is globally connected. People can be the victims of crime in Armagh or London with the perpetrator sitting on other side of the world. I do not want to conflate the two issues: that we are struggling to deal with the changing nature and demand of more digitised, globalised crime that is much more sophisticated, and the fact of Brexit and the absence of some arrangements for criminal justice outcomes for information and intelligence sharing. These become all the more important in a globalised environment for tackling crime, but I do not want to exacerbate the challenges of Brexit with the changes in the nature of crime. Does that make sense?

Danny Kinahan: Yes, it does. Thank you.

Q185 **Mr Campbell:** Chief Constable, you said a couple of times that 43% of organised crime was on a cross-border basis, which is exceptionally high. I would have thought it was half. As a resident close to the border, I am well aware of the porous nature of the border. Given the level of criminal activity in the Republic in recent years and the sporadically violent nature



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of some of that activity—it used to be just in parts of Dublin but is now in other parts of the Irish Republic—is it likely, given that I would presume the guards are tackling that and cracking down on that, that violent criminal activity may spread into Northern Ireland?

George Hamilton: The nature of some of these groups is such that they will exploit the border, but they will have no respect for it at the same time. They will go wherever it is easiest, and some of the successes that we have had, even around some of the feuds in Dublin, were within a short period of hours. We have been able to offer arrests of individuals and searches of houses in Strabane—not that far from you, Gregory—and so on. This was because of the exchange of information. It is in everybody's interest to get on top of this, because the feuds within organised criminality with some tenuous links to dissident republicanism will spill over into Northern Ireland very easily and very quickly. Helping your neighbouring jurisdiction is the right thing to do in terms of our mission to keep people safe and protect people.

I do not know. It is slightly hypothetical. I think what you are saying is that there is a violent nature to some of these organised crime groups and that has manifested itself most recently in the feuds, probably, in Dublin. If the guards are applying pressure there, could that squeeze it north? That is a reasonable hypothesis to make. We do not have intelligence to say that that is in their thinking, and indeed we have not seen a huge amount of that. However, we have seen a cross-border element to some of the very serious violence and gang feuds that have their basis in Dublin.

Q186 **Mr Campbell:** That is what I was getting at. It appeared in recent years that parts of Dublin were the focus of these criminal gangs and retaliation etc. and all sorts of alleged criminal activity—drug dealing etc. Then it appeared to spread out from Dublin, whether that was a result of a concerted Garda effort or whatever. The fear that some people have, particularly around the border, is that, as the concentration of effort into those criminal gangs spreads in the Republic, in the foreseeable future those criminal gangs may try to relocate some of their endeavours and their violent criminal activity into Northern Ireland. Is that likely?

George Hamilton: They are probably more agile than the rest of us. Organised crime groups generally in 2016 are much more mobile than they would have been even five years ago. In relation to the earlier question about the international nature of organised crime gangs in Ireland, north and south, we are seeing a significant increase in eastern European organised criminality on the island of Ireland. This is not a stereotypical comment: it is just a fact that with that comes a preponderance for extreme violence to their end.

The other thing is that organised criminality is basically after two things. It is primarily money and sometimes power in communities. The commodities are shifting—not entirely, but there has been a change in emphasis into more people-based criminality—so exploiting people,



sexual exploitation and labour exploitation. A lot of these more international crime gangs will be specialising in people as a commodity, if that does not dehumanise them too much. With that the very nature of those crimes means that they are mobile and that they will move from location to location so that they can maximise the exploitation of them. Like I said earlier, whilst they will want to use the border to their advantage in one sense, they are also deeply disrespectful of it. They are just going where there is a demand for this sexual exploitation or labour exploitation, whether that is a mushroom farm in Armagh or a brothel in Belfast city centre. They do not think they will see a softer approach in the north than in the south. They will just see where the market opportunity is to do as much exploitation and to get as much money as possible. That sort of approach and people-based nature of organised criminality means that it is more agile and is more mobile than it would have been previously, when it was about drug supply or extortion or firearms.

Q187 Mr Campbell: I do not want to dwell on this, but is there any imminent risk of criminal gangs being engaged in Northern Ireland in the type of activity that we have seen in Dublin and other locations?

George Hamilton: We are not seeing it on that scale. We have seen, even in the more localised organised crime gangs, feuding spill over into Northern Ireland. We have been ready to respond and support An Garda Síochána in that. There are several players within some of those organised crime groups that have their origins in Northern Ireland. I hope I am not proven wrong, but we are not seeing any indication or intention to move that sort of extreme violence and feuding within organised criminality northwards, but it is highly volatile. It is dynamic, and if it suited them to do that, that is what would happen.

Q188 Lady Hermon: May I ask you about something that we have not touched on this afternoon—recruitment to the PSNI? Can I ask how successful the PSNI has been in recruiting from border areas—South Armagh, Newry, City of Derry?

George Hamilton: We have actually recently commissioned some work around barriers to recruitment, because we have identified that, if you go west of the Bann for example, there is a lower application rate. I should start this commentary by saying that each time we run a competition, out of which we normally take a pool of around 300 people, we generally have around 5,000 applicants, so it is still seen as a highly sought after career choice.

That said, we do want the organisation to be as representative as it can, and I do not mean just in terms of community background, important though that is. I am talking about across all strands. We will be a better police service if we have people representative of geography and class and gender and all the rest of it. We do not have problems filling vacancies. We have seen a lesser appetite for a career in policing west of the Bann, and in some areas we have been targeting some initiative



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around raising awareness and working with people—groups, schools and voluntary organisations—to raise its profile.

We commissioned some work on this; we have had the report of the key findings by way of PowerPoint presentation, but we have not got the hard copy documents yet. We engaged Deloitte to identify what these barriers were. We can tell from the postcodes where geographically we are not attracting people, so that is very straightforward. It is actually about digging deeper and understanding why there is a reluctance in some of those areas.

Q189 Lady Hermon: Do we already have a problem in recruiting from the border area? Would Brexit make that harder, or is it just a general problem?

George Hamilton: I do not know about the link with Brexit. I would not want to overstate that, but certainly in rural areas we do have a lower level of representation. The population is not dense, for a start, but even taking all that into account we would not have representativeness from border areas. Representation from rural areas more generally, and certainly the border, would not be as high as we would want it to be.

