

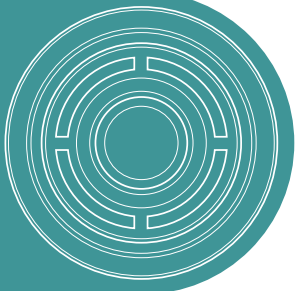


**SERIOUS AND ORGANISED CRIME:**  
**An inspection on how the Criminal  
Justice System deals with Serious and  
Organised Crime in Northern Ireland**

November 2014

**Criminal Justice Inspection  
Northern Ireland**  
*a better justice system for all*





# **SERIOUS AND ORGANISED CRIME: An inspection on how the Criminal Justice System deals with Serious and Organised Crime in Northern Ireland**

Laid before the Northern Ireland Assembly under Section 49(2) of the Justice (Northern Ireland) Act 2002 (as amended by paragraph 7(2) of Schedule 13 to The Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010) by the Department of Justice.

November 2014

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# Contents

List of abbreviations	3
Chief Inspector's Foreword	4
Executive Summary	5
Recommendations	7
<b>Section 1: Inspection Report</b>	
Chapter 1 Introduction and context	9
Chapter 2 Strategy and governance	13
Chapter 3 Delivery	24
Chapter 4 Outcomes	42
<b>Section 2: Appendices</b>	
Appendix 1 Methodology	48
Appendix 2 Terms of reference	50



## List of abbreviations

<b>ACPO</b>	Association of Chief Police Officers
<b>CID</b>	Criminal Investigation Department (in policing)
<b>CJI</b>	Criminal Justice Inspection
<b>CJS</b>	Criminal Justice System
<b>DOJ</b>	Department of Justice
<b>HMIC</b>	Her Majesty's Inspectorate of Constabulary
<b>HMRC</b>	Her Majesty's Revenue and Customs
<b>IOM</b>	Integrated Operating Model
<b>NCA</b>	National Crime Agency
<b>NI</b>	Northern Ireland
<b>NIEA</b>	Northern Ireland Environment Agency
<b>NIM</b>	National Intelligence Model (law enforcement business process)
<b>NIOCS</b>	Northern Ireland Organised Crime Strategy
<b>NIPB</b>	Northern Ireland Policing Board
<b>OCB (C1)</b>	Organised Crime Branch (in PSNI)
<b>OCGs</b>	Organised Crime Groups
<b>OCTF</b>	Organised Crime Task Force
<b>PCSP</b>	Policing and Community Safety Partnerships
<b>PPS</b>	Public Prosecution Service for Northern Ireland
<b>PPU</b>	Public Protection Unit (in PSNI)
<b>PSNI</b>	Police Service of Northern Ireland
<b>ROCU</b>	Regional Organised Crime Unit
<b>SCB (C2)</b>	Serious Crime Branch (in PSNI)
<b>SMART</b>	Specific, Measurable, Achievable, Realistic, Time-bound (measures)
<b>SOCA</b>	Serious Organised Crime Agency (the forerunner to NCA)
<b>SOCTF</b>	Scotland Organised Crime Task Force
<b>SSA</b>	Social Security Agency
<b>UK</b>	United Kingdom
<b>UKBA</b>	United Kingdom Border Agency



# Chief Inspector's Foreword

One of the legacies of our troubled past was the opportunity for career criminals to operate under the auspices of paramilitary groups and on many occasions, under the radar of the criminal justice agencies.

As our society has normalised, we have become more aware of the unexplained wealth of some individuals, their illegal activities and the damage they have caused to our society, our environment and our economy.

Counterfeit goods, products and laundered fuel may seem to offer good value in tough financial times, but individual gain is at the expense of many small businesses which are the mainstay of our economy. Organised crime gangs operate at local, national and international levels and have been responsible for the growth of the illegal drug trade and the exploitation, murder, and misery associated with their activities is a constant concern.

Keeping abreast of the constantly changing approaches and new opportunities for organised criminality is a real challenge for the criminal justice agencies and wider society. It is important that Northern Ireland is not left behind both in terms of its capacity and will to deal with the threats posed by criminal gangs and those individuals who seek to profit from the vulnerability of others.

