



Police Service of Northern Ireland

Office of the Chief Constable

Police Headquarters

65 Knock Road

Belfast BT5 6LE

Email: jon.boutcher@psni.police.uk

Tel: 028 90 561613

Our Ref: EST 2701-25

Tonia Antoniazzi MP

Chair

Northern Ireland Affairs Committee

House of Commons

Palace of Westminster

Westminster

LONDON SW1A 0AA

(Via Email: NORTHIRCOM@parliament.uk)

14 April 2025

Dear Tonia

Introduction

Thank you for your letter dated 18 March 2025 asking about meetings I have had with the Secretary of State since his appointment in July 2024 and whether we discussed Legacy issues.

As mentioned in your letter, I have expressed frustration and disappointment at the lack of engagement and progress by Government on Legacy. That said, I would not want to be portrayed as an unqualified critic of its ministers or officials. Indeed, it is my strong belief that all involved have good intentions and a shared desire to resolve the Legacy of the Troubles. As requested, this letter focuses on discussions with the Secretary of State, but it should be noted that I have also had positive conversations about Legacy with the Prime Minister, Attorney General and Taoiseach, as well as with devolved ministers.

The Secretary of State and I have a mutual interest in and commitment to delivering for Legacy victims and families and I would welcome more time for discussions with him and his team about this. I found it disappointing that my first meeting about Legacy with Northern Ireland Office (NIO) officials did not take place until last week, 20 March 2025, and that I had to push for this to happen. Whilst engagement has been delayed and limited, I was nevertheless grateful for the time of those present and a further meeting is due to take place in April.



Police Service of Northern Ireland

One obstacle to engagement and progress is the fact that Legacy issues are so often played out in courts and other public forums in a way that makes lawyers and officials cautious about sub judice protocols. As you will see, some of the correspondence and discussions mentioned below has been about legal issues and/or has spilled over into legal proceedings. Whenever this happens, or even becomes a possibility, it seems to have an unnecessary and unhelpful chilling effect on dialogue. I have thus been told on numerous occasions that a Minister or senior official is “not allowed” to talk to me about, for example, Operation Kenova or issues relating to judicial review proceedings arising out of legacy inquests.

Context

The RUC was at the forefront of the security force response to the Troubles and was involved in or investigated a large number of key incidents. As the successor to the RUC, PSNI has inherited its files and its legal liabilities and has also conducted and commissioned numerous Troubles-related investigations and reviews. It is therefore a key stakeholder within the Legacy sphere, particularly as a party to legal, inquest and inquiry proceedings and through engagement with regulatory and oversight bodies such as the Police Ombudsman for Northern Ireland (PONI) and the Independent Commission for Reconciliation and Information Recovery (ICRIR).

Engagement between the Chief Constable of PSNI, on the one hand, and NIO ministers and officials, on the other, is therefore critically important to the effective management and resolution of Legacy issues. These issues intersect with so many cross-cutting themes in Northern Ireland and have a significant impact on community trust and confidence in both policing and Government. While I cannot be involved in or responsible for setting or funding Legacy policy, I do have an experience and expertise in Legacy cases, am responsible for a key institutional stakeholder and can therefore advise on the type of modelling most likely to be workable for PSNI and effective for victims and families.

It is also important to note that PSNI's position within the above matrix leaves it in a complicated position in between the communities we serve, on the one hand, and the authorities who oversee, scrutinise, judge and fund us, on the other. We are first and foremost a police service with responsibility for law, order and public protection - this is the work our officers were recruited and trained to do and it is their core function. Accounting for the conduct of the RUC during a time of horrendous conflict is ancillary to the discharge of this function, but it is also essential to building community trust and confidence and (therefore) effective community policing.

In the context of Legacy litigation and processes, PSNI not only owes duties to the other participants and the relevant judicial, regulatory and oversight bodies, it also owes duties to serving and former officers, the members of the public who assisted them and the public purse. We must follow due process and cannot disclose information that puts people at risk, admit things that are not true or pay out compensation when this is not warranted. Getting this right takes time and resources and it can generate internal caution and lead to a defensive culture and an attritional approach.



Police Service of Northern Ireland

Overview

In the interests of transparency, I am sharing my personal engagement with the former and current Secretaries of State and their officials on wider issues relating to Legacy over the past 12 months and have detailed both letters and meetings. I have not sought to capture less formal emails, messages or calls or routine communications between our private offices.

The relevant engagement has come under four main headings:

- (1) public interest immunity (PII);
- (2) Legacy reform;
- (3) discontinued inquests;
- (4) the Omagh Bombing Inquiry.