Q190 Lady Hermon: You do not think there is any actual connection between the uncertainty that is going to be caused around the border area on account of Brexit and the potential for an increase in smuggling, criminal activity, organised crimes, immigration offences and people skipping out of the jurisdiction. You do not think that that might actually cumulatively have a deterrent effect on some young men and women that the PSNI would be keen to recruit.

George Hamilton: I do not know. I had not thought of the question before now. It may have some impact. We do have those particular crime types that get exploited by the existence of the border. I am not sure whether that translates into young people who otherwise would have considered a career in policing deciding not to. I certainly do not have an evidence base to hand for that but, again, it seems like a hypothesis that may have some validity.

Q191 Lady Hermon: You are not advocating going back to 50/50 recruitment.

George Hamilton: That is a political decision. I would seek for people of influence, including politicians of all colours and parties, to become advocates for a career in policing, because it is very hard for us to have a representative police service if civic and political leaders are sometimes ambivalent or lukewarm around encouraging their constituencies generally—not even just their young people—to consider a career in policing.

Q192 Lady Hermon: Do you have a political party in mind when you are saying that?



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George Hamilton: I do not think it is appropriate for me to get into that space. There is a responsibility on people with political and civil leadership responsibilities to advocate for a career in policing.

Lady Hermon: I agree entirely.

George Hamilton: It does not mean that we should not be held to account or criticised or challenged. I do not see that the two are mutually exclusive. However, to make policing representative, if all of us or most of us are agreeing that a more representative police service is a healthy, good thing, it seems to me a straightforward conclusion to draw that people should become advocates or encouragers for people—even people who come from a tradition that historically may not have considered such a career—to consider a career in policing.

Q193 **Lady Hermon:** I agree entirely. I hope a political party, which we are not going to identify, but I think we know who you were talking about, was listening carefully to that. I just come back to the emphasis on the very good working relationship, which I have no doubt about at all, with An Garda Síochána, and your cross-border policing strategy, which was released in 2016. I have to say the print is so challenging that I am going to have to read it at a distance. I did read it beforehand, so I am not going to embarrass myself by attempting to read it now.

There is a reference to a memorandum. I am interested in the memorandum of understanding. It is something that has come up in relation to the very significant piece of information about Prüm and the data that you may lose around that when the UK exits the EU. Regarding the memorandum of understanding with An Garda Síochána at the present time, has it been signed?

George Hamilton: No, that is not the case.

Will Kerr: No, not yet. There are certain areas of information exchange, not least around high-harm, high-risk areas. For example, for registered sex offenders, we would have separate protocols in place, but I am not sure, honestly, what MoU that is referring to. I do not want to give you a misleading answer. I will need to read the print.

Lady Hermon: Yes. I am going to check your eyesight, because I am going to pass you the very small print.

Will Kerr: Thank you. Very helpfully, Lady Sylvia has underlined three parts here, and I cannot read in any of those three parts about MoUs. Sorry—I beg your pardon: “Finalise the text”—of an MoU—“in relation to the sharing of information relating to Fingerprints, DNA ... and other biometrics.” As far as I am aware, that has not happened yet.

Q194 **Lady Hermon:** That confirms what I thought. It is an important issue. The UK has its own data protection legislation—and there will be its own data protection legislation in future—including data about fingerprints and DNA testing, highly sensitive personal details that cannot and should not



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be disclosed unless there is a clear legislative base for its disclosure. The Republic of Ireland remains within the EU, and the EU will have EU legislation covering all of this data protection, fingerprints, DNA etc. How is the PSNI going to maintain such a very good working relationship with An Garda Síochána and other police forces when the legislation will not be running in tandem and they will not?

George Hamilton: This is why we are going through evidence like this to identify the operational consequences, and that is not us making political statements as to whether Brexit is good or bad. It is simply saying that exit from the EU will have consequences around information sharing, and therefore we would be encouraging legislators to legislate for that or, if legislation is not entirely necessary, at least to have some sort of bilateral agreement with other member states of the EU to replace that which currently exists.

You make exactly the point that is a valid one for senior police leaders to be making, which is that the most important element of EU agreements for us is actually information sharing, and there are all sorts of other things around European arrest warrants. By the way, we found in our papers some figures for that. They are not drilled down to Northern Ireland specifically. It is UK, but we will get the Northern Ireland figures for you.

Lady Hermon: We would love to know the Northern Ireland figures.

George Hamilton: Since the introduction, over 12,000 wanted individuals have been arrested in the UK on behalf of other European Union member states. Over 1,500 individuals wanted by the UK have been arrested outside the UK by virtue of European arrest warrants. We will come back to you by way of letter or something to advise what the Northern Ireland figures are.

Even alongside that, the most important element of European Union co-operation is the information sharing. It is exactly the point that you are making, Lady Sylvia. It is about us being able to act in an intelligent, intelligence-led way through valid information sharing that operates within parameters—in domestic law, primarily the Data Protection Act and so on. As we extract from the EU, that does create a vulnerability for us that needs to be mitigated. That is a risk that needs to be mitigated by way of either legislation in the UK and EU member states, or bilateral agreements or, I guess, some of them will require both.

Q195 **Lady Hermon:** May I just ask for your view on evidence that we have received in previous sessions about the electronic nature of controls that could be established at the border and that actually exist to an extent at the present time? Again I am quoting from the House of Lords report. Evidence was given to them by the former Justice Minister, David Ford, who “observed that it was ‘utterly meaningless’ to talk of electronic controls as a preventative tool against cross-border smuggling. He noted that there was already evasion of the different excise duties on either



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side of the border.” The electronic controls have been described by the former Justice Minister as “utterly meaningless”. Those are his words, not mine. Would you like to reflect on that and on your experience of electronic controls?

George Hamilton: It depends what the checks and the electronic controls are. If they are around biometrics, in other words DNA, fingerprints or photographic recognition—something that can be relied on—that is one thing that would be a tool. It would be helpful to have, frankly. I am not sure that is what David Ford was referring to. If this is something less than that, the reliability would be questionable—especially when people seeking to avoid detection would very quickly and easily find ways around that, unless it was anchored in biometrics.