The visibility and impact of effective operations to deal with serious and organised criminality are key to underpinning our desire to ensure that crime should never be seen to pay.

This report confirms that the criminal justice agencies and other government departments are working cooperatively to challenge and deal with the threat of serious and organised crime. The Organised Crime Task Force (OCTF) is helping to coordinate and prioritise the efforts of the various agencies to protect the public from new and emerging organised criminality.

Inspectors have made two strategic recommendations which, if fully implemented, will strengthen the response of the criminal justice agencies and its partners to protect the public.

This inspection was conducted by Derek Williamson from CJJ. I would like to thank all of those who contributed to this positive report.

**Brendan McGuigan**  
Chief Inspector of Criminal Justice  
in Northern Ireland

November 2014



# Executive Summary

This inspection examined how the criminal justice system deals with serious and organised crime. It found that the criminal justice agencies, and in particular the Police Service of Northern Ireland (PSNI), have invested heavily in responding to the threats which are posed by serious and organised crime.

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It was apparent that there was a wealth of good work and evidence of significant impact arising from the work of the criminal justice agencies in their responses.

There was, for example, very strong evidence of partnership working, of focus and determination and indeed of positive outcomes in many areas. Inspectors considered significant benefits of the current arrangements in Northern Ireland (NI) including the unitary nature of the jurisdiction with, for example, a single police service and secondly the existence and value added by the structures of the OCTF.

Strategic barriers and problems included a lack of a cohesive definition of serious and organised crime and a splintered accountability system; given the

range of agencies involved in tackling serious and organised crime. The inter-dependencies arising from this wide range of agencies also inevitably create convoluted processes. This also highlights the absolute need for partnership working and co-ordinated effort.

While recognising its significant positive work and value and the opportunities its structures present, one of the strategic recommendations made by Inspectors concerns the need for the OCTF to develop a more specific attention and focus on effective activities and outcomes. This should embrace jointly agreed priorities and co-ordinated actions. The second strategic recommendation, directed to the PSNI, is that its response to serious and organised crime should be established as a core activity across the PSNI. Inspectors found that the



strategic focus in this area was less strong at local District levels and that more ownership and responsibility, coupled with support, needs to be provided.

Inspectors have also highlighted a range of areas for improvement in the sphere of delivery. Strengthened business processes including supporting structures and/or policies are needed in areas such as kidnap and extortion and cyber crime within the PSNI. Improvements are also needed in terms of the delivery capability and capacity such as those in the E-crime and in the murder review functions.

While there was evidence of some significant achievement, better performance management within the PSNI should be addressed through the setting of clearer measures and performance indicators. These should better represent the need for improvement and provide a more comprehensive overview of business areas.

The recommendations and the areas for improvement are intended to stimulate greater success and represent the need for incremental and continuous improvements, rather than any need for fundamental change.



# Recommendations

## Strategic

1

The OCTF should develop a new jointly agreed strategy with clear outcomes focused on co-ordinated joint enforcement operations and linked to explicit underlying harm reduction strategies. This should be in place one year following the publication of this report (paragraph 3.10).

2

The investigation of serious (major) and organised crime needs to be established as a core activity across the PSNI. The PSNI should develop an action plan with appropriate action owners and deliverables, which should be in place by the end of 2014 and completed by the end of 2015 (paragraph 3.39).