Public Interest Immunity (PII)

7 February 2024

I wrote to the then Secretary of State, Chris Heaton-Harris, outlining my concerns about the former practice whereby PSNI sought a ministerial certificate in support of every PII claim it made in civil proceedings and inquests. I explained that I was minded to discontinue this practice and asked if the Secretary of State disagreed or thought the practice beneficial or mandatory in some way.

4 March 2024

After chasing a reply, I received a holding response from the Secretary of State informing me that he would consider the matter but thought it highly unlikely that decision making and change would be possible before the commencement on 1 May 2024 of the Northern Ireland Troubles (Legacy and Reconciliation) Act 2023 (the Legacy Act).

26 March 2024

I received a letter from the Secretary of State informing me that I should not comment on live cases or propose or consent to any disclosure of information subject to a PII claim, or depart from "NCND [neither confirm nor deny] policy", by way of a gist without consulting him. He made reference to Troubles related inquest and judicial review proceedings which were ongoing at the time.

27 March 2024

I responded to the Secretary of State clarifying what had happened in the cases referred to, emphasising PSNI's independence from Government and confirming that I had no intention of disclosing sensitive information.



Police Service of Northern Ireland

29 March 2024

I wrote again to the Secretary of State to inform him that I had decided to discontinue the former PSNI practice of routinely requesting a ministerial certificate in support of every PII claim it made in relation to police material. I informed him of my intention to issue in-house guidance on the subject and sought Government input on its terms and on related procedures and lines of communication.

12 April 2024

I received a response from the Secretary of State explaining that he strongly disagreed with my decision and considered it constitutionally and legally flawed. He invited me to confirm that I would reverse my decision and recommence the former practice of seeking ministerial certificates.

23 May 2024

I responded to the Secretary of State to explain why I was not persuaded by his arguments and was not going to reverse my decision. I also repeated my suggestion that we meet to discuss matters constructively and agree new guidelines and processes for dialogue and cooperation going forward.

26 September 2024

I met with the new Secretary of State, Hilary Benn, in Belfast. We discussed Operation Kenova, the approach taken to PII and NCND in Legacy cases and I asked about the lack of a Government response to the recommendations set out in the Kenova interim report. I mentioned the Sean Brown case in particular and sought solutions going forward.

11 October 2024

I wrote to the Secretary of State enclosing copies of the abovementioned correspondence with his predecessor and again requested a meeting to discuss new guidelines and processes. Attempts were made to arrange a meeting, but we were informed this would not be possible until after the delivery of the autumn budget.

6 November 2024

I received a response from the Secretary of State reiterating his predecessor's disagreement with my decision and inviting me to suspend it pending the outcome of ongoing legal proceedings which he said were relevant. He suggested I meet with senior officials responsible for national security matters on behalf of the Government to discuss their concerns and indicated that he would be happy to meet with me thereafter.



Police Service of Northern Ireland

19 November 2024

I responded to the Secretary of State on some points of detail, declined to suspend my decision and welcomed the acceptance that a meeting would be appropriate.

17 January 2025

I attended a meeting with officials and lawyers from the NIO, Home Office, Ministry of Defence and MI5. This was held to discuss our respective positions as set out in the abovementioned correspondence and I offered to share draft in-house guidance and to consider any comments those present might wish to make about it. (The draft guidance was shared with NIO on 7 March 2025 and a response is awaited).

Legacy Reform

13 December 2024

I wrote to the Secretary of State and outlined difficulties with the Legacy Act and the lack of a mechanism for PSNI to refer matters to ICIR in the light of new information regarding a murder suspect.

7 January 2025

I received a response from the Secretary of State confirming that a range of policy options, including referral mechanisms, were under consideration. He stated that he would be keen to meet with me to discuss priorities in further detail.

14 March 2025

I met with the Secretary of State in Washington and we discussed a range of issues regarding Legacy including my experiences on Operation Kenova, the logistical implications of Schedule 8 to the Legacy Act, the lack of funding for PSNI to deal with Legacy, aspects of the new legislation and NIO engagement.

20 March 2025

I met with the NIO Permanent Secretary and another senior official to discuss proposals for reform. Unfortunately, the meeting was rushed and we were unable to have detailed conversations about their proposals. A further meeting is due to take place in April.



Police Service of Northern Ireland

Discontinued Inquests

16 December 2024

I met informally with the Secretary of State when he attended Police HQ to review material in relation to the Sean Brown case. It would be inappropriate to expand on this further as the proceedings are ongoing.