Q196 **Lady Hermon:** Yes. Putting all of those bits and pieces together and going back to the very first point you made about the porous border, the unique factor is that Northern Ireland has 224 miles of porous border. How exactly are we going to manage that? You have indicated very strongly that you do not see it as a policing role. How are we going to manage it? I did not ask the question: how are we going to police those 224 miles of porous border post-Brexit? We have smugglers, criminals and gangsters who are going to exploit this border. Quite clearly, you do not see the police having a role, so how is that going to be managed?

George Hamilton: The first question is: what is the purpose of controlling the border?

Lady Hermon: It is keeping the people of Northern Ireland—and the rest of the United Kingdom—safe, with the greatest respect.

George Hamilton: Okay. If it is about countering terrorism, national security and protecting people—

Lady Hermon: That is what people are worried about.

George Hamilton: —that is a police role. However, the porous nature of the border exists today, when we are members of the European Union. Today, we hold all of the risks a porous border with a neighbouring jurisdiction presents. The point I have been trying to make in this evidence continually is that it is not about whether or not the border exists or is porous or how we try to firm it up; it is actually about what mitigation we put in place to deal with the risks presented by a porous border.

That is why I am saying that the important things are information sharing arrangements, the ability to create joint investigation teams, the ability to use European arrest warrants and so on. Those are all things that make it more difficult for the criminal, especially at the top end of harm. I do not mean only around organised crime; probably more importantly, I am talking about child sexual exploitation and online data and so on.



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The European Union agreements largely provide us with a framework to share information, and that is what mitigates the risk of the porous border today. We are still going to have a porous border. Even if we were to put up checkpoints and try to make it less porous, the expanse of it and the formal and informal nature of crossing points mean to some extent it will continue to be porous.

We need to have measures in place that mitigate the risk created by a porous border. It is unrealistic to try to make it a non-porous border. Some of that will be around very operational stuff, around patrol patterns and where we choose to put our people, but we have those challenges today. We have already said that 43% of organised crime activity has an all-Ireland or an international basis to it. That is the difference in emphasis. I think what I am hearing from you is a focus on the border.

Lady Hermon: That is the nature of the inquiry.

George Hamilton: I understand that, but from a policing perspective, the focus for us needs to be on the risk a porous border creates. That does not change very much pre- and post-Brexit. What does change are the mitigations or the provisions we have in place to deal with the risks created by a porous border. If we do not actually end up with a bilateral mirror image of European arrest warrants or mechanisms for sharing information or running joint investigation teams, that is the stuff that will jeopardise our ability to protect the people of Northern Ireland and the United Kingdom more generally.

We cannot do a great deal. The complexities of the size, length and nature of the border mean it is always going to be that way, even if we try to mitigate it to some extent. We need to put in place other mitigations that will help us protect people. The key element in all of that is, yes, some enforcement activity around European arrest warrants and so on but, more importantly, this concept of sharing information on a legitimate basis.

Q197 **Lady Hermon:** Given that the current Prime Minister was the Home Secretary for six years, presumably these are points you have been able to make to the Prime Minister since she took up office on 13 July. Were you able to put these points at that senior level? I would like to think so.

George Hamilton: Yes, through the National Police Chiefs' Council, we have arrangements in place where we are able to identify the consequences and implications of Brexit. Lynne Owens, the Director General of the National Crime Agency, leads on that for the chief constables of the UK. She reports in to us or keeps us briefed through the Chiefs' Council, which meets every couple of months. Each of us in each of the policing organisations, each of the forces, has leads that are fed in to that.



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I have a chief superintendent, for example, who sits on the working group, under Lynne's leadership, who makes all of these points. The Prime Minister would probably not have the capacity to be taking views from 44 chief constables on this, but we do have some structure in place to make sure the policing voice is heard as the Government considers this.

Q198 Lady Hermon: I will quote back to you your opening words to us on the unique factor about Northern Ireland—it hardly needed to be said, but you said it. That is how you introduced it: it hardly needed to be said, but you said it. It is a unique factor about Northern Ireland. With the greatest respect to those involved, I actually would have thought that, at that senior level in the Cabinet, there would have been a direct engagement with you, since Northern Ireland and the policing of Northern Ireland post-Brexit is going to have a very serious consequence along the border.

George Hamilton: What I am saying is that I feel I do have a voice through the arrangements we have all agreed to and put in place. I also have a unique set of circumstances, where the Home Secretary in England and Wales indirectly has this connection to 43 chief constables. I have one Secretary of State in Northern Ireland, who I was speaking to this morning about this and many other issues, for example. I feel like the access to the Cabinet—

Lady Hermon: —is through the Secretary of State for Northern Ireland.

George Hamilton: Yes. To me, it is that direction on the very Northern Ireland-specific issues. The discussions that we are having with both officials and the Secretary of State himself tell me that this is being considered and taken seriously. Also, from a UK perspective and with us being a bigger player within UK policing, I do think we have a strong voice at the table. The representations made ultimately by Lynne Owens on our collective behalf also have a Northern Ireland flavour to them. I would be engaged with Lynne on a regular basis. Certainly, I know the chief superintendent who acts on our behalf on this is actively engaged with the various working groups.

Lady Hermon: Thank you. It is very interesting. We just need to know how it operates. It is very interesting.

Q199 Chair: Before we move on, can I go back to the figures you gave about the European arrest warrant? If I heard correctly, there are 12,000 or so people picked up from the UK and taken back to their own country.

Nigel Mills: It could be a reflection of the offence committed.

Chair: However, there are only 1,500 from the other 27 countries brought back here. Is there a problem there? It sounds disproportionate. Is that because of the way people move around? What is the problem there?

George Hamilton: I do not know. Do you have a view on that, Will?



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Will Kerr: It might be something as simple as the number of countries who have access to the EAW who can actually request that the United Kingdom arrest some of their citizens in the United Kingdom, whereas it is one single country making requests back out to some of the range of other countries. It is maybe just a reflection of the size of the population.

Q200 **Chair:** Do you have a further breakdown of the 12,000? Are they British nationals?

Will Kerr: No, we do not have that. I can get it for you, if that would be helpful.

Chair: Yes, it would be helpful, just to give us a feel for it.

Will Kerr: Yes, of course.

George Hamilton: Chair, perhaps before you leave this point I can say that the benefits of digital technology mean we do have some Northern Ireland-specific figures here. There were a total of 18 people extradited out of Northern Ireland in 2016, for everything from drink-driving to assault, robbery, fraud, drugs, sex offences and burglary. Nine people have successfully been brought back to Northern Ireland through the European arrest warrants in this calendar year, most of those for sexual offences, drugs, human trafficking, assault and fraud.