# Inspection Report



# Introduction and context

- 1.1 Serious and organised crime<sup>1</sup> ranks among the most serious risks of harm to the community in NI. While the overall numbers of crimes in the category of serious and organised crime may be small as a percentage of overall crime, their impact can be devastating. Organised crime also has very significant consequences with the impact of, for example, drug dealing, robbery and fraud and other insidious forms of organised criminality. It has significant consequences for individual communities and for society as a whole. Both serious and organised crime (in particular the latter) has a detrimental impact on public finances. For example, defrauding the Exchequer inevitably means there is less money for public services and this affects everyone. There are also significant links between organised crime and the activities of paramilitary groups in NI.<sup>2</sup> Given the nature of these crimes, there may also be a consequent significant impact on public confidence and increases in the fear of crime.
- 1.2 Criminal Justice Inspection Northern Ireland (CJI) set out to review how the criminal justice system (CJS) in NI deals with serious and organised crime. The inspection considered both the preventative and enforcement activities of the criminal justice agencies. It did not examine individual cases or assess the quality of individual investigations. Rather, the thrust of the inspection was to examine the strategic capability and capacity of the response to serious and organised crime across the criminal justice system. In terms of policing the critical requirements nationally, and hence the benchmarks of this inspection, were derived from an amalgam of the Association of Chief Police Officers (ACPO) Protective Services Minimum Standards<sup>3</sup> and the Strategic Policing Requirements for Serious and Organised Crime<sup>4</sup> (insofar as relevant). These requirements were then set within the context of the CJI framework of strategy and governance, delivery and outcomes. Further details on the methodology, including its limitations, can be found at Appendix 1 and in the inspection terms of reference at Appendix 2.
- 1.3 Inspectors considered the overarching context to the inspection of serious and organised crime as important. It includes:
- the harms arising from serious and organised crime can never be totally prevented;
  - while recognising a range of similarities, NI has a history and a reality that is very different from other parts of the UK (in terms of policing); and

1 For the purposes of inspection CJI defined serious and organised crime as those matters where the appointment of a Senior Investigating Officer was required and specialist resources deployed. For the PSNI this was also taken to mean those crimes dealt with by the dedicated Serious and Organised Crime Branches.

2 See, for example, successive OCTF Annual Report and Threat Assessments.

3 Protective Services Minimum Standards, ACPO, November 2012 available at <http://www.acpo.police.uk/documents/futures/2007/Protective%20Services%20Minimum%20Standards%20Website.pdf>.

4 Strategic Policing Requirement 2012 available at [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/117445/strategic-policing-requirement.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/117445/strategic-policing-requirement.pdf).

5 Calculated using the population in NI at 1.8m and the crime rate for NI in 2012-13 at 100,389.

- NI remains among the safest places in the UK to live and work with the crime rate per 1,000 of population standing at 55.7<sup>5</sup> in NI. The average across England and Wales is 61.2.<sup>6</sup>

1.4 In the course of this report Inspectors have deliberately used data sets which cease at the end of the last full financial or calendar year at the time of fieldwork (i.e. 2012-13 or 2012). This is to allow for complete year comparisons, even though in some instances updated in year figures were available.

## The nature of serious and organised crime (definitional issues)

- 1.5 There are a wide range of definitions of serious crime – some of these are reflected in statute.<sup>7</sup> However, there is no consistent or universal definition. In policy terms ‘major’ crime generally refers to those crimes where the appointment of a trained Senior Investigating Officer (SIO) and the deployment of specialist resources is required. It is also the case that serious crime can simultaneously be organised crime and vice versa. Organised crime may also be considered and described as ‘major’ crime. For the most part, the distinctions described here are for operational policing and enforcement purposes, but it is clear that the landscape of definitions is confusing and does not assist in a cohesive approach to the problem.
- 1.6 There are many definitions of ‘organised crime’. Generally, it involves a group of people involved in serious criminal activities for substantial profit. Violence and threat of violence is used by organised criminals in some cases. However, the main activity is often for financial gain. The criminal groups who operate in NI are involved in a range of crime areas; primarily to maximise their own gain.
- 1.7 The UK Government defines organised crime as including, ‘...drug trafficking, human trafficking, and organised illegal immigration, high value fraud and other financial crimes, counterfeiting, organised acquisitive crime and cyber crime.’<sup>8</sup> Organised criminals that work together for the duration of a particular criminal activity or activities are described as an Organised Crime Group (OCG), albeit gangs and groups are words which are often used interchangeably in the context.<sup>9</sup>
- 1.8 Crime statistics do not separately indicate the volume of either ‘serious or organised crime’ and the definitions are not universally accepted across policing boundaries. For example, many UK police services use the definitions of ‘major crime’ and ‘serious and organised crime’ to delineate the operational and resource boundaries in these areas. The PSNI use a differentiation which is characterised by separate arms for both serious crime (including ‘major’ crime) and organised crime. These are described further in Chapter 2. However, matters which could be described as serious and organised criminality are also dealt with by a variety of enforcement agencies across the broad spectrum of criminal justice and indeed beyond - spanning a variety of Government departments.
- 1.9 Whilst fixed definitions may impede flexible local responses, the lack of a consistent definition can cause some operational problems and serves to demonstrate that this could, in fact, be one of the impediments to a unified and cohesive approach to the problem. As Mackenzie & Hamilton-Smith (2010) commented, *‘A failure to agree what organised crime is compromises its measurement and any claims as to the beneficial effects.’*<sup>10</sup> This also clearly underlines the critical importance of effective co-ordination and co-operation among the various law enforcement agencies and the NI OCTF.