27 January 2025

I wrote to the Secretary of State to outline concerns I have in relation to a number of discontinued inquests and the need for them to be considered as a group. This letter touched on the Sean Brown case and, subject to your guidance, I will not expand on it further for the reasons mentioned immediately above.

4 March 2025

The Secretary of State responded stating that he believes ICRIR is best placed to investigate the cases in question.

Omagh Bombing Inquiry

7 March 2025

I sent a letter to and telephoned the Secretary of State about my decision to reallocate PSNI's researchers to work exclusively on the response to a significant "Rule 9 request" from the Omagh Bombing Inquiry. I also raised the logistical implications of compliance with Schedule 8 to the Legacy Act.

21 March 2025

I received a response from the Secretary of State informing me that the reallocation of researchers to the Omagh Bombing Inquiry and the corresponding pause on research for other disclosure exercises was not an option. He outlined an intention to change the disclosure provisions in the Legacy Act to follow the model for statutory inquiries and expressed the hope this would assist. He also stated that issues relating to funding and resources should be pursued with the devolved Minister of Justice and her Department.

26 March 2025

I responded to the Secretary of State to reassure him about PSNI's compliance with its disclosure obligations, asked whether Government could step in to help fulfil special advocate support functions which PSNI is not able to service, reiterated my concerns regarding Schedule 8 to the Legacy Act and referred to the financial and resource impacts of Legacy and the need for strategic engagement and cooperation on future solutions.



Police Service
of Northern Ireland

Conclusion

You asked me to set out exactly when I have met with the Secretary of State since July 2024, and whether his written answer to you dated 14 March 2025 aligns with my understanding of what was discussed at each meeting, in particular in relation to 'Legacy reform'.

I have attempted to summarise all the significant engagement I have had with the previous and current Secretary of State as well as the NIO in relation to Legacy matters over a slightly longer period.

Since July 2024, I have sent a total of six letters to the current Secretary of State raising issues and encouraging engagement in relation to PII, Legacy reform, discontinued inquests and the Omagh Bombing Inquiry; I have received four letters from him in reply and we met formally to discuss some of these matters on 26 September 2024 and 14 March 2025; we also spoke by telephone on 7 March 2025; and I met with NIO officials on 17 January and 20 March 2025.

Two of the four meetings post-dated your Parliamentary Question dated 11 March 2025.

My engagement with the Secretary of State and NIO on Legacy reform in particular has been limited and has comprised two letters, one meeting with the Secretary of State and one meeting with his officials. Aspects of the recent correspondence relating to the Omagh Bombing Inquiry have also touched on Legacy reform.

As the Committee will be aware through Operation Kenova I have a deep understanding of the unimaginably difficult experiences of victims from across the varied sectors. I also have a considerable background in managing sensitive material in police and national security investigations. I believe a unique opportunity exists for Legacy to be addressed in a manner that would be supported by most groups and welcome any meaningful discussions on how this can be achieved.

I hope this helps and look forward to seeing you at the Committee hearing on 23 April 2025. If you need any further information before then, please do not hesitate to let me know.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Jon Boutcher'.

Jon Boutcher QPM
Chief Constable



Northern Ireland Affairs Committee

Chief Constable Jon Boutcher,
Police Service of Northern Ireland

By email only

From the Chair, Tonia Antoniazzi MP

18 March 2025

Dear Jon,

Thank you again for meeting the Northern Ireland Affairs Committee during our recent visit to Northern Ireland as part of our inquiry into the legacy of the Troubles. In our discussions, you mentioned a lack of engagement on legacy with the NIO. I therefore tabled a written question to ask when the Secretary of State has held meetings with you since July 2024 to discuss his policy on legacy; and what was discussed at each meeting. In response, he said:

"I have met the Chief Constable of the PSNI on a number of occasions since I was appointed Secretary of State for Northern Ireland, including this week, to discuss a range of issues including the Government's approach to legacy reform. This is in addition to written correspondence between the Chief Constable and I regarding legacy matters. Northern Ireland Office officials have also regularly met police officers in the PSNI's Legacy Investigation Branch to discuss mutually relevant issues relating to legacy."¹

I'd be grateful if you could set out exactly when you have met the Secretary of State since July 2024, and whether his answer aligns with your understanding of what was discussed at each meeting, in particular in relation to 'legacy reform'. We look forward to your appearance before the committee on 23 April, and we would be grateful for a response in advance of that.

Yours sincerely

Tonia Antoniazzi MP
Chair of the Northern Ireland Affairs Committee

¹ [Written questions and answers, 14 March 2025](#)