Chair: That is useful. Thank you.

Q201 **Nigel Mills:** I am just trying to follow up on Lady Hermon's line of questioning, Mr Hamilton. Clearly, I can understand that you are saying, in effect, "We cannot make the border any stronger, so we do not want to weaken the tools we have available on information sharing or cross-border working." On information sharing, that is likely to be a deal the UK has to do with the EU as a whole, because those are EU-wide systems. Is that right?

George Hamilton: I am not sure what the mechanics and the protocols would be. Clearly, it would feel like the most efficient way of doing it if the UK could negotiate this with the EU as a whole. I am not sure whether it needs to be a series of bilaterals. I guess the point I was making was a less sophisticated one.

Q202 **Nigel Mills:** The Schengen Information System is an EU-wide one—or a Schengen-wide one, presumably.

George Hamilton: Yes.

Q203 **Nigel Mills:** Presumably the one you mentioned earlier, where the time taken will come down to 10 minutes from several hours, that is an EU-wide one as well.

George Hamilton: Prüm, yes.

Q204 **Nigel Mills:** One would hope they would be very keen for us to share our



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information, and they would have no reason to withhold theirs. It would seem a bit silly to have information and then make us wait a day for no good reason, wouldn't it?

Those might be more tricky discussions, I suppose. Should we be getting on with the Irish Government and trying to agree comprehensive cross-working, information sharing and extradition arrangements, just in case the one with the whole EU is a bit slower, so that we have a stronger relationship in place on a bilateral basis with Ireland, in case we need it?

George Hamilton: Yes, and there is potentially already the genesis of a solution there through the Joint Agency Task Force, which was set up following the Stormont House agreement and the Fresh Start agreement in the last year. This is to tackle organised crime and the residual paramilitary problem and so on. That has different tiers of activity to it, right from the Justice Minister in the devolved Administration in Northern Ireland and their counterpart in the south. At a strategic level it is led by one of the chief officers in the two police services, and then there are more tactical and operational tiers.

That came from a political agreement that we would have a Joint Agency Task Force. That was legitimate and sensible, and the law enforcement agencies have all pulled together, including us, the NCA and others, to operationalise that. For that to continue to have teeth and be effective, information sharing would need to be maintained. There might be a way in there.

We report to the two Ministers twice yearly. When we do that, I would be surprised if this issue—the implications of UK withdrawal from the EU—was not on the agenda. Initially this would be through the devolved Administration and the Dublin Government, recognising that it would ultimately be a UK issue, but this might create the stimulus for a bespoke solution.

Q205 **Nigel Mills:** In your discussions with your counterparts in the Republic, they are as keen to keep the cross-working, information sharing and extradition arrangements as we are. That is what your feeling is.

George Hamilton: Yes.

Q206 **Nigel Mills:** If we need to have a very comprehensive, rapid extradition process agreed between the two countries, that should be done—along with information sharing and cross-working. There is one suggestion of hot pursuit being allowed across the border. We should get on with these things. If we need to put a Bill through both Parliaments, we should be doing that well in time. That is the message you are giving. We hope we will not need it and there will be a deal with the EU that covers it all, but if needs be—

George Hamilton: Yes, exactly. It is important that this is mutually beneficial. We are protecting all of the people of these islands, the UK



and the Republic of Ireland, because of the cross-boundary nature of those who want to cause harm—whether it is terrorists in the international sense, violent dissident republicans, loyalists who will not let go of paramilitarism and who are engaged in organised crime, straightforward organised criminality or child sexual exploitation online. The full range of these harms is actually not just a north-south issue. It is probably international, but it is certainly an issue between the Republic of Ireland and the UK, not just Northern Ireland.

Q207 Nigel Mills: Can I just ask a couple of questions about the common travel area? A few of your nine points at the start were on the CTA. Is there any need for changes or reforms to the common travel area? I am assuming that most of the organised crime abuse comes across the land border rather than on a flight from Jersey to Belfast or something.

George Hamilton: I agree that your proposition is probably an accurate one. From a policing perspective, the common travel area is a current reality that brings many strengths for the wellbeing of society and the prosperity of the UK economy and, indeed, the economy in the Republic of Ireland as well.

In our thinking and planning around this, as far as we can do, we are not thinking or hoping for a removal of or an amendment to that. Without being presumptuous, we almost see it as a given that the common travel area will remain in some form. Therefore, strategically, we need to be encouraging you, as legislators, to make sure that, if that is going to remain, there are legislative provisions, bilateral agreements or EU-UK agreements—whatever it is going to be—to help us continue to mitigate the risk through joint working with the criminal justice infrastructure and information sharing and all the rest of it.

Perhaps we have been too narrow in our thinking, but we had almost been working on the assumption that the common travel area itself was there for the time being. There could be some tweaks around the edges but, generally speaking, from a policing perspective, we have not foreseen significant change to it.

Q208 Nigel Mills: It was just the fact that you had a couple of points on it and then you mentioned it subsequently. I wondered whether there was a particular change you were keen on, like getting advance passenger data out of airlines or ferry companies. Even though there is no passport needed, presumably they know who the passengers are.

George Hamilton: To do our job, we have this insatiable desire for information. If provisions like that were attached to new provisions for the common travel area, we would, of course, welcome that. The more information we have, the better we will be at protecting people. If that was the fallout from these negotiations and discussions, when they get going, that would be helpful from a law enforcement perspective.

Q209 Nigel Mills: What I hinted at—I do not know whether I got an answer—



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was this: is there any chance of allowing hot pursuits to cross the border, or is that too challenging?

George Hamilton: It is a pretty big political and constitutional issue. The police always love catching the bad guys, so any provision that will enable us to do that would be welcomed at a very operational level. However, they are two different jurisdictions. There would be issues. We have very clear and highly developed accountability arrangements in Northern Ireland for police activity, for example, through the Office of the Police Ombudsman for Northern Ireland and the Policing Board and so on.

I do not want to be a naysayer or identify the problems rather than the advantages, because from an operational policing perspective there would be advantages, but there would be issues around accountability, for example, and who has locus in terms of holding police to account. There would be implications for me, as Chief Constable, if something happened in a hot pursuit. Very often, these things do end in some sort of dynamic potential crisis. If that happens, who holds my officers to account for their conduct, for example, if it is in a different jurisdiction?