6 HMIC Crime and Policing Comparator for the 12 months to June 2013 available at <http://www.hmic.gov.uk/crime-and-policing-comparator>.

7 See for example the Serious Crime Act 2007.

8 Serious and Organised Crime Strategy, HM Government, October 2013.

9 SOCA website <http://www.soca.gov.uk/threats/organised-crime-groups>.

10 Measuring police impact on organised crime performance management and harm reduction, Simon Mackenzie & Niall Hamilton-Smith, Scottish Centre for Crime and Justice Research, University of Stirling, Stirling, UK, August 2010.

## Statistics and perceptions

- 1.10 The costs of all crime in NI were estimated in 2006-07 to be £2.9 billion while the response<sup>11</sup> costs were estimated at £158.9m.<sup>12</sup> The latter figure, given inflationary rises, is estimated by Inspectors to be in the region of £185m in 2013-14. In terms of the scale of organised crime the following is instructive:
- it has been estimated that across Europe there are at least 3,000 active organised crime gangs;<sup>13</sup>
  - the European Union market for counterfeit goods is estimated to be worth €8.2bn per annum;<sup>14</sup>
  - the overall cost to the UK from organised crime is estimated as between £20 billion and £40 billion a year;<sup>15</sup>
  - organised crime involves around 38,000 individuals, operating as part of around 6,000 criminal gangs in the UK;<sup>16</sup>
  - in Scotland, it was estimated that there were around 367 serious organised crime groups involving over 4,000 individuals operating across the country;<sup>17</sup> and
  - in NI the costs are not separately delineated and are particularly complex and difficult to estimate.

While the number of crime groups fluctuates, it is estimated by the PSNI that 145 such groups operate in NI.<sup>18</sup> On a per capita basis, the number of gangs in NI is higher than in Scotland – a difference of 25%. However, direct comparisons are subject to variations and could for example, simply reflect a differing process of assessment.

- 1.11 An examination of trends and data on crime provide a mixed picture and while overall crime rates across NI have shown a downward trend in recent years,<sup>19</sup> some indicators of serious and organised crime in the form of violence against the person, have remained relatively consistent.
- 1.12 Perceptions surrounding both serious and organised crime can be important factors to consider in terms of the overall approach by criminal justice agencies. The perception of crime has long been recognised to impact on the fear of crime which is itself as important as the actual experience of crime for many. Similarly, the perceptions of the public with regard to organised crime are important and often the ambivalence of the public to certain forms of organised crime (such as the purchase of illicit goods) can be unhelpful and unconsciously facilitates criminality. The latter has led to some significant strands of work being undertaken by the CJS agencies and their partners in the broad criminal justice sector. This includes the '*Changing the Mindset*' work-stream which is a significant strand of the Northern Ireland Organised Crime Strategy (NIOCS) and the Northern Ireland Omnibus Survey which seeks to gauge opinion.

11 Response costs include the costs to the criminal justice system (for example, police, courts and prisons).

12 Department of Justice, Statistics and Research Branch, Cost of Crime in Northern Ireland, Report No 1, 2010.

13 Europol, Rob Wainwright presentation to the European Serious and Organised Crime Conference 2013, Brussels, 28 February 2013.

14 Ibid.

15 The National Crime Agency, A Plan For The Creation of a National Crime-Fighting Capability, Home Office, June 2011.

16 Ibid.

17 Preliminary Findings on the Scale and Extent Of Serious Organised Crime In Scotland, Scottish Serious Organised Crime Group Mapping Project, April 2010 available at <http://www.scotland.gov.uk/Topics/Justice/crimes/organisedcrime/soc/MappingOrgCrim/SOCMappingProject>.