I am sure all of that can be worked through, but we can probably take comfort from the fact that such a significant change would primarily be a political issue, rather than a policing one.

Q210 **Jim Shannon:** It is nice to see you both here. You did not bring the sunshine of Strangford or the Ards Peninsula with you. Hopefully back home they are enjoying summer. I think that should be the case, but there you are.

We are very keen to see what the changes from Brexit will be. My concern would probably follow on from what Lady Hermon has said in relation to international terrorism. Many of us ask these questions: my constituents ask me these questions, they are questions I ask, and I know Members of this Committee and further afield would ask them as well. How will the threat of international terrorism for the future be thwarted? How will we deal with Interpol, perhaps, in Europe and the FBI? Will we still have the same communications? We are ever mindful that dissident republicans have been keen to court international terrorism at every level. They did it in Colombia; they did it in Libya; they did across north Africa and the Middle East.

As we all know, north Africa is awash with weapons and explosives—and many people who would be keen to sell those weapons and explosives, if the opportunity should arise. We want to make sure the international wing of terrorism does not use Northern Ireland as a back door to the United Kingdom of Great Britain and Northern Ireland, to organise, legitimise or try out attacks. We also have to make sure the people of Northern Ireland are safe—and we are all tasked with the job of making sure that happens.

My question to you, Chief Constable, is this: will those relationships we have had up until now continue? Will you be able to thwart international



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terrorism? Do we have that hold on the dissident republicans and what they are doing?

As Northern Ireland MPs, we travel on planes regularly. Therefore, we know only too well what the police presence is either at Belfast City or here, as I saw when I was coming over yesterday. I have not seen a police officer as I have got off an Aer Lingus flight for a long time, but they were there yesterday.

George Hamilton: To give some sort of context around this, we are not blind or disinterested in the international terrorist threat, but it is fair to say that the obvious and dominant threat of terrorism for Northern Ireland—emanating from Northern Ireland into the rest of the UK—is actually from violent dissident republicans. I am not saying that the threat emanating into the UK is necessarily imminent, but history tells us that is the case, rather than Northern Ireland becoming a hotbed of international terrorist activity.

This comes back to the common travel area and the open border. We just need to be careful. We are working very hard with the Security Service, MI5, and An Garda Síochána around making sure we can get upstream of any activity or any organisation that would seek to exploit the soft underbelly of that porous border, to mix my metaphors. That is something we put an eye to and we take seriously, but in threat assessment terms, clearly, the dominant feature is violent dissident republicans.

Chair: Thank you. Can we now move on from this issue to legacy issues?

Q211 **Jack Lopresti:** Earlier this week, the PSNI submitted a report to the Public Prosecution Service after interviewing former soldiers in your Bloody Sunday investigation. Are you able to tell us more about whether you expect prosecutions of former soldiers?

George Hamilton: That would not be appropriate, given that it is being considered by the Director of the Public Prosecution Service at this stage.

Q212 **Jack Lopresti:** Due to the Good Friday agreement, we have lots of former terrorists walking the streets. Some of them have worked their way up into quite eminent positions in society and political life etc. We had the debacle over the on-the-runs and the John Downey case, where there was a perception of de facto amnesty for former terrorists. Yet the full force of the law is being used to potentially prosecute people on the other side of events, who were just doing their best, doing their duty and serving their regiments and their Crown as they saw fit. Do you feel that that enhances your reputation as an independent and non-politically-motivated police force?

George Hamilton: We do not take any comfort from it, but, being the Police Service of Northern Ireland and having the honour of being its Chief Constable, we receive on a regular basis from all directions and all quarters charges of not being independent, two-tier policing, partial



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policing and all of that. The fact that it comes in equal measure and equal volume from both or all sides is small comfort to us, actually, because we do act in good faith; we act within the law. The arrangements for dealing with legacy cases, whether it involves British soldiers or former colleagues of ours in the police service and the Royal Ulster Constabulary, are the same. We try to act, and we do act, with integrity and good faith around all of that.

As police funding shrinks generally and the complexity of crime changes upwards and becomes more globalised and more sophisticated, resources are shrinking and demand is rising. Along with safeguarding, mental health issues and all of that, we have more and more of a stretch on police resourcing. To also have the statutory responsibility to be the body charged with investigating the past is not something that we covet.

We take our responsibility seriously around it, but all of this points to the need to put better arrangements in place. We are hopeful the infrastructure recommended and coming out of the Stormont House agreement, like the Historical Investigations Unit for example, would actually remove that responsibility from us to allow us to focus on keeping people safe today and tomorrow. All of that said, that is all subject to the political momentum within the devolved parties and the devolved Administration and all of that. We will help, wherever we can, to help those arrangements come about.

The other part of your point was about whether this all feels a bit one-sided, with the Bloody Sunday soldiers being reported to the PPS on one hand and the John Downey case on the other, where the letter had been issued that led to the dismissal of his case. I can understand how people would come to that impression or that conclusion. All we can do is act with integrity around this.

Over 3,000 deaths occurred during the period of the Troubles, the vast majority of them carried out by terrorists and not by members of the police service or by the British military. We have a case sequencing model that we would like to apply. While we retain this responsibility, we would like to have some mechanism that would seem to be independent—it was independent, actually—about what would bring us to a case at what point in time. Chronology is just one factor. It is probably a key one, i.e. start at the start and work forward, but there are other factors around evidential opportunities and so on that could play into that, which would move some cases up the list.

As things stand at the moment, most of the cases our Legacy Investigation Branch is dealing with are on the basis of Section 35(5) referrals under the Justice (Northern Ireland) Act 2002. This is a unique set of circumstances, where—I cannot remember the exact wording in the legislation—the Director of Public Prosecutions can direct us to investigate. For example, the investigation into the Military Reaction Force is one such case, and there are other isolated incidents that are



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actually consuming most of the resource of the Legacy Investigation Branch.

A number of those cases have been highlighted through the request for an inquest or based on the findings of an inquest. We do not have a great deal of choice in investigating most of these cases. The term actually used in the legislation, Will reminds me, is “ascertain and furnish”. Now, to us as police officers, that means “to investigate”. We are asked to ascertain and furnish the facts around a specific death or whatever.