18 Detective Chief Superintendent Roy McComb in evidence to the Northern Ireland Assembly Justice Committee, 20 February 2014.

19 Overall crime per 1,000 of the population has fallen from a rate of 84 in 2002-03 to 55 in 2012-13. Source: PSNI Trends in Police Recorded Crime in Northern Ireland 1998/99 to 2012/13 published 05 July 2013.

- 1.13 The following information from the Northern Ireland Omnibus Survey<sup>20</sup> is informative with regard to perceptions:
- almost two-thirds (66%) of respondents believed that the problem of organised crime was either widespread (23%) or very widespread (43%) in NI;
  - 71% of respondents to the survey associated drug dealing with organised crime. The second most likely offence to be associated with organised crime was armed robbery (24%). The third most likely to be associated was fuel smuggling/laundrying (at just over 20%);
  - less than half of respondents (47%) believed they had a role in tackling organised crime; and
  - with regard to impact, respondents most often identified 'fear in the community' as the most common (68%).
- 1.14 It was also apparent to Inspectors during the course of their fieldwork that perceptions of crime and the priority afforded to differing crime types was subject to a degree of variation. Senior police Commanders spoken to referred to a lack of priority given to these areas by local representatives and in local forums, including local Police and Community Safety Partnerships (PCSPs). For many, serious and organised crime can be, to a large extent, invisible - or at the very least obscured. The same is also true in terms of the often unseen work and efforts of the CJS agencies in this area and all too often their work is only highlighted on the periphery. PCSPs is the subject of a specific inspection by CJI and this issue will be examined further in that context.

## Trends and flexibility

- 1.15 Many of the groups involved in organised crime are engaged in varying forms of criminality. This includes, drugs, fraud, money laundering and acquisitive crime.<sup>21</sup> Crime groups are highly mobile and flexible operating across national and international borders and criminal sectors. Organised crime groups are also becoming increasingly diverse.<sup>22</sup>
- 1.16 One of the key features of organised crime is the ability of crime groups to adapt to circumstances and to exploit markets, gaps and opportunities. For example, the emergence of 'legal highs' has led to significant new challenges for law enforcement agencies. There is a balance to be struck therefore in terms of setting longer term strategic objectives – which would afford law enforcement agencies the ability to make the kinds of long-term investments required to effectively tackle serious and organised crime – and the flexibility to respond to dynamic situations.

20 Views on Organised Crime: Findings from the January 2013 Northern Ireland Omnibus Survey, research and Statistical Bulletin 3/2013, Northern Ireland Statistics and Research Agency.

21 Acquisitive crime usually refers to crime where items are stolen whether from a person or premises (for example, theft, robbery and burglary).

22 See for example Local to Global: Reducing the Risk from Organised Crime and Europol Organised Crime Threat Assessment 2011.



# Strategy and governance

## National strategies

- 2.1 Organised crime, and to a lesser extent serious crime, demands both national organisation and strategies as well as transnational approaches. Serious crime is largely dealt with by individual police forces with some overarching strategies and co-ordination being led by ACPO. This includes areas such as homicide and cyber-crime. In terms of organised crime, the most current UK threat assessment at the time of fieldwork was issued by the Serious Organised Crime Agency (SOCA) (now National Crime Agency (NCA)) for 2009-10.<sup>23</sup> This contained a number of direct links to the organised crime threats in and affecting NI. However, more recently Government announced that the NCA is taking over from SOCA. This was stated to be one of the core mechanisms set out in the strategy to strengthen enforcement activity.
- 2.2 The national strategy indicated that, '*...for the first time [meant that] all the agencies involved in tackling organised crime were working to common objectives and with clear lines of accountability*'.<sup>24</sup> The exception of course is NI where the Assembly has not provided the legislative consent for the full incorporation of the NCA; though Inspectors were aware of efforts by the Department of Justice (DoJ) and others to address the issues arising. While there are a range of views on the NCA, the opinion of many respondents was that its absence will undoubtedly impact on the capability and capacity to tackle serious organised crime in NI. These matters are further addressed in Chapter 3.
- 2.3 During the course of fieldwork for this inspection the Home Secretary issued a renewed '*Serious and Organised Crime Strategy*'.<sup>25</sup> This new strategy was published to coincide with the establishment of the NCA and incorporated changes to threats and learning from previous work. The four pillars of the new strategy (mirroring the national counter-terrorist strategy) are:

**Pursue** - prosecuting and disrupting people engaged in serious and organised crime;

**Prevent** - preventing people from engaging in this type of activity;

**Protect** - increasing protection against serious and organised crime; and

**Prepare** - reducing the impact of this type of criminality where it does take place.

23 The United Kingdom Threat Assessment Of Organised Crime 2009/10 Published By SOCA On Behalf Of The UK Law Enforcement Community and other Government Departments available at <http://www.soca.gov.uk/threats>.

24 Local to Global: Reducing the Risk from Organised Crime.

25 HM Government, Serious and Organised Crime Strategy, October 2013.

- 2.4 The overall aim of the strategy is to reduce the level of serious and organised crime. The Home Office intend to publish an annual report on progress. This is something which the OCTF could examine alongside the other comments made in this report.
- 2.5 While Her Majesty's Inspectorate of Constabulary (HMIC) have conducted previous work in relation to the national response to serious and organised crime,<sup>26</sup> this was based primarily on England and Wales. It noted that the PSNI was working towards a fuller national picture on mapping organised crime groups. A more recent inspection by HMIC touched on matters of organised crime relevant to the national strategic requirements.<sup>27</sup> Again, this made some fleeting reference to NI but was centred on England and Wales. These national strategies are themselves informed by other strategies such as the European Union Organised Crime Threat Assessment, 2011.

## Governance in England and Wales

- 2.6 The governance structure in England and Wales surrounding organised crime can be summarised as follows:
- Organised Crime Ministerial Advisory Group (chaired by the Home Secretary);
  - the Organised Crime Partnership Board (providing local support to police forces via local authorities and other partners);
  - Organised Crime Co-ordination Centre (a national co-ordination centre for law enforcement operations and investigations);
  - the National Crime Agency;
  - regional Organised Crime Units;
  - partner and other law enforcement agencies (for example, Her Majesty's Revenue and Customs (HMRC)); and
  - local Forces.
- 2.7 This differs from the position in NI where the position could be summarised as:
1. the OCTF (chaired by the Minister of Justice);
  2. local Police Service (PSNI); and
  3. partner and other law enforcement agencies (for example, Her Majesty's Revenue and Customs (HMRC)).
- 2.8 The oversight arrangements in terms of policing are provided in England and Wales by the Police and Crime Commissioners and in NI by the Northern Ireland Policing Board (NIPB). The flattened structures reflected locally are seen as more suitable to a small jurisdiction with a single police service.

## The structure of operational responses

- 2.9 The National Intelligence Model (NIM) is a business process used in law enforcement across the UK. It facilitates the organisation of knowledge, informs resource allocation, co-ordinates activity and allows lessons to be learnt from that activity. The Model was designed to drive activity, not just in relation to crime and criminals, but all policing issues ranging from organised crime to road safety.

<sup>26</sup> Her Majesty's Inspectorate of Constabulary – getting organised, A thematic report on the police service's response to serious and organised crime, April 2009.

<sup>27</sup> The Strategic Policing Requirement: An inspection of the arrangements that police forces have in place to meet the Strategic Policing Requirement, HMIC, April 2014.

- 2.10 For the police, the NIM operates at three levels:
- level 1 Area Command – dealing with localised crime and problems;
  - level 2 Force (or inter-force) level – cross border crime and criminals. In the NI context this can be taken primarily to mean the inter-force structures, for example, between District commands and crime operations and to an extent, the cross border issues arising from the land border with the Republic of Ireland; and
  - level 3 National and International – serious and organised crime.
- 2.11 Across England and Wales the threat from organised crime, at the time of inspection, was managed operationally through the Integrated Operating Model (IOM). The IOM enables law enforcement agencies to evaluate and tackle organised crime effectively as well as:
- increase their knowledge;
  - improve their understanding; and
  - provide a coordinated response.
- 2.12 In addition to a number of other strands, the operational elements of the IOM include:
- organised crime group mapping. This allows the police at the strategic levels to identify the resources required to tackle organised crime;
  - a tiered operational response; and
  - effective tasking and co-ordinating (the NIM process).