Most of the time consumed by the Legacy Investigation Branch is on cases that there is absolute public interest imperative around: for example, Operation Redfield, which is a re-examination of all of these letters of comfort for the so-called on-the-runs. We have a full team working on those. The investigation is not going as fast as we want, because, frankly, we are spreading the jam so thinly, but we have a team and that is one of the prioritised cases. By the way, that is not a Section 35 referral. That was on the back of the Downey case. We want to make sure we get on top of this, get all of the intelligence and evidence re-examined and get ourselves on a more sure footing. There is a huge public interest in that on the back of the report by Lady Justice Hallett.

The problem we have is this legislative requirement to “ascertain and furnish”—in layperson’s terms to investigate—coming from the Director of Public Prosecutions. I am not suggesting for a moment that the Director of Public Prosecutions is being selective around the cases he is picking. These are coming from things like very impactful investigative journalism, inquests or public inquiries. There is a stimulus created that brings it on to his desk.

It is not up to me to justify his actions or decisions, by the way, but I do not want to create the impression to the Committee that I, in some way, am saying the Director of Public Prosecutions has some bias in his referrals to us. It is just that the reality is that the ones that hit the desk of the Crime Operations Department or the Legacy Investigation Branch to investigate are coming with a legislative imperative behind them to get on and do it. It is either that or the Lady Justice Hallett type stuff, which creates a huge public interest.

Q213 Jack Lopresti: Just to reassure you, I have nothing but the highest regard for your own personal integrity and the integrity of the people who serve in the PSNI. That is not where I am coming from, just to reassure you. From what I can pick up from your comments, however, am I right in thinking you are uncomfortable with what is a growing perception here on the mainland that there is one rule for former terrorists and people potentially suspected of terrorism and there is another rule for former soldiers and security service personnel?

Can you tell us honestly whether you feel there is any political pressure coming from somewhere so that, as I say, you are going after former



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soldiers and security services personnel with the full force of the law, and yet if you are a former terrorist, you are treated with kid gloves and it is a bit soft-pedal and it is all to keep everything going nicely?

George Hamilton: I certainly do not feel any political pressure. Maybe I am just oblivious to it. Frankly, my life is not always straightforward, but one straightforward element of it is legislative requirement and prioritising resource against my statutory obligations.

I did start off my comments in this section by talking about how we get criticism and charges of impartiality and a lack of independence in equal measure and in equal volume from all sides. When we have arrested some significant, high-profile figures within the nationalist republican tradition, for example, loud accusations of political policing come. All we are doing is following the evidence and doing what you would expect us to do as police officers.

That is a given, and one of our values or anchor points is that we do not feel intimidated either by political commentary or even by political consequence. We will keep an eye to political consequence, but we will not change our actions. We might change our “how”, but we certainly will not go with a softer approach or neglect our duty on the basis of political consequences. In our time here, there has been enough evidence to demonstrate, with our actions and the statements we have needed to say, that we are not fettered and we will do our duty in that regard.

All of that said, the advantage of being a police officer, I suppose, is that you do not get to write the rules; you get to implement them. I have explained to you why there could be this impression created or why some people could have the honestly held belief that there is too much emphasis in one direction, i.e. towards so-called state killings by soldiers or police officers or whatever. That is because of this stimulus that I have explained through Section 35(5) of the Justice (Northern Ireland) Act 2002.

That is the legal and statutory framework within which we need to operate, however, and I can see the reason for that statutory provision being there. However, the fact there has been this mass amount of violence and wrongdoing over 40 years, which is all now getting channelled through a very narrow choke point called the Police Service of Northern Ireland, means we cannot do everything as quickly as we would want. We have diminishing resources, an increasing complexity of current crime and demand, and a massive legacy demand. Every one of those demands has heartbroken families carrying grief and trauma—and we are not disrespectful of that, but we are constantly trying to balance that against our responsibilities to keep people safe today and tomorrow.

Q214 **Chair:** Finishing on this point, can I ask whether there is anybody who is not connected to the security forces who is being investigated in connection with Bloody Sunday, in other words civilians—anybody who has not served?



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George Hamilton: I am not sure I can be definitive about that at this stage. Undoubtedly, there will be or there have been things to investigate out of Bloody Sunday from people who were not soldiers.

Chair: That is what I am asking.

George Hamilton: I do not want to mislead the Committee because of a lack of knowledge of the detail. I am happy to come back to you on that.

Chair: Yes, that is fine.

George Hamilton: That is, as long as it does not undermine the investigation. We might not have got to it yet.

Chair: No, no. We are not looking for names or anything like that, obviously. It is just to address this balance or imbalance issue that Jack referred to.

Q215 **Mr Campbell:** I have two issues to raise, and one of them follows on from your comment. I should make it clear at this stage, Chairman, that I am not raising a specific issue that I have dealt with by correspondence with the Chief Constable over the course of the past couple of years in relation to an individual who is not a former member of the security forces or the police, which is the subject of a Police Ombudsman investigation at the moment; I am specifically not raising that.

Further to the comments the Chief Constable has just made, given the consideration by the Public Prosecution Service of former soldiers in relation to Bloody Sunday, is there an expectation that the Bloody Sunday file is coming to a close in terms of investigations, or are there further investigations—I suppose this is an expansion of the Chairman's questions—and questionings that have to proceed beyond the file that is currently at the Public Prosecution Service's office?

George Hamilton: My understanding is that there are other elements, at stages, that need to be considered and potentially presented to the Public Prosecution Service, but I want to be careful not to go into any more detail on that. I do not have the detail, but it is a valid area for you to be asking about—and I am happy to give some generic answers to that when we get the information clarified.

Q216 **Mr Campbell:** I am happy enough not to expand on that, Chairman, but I just want to be clear that those discussions are not in any way related to the file that is currently with the Public Prosecution Service in terms of former members of the Army.

George Hamilton: I am sorry, Gregory, could you help me with that one?

Mr Campbell: I am interested in whether any outstanding discussions, questionings etc. that may flow from whatever questioning you have yet to do are in any way connected with the file that is currently before the Public Prosecution Service regarding a limited number of former members



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of the Army.

George Hamilton: Certainly I can tell you what our practice as investigators is. If there were any interconnections or interdependencies with a file with the PPS that might affect the PPS's decision making or that were dependent on further inquiries we needed to do, we would be flagging that up to the PPS. Actually, if they were that obvious to us, we would not have put the file in, because, understandably, the PPS would say, "There is no point in us considering this until we have dealt with those other related issues."

I am talking in general terms, because I obviously have not read the Bloody Sunday file. In general terms, we would not put a staged file to the PPS unless we were confident it was standalone and it was not going to be interconnected or interdependent with any subsequent inquiries.

Q217 **Mr Campbell:** My other question is a brief one, Chair. The Chief Constable will be aware, because I have written to him about it, of the case of a constituent of mine who was murdered in 2002, David Caldwell. Obviously, the family are distraught at a recent publication where an unnamed individual has indicated he has knowledge of the investigations and what happened before, during and after the murder. In cases like that one, are there any indications of timelines whereby families like the Caldwell family and others can expect to see and hear an outcome of the further investigations the police will conduct as a result of fresh information they receive?

George Hamilton: In one sense, it is a very generic question around timescales. Probably the best way to answer is—as you have done, and hopefully we have responded in a fulsome way—to explain the process for all of that. In general terms, there is this case sequencing model, which I have identified. It does not prioritise people on the basis of status, i.e. whether they were members of the security forces or not, or anything like that.

It has to do with other investigative opportunities, i.e. are there witnesses who are vulnerable and who we need to speak to sooner rather than later? Actual chronology is a factor. In other words, we start at the start and then work towards the most recent. That does not trump anything else, however; these other factors around evidential opportunities and witness availability and so on also come into play. In the likes of the case of Caldwell, if there is a potential witness who can talk about facts before, during and after the murder, that would be taken into account in deciding whether that case would get prioritised. Hopefully, that is consistent with the letter we sent you.

That is all part of the process. I do not like to use the word "prioritisation", because it sounds like for some families and victims—

Mr Campbell: It sounds like they are not being prioritised.



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George Hamilton: Yes, it sounds like they are not being prioritised. However, we do need to find some mechanism for sequencing when we are going to do what, because we cannot do everything at once.

Chair: Thank you. For a slight variation on the legacy issue, we have some questions about Operation Redfield, if we may.

Q218 **Lady Hermon:** Chief Constable, you replied to my colleague, who has been called away to another debate, and in the reply you mentioned Mr John Downey and the collapse of his prosecution case at the Old Bailey in the spring of 2014—it is hard to believe two years have elapsed—and the report that was commissioned, quite rightly, from Lady Justice Hallett.

In your response, you mentioned that there was a “full team” of police officers reviewing the OTR scheme and all of those who received those comfort letters. What does a “full team” amount to?

George Hamilton: What I meant by that was that Operation Redfield is one of the prioritised issues we are currently working on. I cannot tell you today how many people are working on it, and it will change from day to day as demands shift, because we need to have the flexibility to move resource in and out depending on what stage the case is at.

For example, if the case is getting to a point where there needs to be a number of witnesses interviewed and that becomes evident, we will flex resource from one team to the next. The same is true of searches or arrests or whatever. I do not want to create this impression that a team always looks like 10 people a day working on the same thing.

Q219 **Lady Hermon:** Have there been any arrests?

George Hamilton: On Operation Redfield, no—but that is not the purpose of it. I can give you some detail around the progress that has been made on Operation Redfield, if that would help.

Q220 **Lady Hermon:** That would be very helpful. I just have a sinking feeling about Operation Redfield, but I must not pre-judge the outcome of it. I would like to think that some of the people who received OTR letters might face prosecution in the future for the hideous crimes they seem to have moved away from and left behind them.

George Hamilton: It is a large and ongoing task, as we review the information. For example, Operation Rapid, which was the original operational name under which—

Lady Hermon: Yes; a most unfortunate title, but yes.

George Hamilton: Operation Rapid identified 413 incidents against 228 nominals. That is police speak for “people”. To date, Operation Redfield has identified 327 incidents against only 31 nominals. That tells us that this is much more in-depth, and we are looking into corners



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Operation Rapid did not look into and identifying many more incidents against much fewer people. We need to just keep working through that.

Q221 Lady Hermon: On the basis of those investigations so far, we have not had any arrests. Will there be any prosecutions, Chief Constable, on the basis of the review to date?

George Hamilton: The purpose of Operation Redfield in the first instance was to stand over the confidence that could have been had in the conclusions that Operation Rapid came to. At this stage, we have to deal with this one stage at a time. It is complex. There are lots of interdependencies.

For example, there are 50 incidents identified where there is more than one nominal involved. When we talk about these people, these subjects of interest, some of them are connected to more than one incident. We need to get a proper and comprehensive understanding of all of this. To some degree, it is an estimate, but I am trying to give you as much information as possible.

We have an additional 327 incidents against 31 nominals and 50 incidents with more than one nominal involved. If you extrapolate all of that out, the total number of incidents linked to the OTR nominals could extend into thousands as opposed to the original 413 incidents. As we look into all of the potentially connected incidents, this is much bigger than Operation Rapid originally defined it. As we are operating and getting into the depth that Lady Justice Hallett's review pointed us towards, we are seeing that this is a massive task across many hundreds of incidents.

Q222 Lady Hermon: Thank you for all of those statistics. I really am looking for, however, not just the number of incidents but the fact that it is much more complex. If my memory serves me correctly, Lady Justice Hallett identified that there were several, and only several, cases she wished to have investigated as a priority and about which she had concerns. She identified those in her report, and those were to be given a priority. Could you just focus on those ones, instead of the other ones that have been brought into this large net now, and just reassure the Committee—and, I think, reassure the public—that this review is actually going to lead somewhere?

There are people out there who were given comfort letters when they ought not to have been given comfort letters; Mr Downey walked free, despite the very serious charges he was facing in the Old Bailey. Are we just reviewing for the sake of getting through all of these, looking at them and then filing this away?

George Hamilton: No. The smaller number of cases Lady Justice Hallett suggested for prioritisation—

Lady Hermon: I think there were six.



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George Hamilton: I cannot remember the exact number, but we did prioritise those. We are finding, however, that there are other incidents connected to the same individuals and other individuals connected to the incidents that were not originally connected, because of shortcomings in the work of Operation Rapid.