The operation of the IOM was subject to review elsewhere.<sup>28</sup>

- 2.13 The response to serious and organised crime is also governed nationally by a range of policies and best practice guidance, core among these are:
- the ACPO murder investigation manual;
  - the major incident room standard administrative procedures; and
  - the National Policing Improvement Agency's (now College of Policing) core investigative doctrine.

There are a substantial range of others (some restricted in nature), but the above represent some of the fundamental underpinning guidance.

## Scotland

- 2.14 A close comparator to the NI situation is Scotland. It has a devolved administration with a single police service and the Scotland Organised Crime Task Force (SOCTF). There are clear parallels with the practice in NI with similar strategies and a SOCTF, whose membership is also drawn from central government, police, prosecutors and a range of other agencies. The Prison Service is also represented in Scotland. While this inspection terms of reference did not include the rehabilitation and prison environment, it is acknowledged that *'Prison hinders the ability of organised criminals to operate, but does not prevent it altogether. Some organised criminals continue to manage and direct organised crime groups, commission violent offences and intimidate witnesses from prison.'*<sup>29</sup> Inspectors heard evidence that the position in NI does not differ in this respect. The Prison Service is not currently represented at the OCTF in NI and **Inspectors advocate that the NI Prison Service's Director of Operations is invited by the OCTF to**

<sup>28</sup> In England and Wales.

<sup>29</sup> The National Crime Agency, A Plan For The Creation of a National Crime-fighting Capability, Home Office, June 2011.



**attend its Strategy Group.** This should be linked with a strand of work which examines what can be done to connect and improve understanding of existing work regarding the rehabilitation of offenders in the most serious categories of offences, (where the risk of harm to the community is greatest), and with the aim of the holistic management of serious offenders, both in and out of prison, and reducing the threat of harm which they pose.

2.15 The last available Scottish strategy for dealing with serious and organised crime was published in 2009.<sup>30</sup> That strategy, like its equivalent in NI, takes a slightly different approach from the strategy for England and Wales insofar as its key objectives fall under the headings of:

**Divert** - diversion of individual (especially young people) from organised crime or using its products.

**Disrupt** - disruption of the activities of OCG's;

**Deter** - deterrence through measure to protect communities; and

**Detect** - detection by boosting capacity and improving co-ordination in law enforcement.

2.16 The Scottish action plan included under each of the above objectives outputs and outcomes expected for the short, medium and long term. This more comprehensive and specific approach is seen by Inspectors as beneficial. Other positive aspects of the Scottish strategy included:

- plans to create new offences, for example being involved in or directing organised crime and a statutory aggravation for offences in connection with organised crime;
- a significant strand of work on lifetime management of organised criminals; and
- sector analysis to predict future threats and market dynamics.

These are areas which the DOJ and the OCTF will no doubt wish to keep under close observation with a view to the further establishment of best practice in NI.

2.17 Inspectors were also struck by the simplicity of the key objectives in the Police Scotland's annual plan. There is a clear structure of ownership and responsibility in respect of serious organised crime from senior command through senior leads for each of the four D's (above) and down to local policing level, where again there are appointed leads in each of the local policing areas.

2.18 Other interesting features of the Scotland approach were:

- a bottom-up approach to the allocation of organised crime groups in terms of investigation/allocation;
- divisional Detective Superintendents who are lead responsible officers for Serious Organised Crime Groups;
- processes for sharing of best practice;
- representation of key stakeholders at the Force Strategic Board and also in leading key strands of work; and
- specific and measurable performance measures which, for example, include, '*...to deprive criminals of a minimum of £47m through the use of the Proceeds of Crime Act 2002.*'<sup>31</sup>

There is much to commend the Scottish approach and Inspectors viewed the structured and consistent application of the strategy as an area of best practice which could be adopted.

30 Letting Our Communities Flourish, A Strategy for Tackling Serious Organised Crime in Scotland, The Serious Organised Crime Task Force, Scotland, June 2009.