All of that is work we are simply ploughing through. We will keep doing that. We cannot afford not to get this right: it needs to be done right and it needs to be done thoroughly. That is the work we are doing. The cases Lady Justice Hallett suggested should be prioritised have been prioritised. I do not have the information to hand now to tell you what the outcomes of that are, but that was the basis on which we prioritised the work.

Q223 **Lady Hermon:** Would you be able to furnish the Committee at a later stage with the outcome of those, if they were prioritised? Are they heading to the DPP, who has obviously been very busy with a lot of other cases?

George Hamilton: We need to identify the consequences of that review work. We are certainly happy to furnish the Committee with some further detail on that but, depending on what point we are at with potential investigations or lines of inquiry, it might need to be done privately, rather than publicly. We would like to satisfy the Committee that we are taking this seriously, and if there is tangible progress we can share with you, we will communicate that to you, but you would not expect us to do anything that would jeopardise the criminal justice process.

Q224 **Lady Hermon:** No, absolutely not. I am not asking for any information that would jeopardise the prosecution. I want to see people who were involved in the OTR scheme prosecuted.

Finally, this is a BBC report from yesterday. I was quite alarmed when it said that PSNI officers "work unpaid extra day every month". Apparently, this is a survey that was carried out by the Police Federation. I have no reason to doubt it, but maybe you will explain to us that this is not the case. However, this is a survey of the Police Service of Northern Ireland carried out by the Police Federation.

You explained carefully that it depends where we are in the investigation into the OTR scheme and that officers may be moved around. Are there some days, because the PSNI is so overstretched—I do not doubt for a minute that you are overstretched—when nothing is being done on the OTR inquiry? I am enormously sympathetic to the position you find yourself in, dealing with legacy issues and trying to keep people safe now, in the present time.

George Hamilton: Yes. On legacy investigations, we made the decision to ring-fence a group of officers and staff to carry out legacy investigations. They can be supplemented from other parts of the organisation, like the Serious Crime Branch, if they get to the stage where they need to go and do arrests or interviews of multiple witnesses or something.



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The number is around 100. We have about 70 police officers, supplemented by some other assistant investigators or police staff. About 100 people are engaged in legacy investigations. They are basically ring-fenced for that. There is another small army of people who are servicing the needs of the coronial system and inquests. They are largely lawyers, legal researchers and people of that nature. Let's not blur the two—those are two separate things.

On legacy investigations, there are around 100 that we ring-fence for that. We do not really abstract them from that legacy work unless it is absolutely critical. They will not be taken off to make up police numbers in Belfast city centre on a Saturday night, for example. They are legacy investigators, and that is what we do.

Within that, because we are juggling a number of cases and trying to get through as many cases as possible, I do not actually know—and I am not going to sit here and try to second-guess it—and I am not saying that, however small the number, there is always somebody working on the OTR cases. There is certainly a team that has responsibility for that.

I would expect the leadership of the Legacy Investigation Branch to be flexible and agile and surge their resource of 100 to where it needs to be at any specific time. I can assure you, however, that Operation Redfield and the OTRs is one of the priority cases that Legacy Investigation Branch is dealing with. We have collapsed other parts of the organisation to create that team.

Whether or not there are days when we have to borrow people out to do other things, I am not sure—but that would be minimal. Is that fair to say, Will?

Will Kerr: Yes, it is.

Lady Hermon: Yes, we need to hear your voice, Mr Kerr. You were about to comment.

Will Kerr: I have nothing further to add, Lady Hermon, to what the Chief Constable said. It is a finite pool who deal with all legacy issues. Some days there will be more activity on certain cases than on others—but they are rarely, rarely pulled to put a green uniform on and go out and do normal policing duty.

Q225 **Lady Hermon:** How overstretched do you feel at the moment?

George Hamilton: In the last year, we have had a number of surveys. The organisation itself commissioned one around staff wellbeing, staff engagement and so on. About a year ago, the Police Federation conducted their own survey, and then this most recent survey is also Police Federation-sponsored. It was called their goodwill survey, and it was actually commissioned so they could have an evidence base for making submissions to the Police Remuneration Review Body.



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It did ask, appropriately so, "How often would you be required to finish work after your normal finish time? How often would you be contacted or receive a phone call on a day off about a specific case?" 37% of the federated people, so constables through to chief inspectors, responded to the survey. The findings are what they are.

I am not challenging those findings. I am in a similar place to the Police Federation. We are working with numbers below what would be optimum for us. Because of the way pension regulations changed 30 years ago, we have the real risk of 20% of police officers in the organisation exiting in the next two or three years.

Lady Hermon: That is a very high percentage.

George Hamilton: It is huge. We have had some hiccups with recruitment and with bringing people into the training college. The Policing Board—for good reason, I have to say—required us to do a review of training and to press pause on the training of new officers. We have put the improvements in place and we have reassured the Policing Board. We have their concurrence to recommence training in January, but a consequence of that was that 200 fewer officers than we were expecting have come through training because of the pause for five months. That has exacerbated the problem.

In one way, headcount falls and that creates an easement in the budget, but it is not really that helpful, because you have to spend more money on overtime, so people are getting fewer days off and having to work longer hours. All of that is having an impact on officers' wellbeing and time at home. We are concerned about that.

Working with the Police Federation, however, we probably have the most sophisticated and well resourced occupational health facility of any police service in the UK—but that is because we need it. We are not sitting back and just feeling sorry for ourselves with this. We are trying to prioritise resource to help officers. We are going through a process at the moment, led by the Deputy Chief Constable, of priority-based resourcing, trying to find out where we can release resource from parts of the organisation to support parts that are overstretched.

But this is a big organisation. It is complex. Demand is changing and resources are going down. People are feeling the pressure of that. I do not mean to be pessimistic as a leader, but I also have to be honest. Perhaps some of the language the Police Federation used, because they are a staff association, would be different from the language I would use to describe the problem, but the one thing we do have in common is concern for our people. The overstretch and the sickness levels concern us mutually, as do the amount of overtime having to be worked and the limitations on time off. We have had to turn down a number of annual leave requests, because we are stretched on the police numbers front.

Lady Hermon: Thank you for the very frank reply. I am very



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sympathetic to your case, but it is on the record for others.

Chair: Thank you very much. We are going to have to finish now. It has been a very useful evidence session.

Lady Hermon: It has been very useful—very useful indeed.

Chair: Thank you very much indeed.