31 Scottish Police Authority Board Meeting 4 December 2013 available at <http://www.spa.police.uk/assets/126884/199545/item5>.

## Northern Ireland structures and governance

2.19 The NI Assembly Programme for Government 2011-15 sets out among more than 80 commitments several which relate to serious and organised crime. The commitments, which are shown in Table 1, are more specific than some others in the Programme for Government while not specifically mentioning organised crime.

**Table 1: Summary of Programme for Government Commitments relevant to serious/organised crime<sup>32</sup>**

Commitment	Milestones/Outputs		
	2012-13	2013-14	2014-15
Tackle crime against older and vulnerable people by more effective and appropriate sentences and other measures.	Consult Lord Chief Justice on inclusion of older and vulnerable people in sentencing guidelines initiative.	Any necessary legislative changes taken forward as part of DOJ legislative programme. Develop programme of measures to reduce fear and increase confidence in older and vulnerable people.	Implement programme of measures.
Reduce the level of serious crime.	Publish final cross departmental Strategic Framework on Reducing Offending. Deliver against Protection and Justice elements of 12/13 Domestic and Sexual Violence action plan and contribute to development of new Domestic and Sexual Violence Strategy and action plan.	Implement 90% of agreed Youth Justice Review recommendations. Finalise, and deliver against Protection and Justice elements of new Domestic and Sexual Violence Strategy.	Deliver joined up oversight, evaluation and publication of reducing offending interventions. Deliver against Protection and Justice elements of new Domestic and Sexual Violence Strategy Develop and action a desistance strategy for offenders to cover custodial and non-custodial settings.

<sup>32</sup> Programme for Government 2011-15, Northern Ireland Executive.

## The Organised Crime Task Force (OCTF)

- 2.20 One of the core mechanisms for co-ordinating law enforcement activity across NI Departments and other sectors is the OCTF. Its mission is, '... to help secure a safe, just and prosperous society in Northern Ireland by confronting organised crime through a multi-agency partnership between central and NI Government Departments, law enforcement, the Policing Board, the business community and the community at large.'<sup>33</sup>
- 2.21 The OCTF was established in NI in 2000 and came under the auspice of the DoJ post devolution in 2010. It does not assume any operational responsibility. That remains the individual focus of the law enforcement agencies operating in NI.
- 2.22 The OCTF has developed the 2012-14 NI Organised Crime Strategy (NIOCS). This has three main objectives which are:
- to tackle organised crime and put the perpetrators not only out of business but, where possible, before the courts;
  - to highlight the successes of the OCTF, so that its work is known and supported; and
  - to help the various communities in NI that have been affected by organised criminal activity.
- 2.23 It has three core strands of work which are shown in Table 2.

**Table 2: The NI Organised Crime Strategy objectives**

Awareness	Analysis	Action
To raise awareness of organised crime within Northern Ireland in terms of its impact and how the public can help agencies to combat and prevent it. To demonstrate success against organised crime thereby providing assurance to the wider public and all agencies concerned.	The proactive research and analysis of the current and emerging threats from organised crime so that the collective resources of OCTF partners and the Northern Ireland community may be targeted appropriately.	Raising awareness and developing detailed analysis products will assist law enforcement agencies to take action against crime gangs with a view to 'frustrating, disrupting and dismantling' <sup>34</sup> them, bringing them before the courts, prosecuting them, removing their assets and supporting those affected by organised crime.

- 2.24 The OCTF principle governing groups are the Stakeholder Group, chaired by the Minister of Justice, and the Strategy Group, chaired by a senior DOJ official. There are also a number of OCTF subgroups working to the overall NIOCS strategy and action plan. These are shown in Table 3.

<sup>33</sup> <http://www.octf.gov.uk/> Accessed: 2 January 2014.

<sup>34</sup> Taken from the Northern Ireland Organised Crime Strategy, January 2012-March 2014, Organised Crime Task Force:

**Frustrated** - the arrest and/or instigation of criminal proceedings against one gang member (not main principal) for an offence which would normally warrant a prison sentence.

**Disrupted** - the arrest and/or instigation of criminal proceedings against two or more gang members (not main principal) for an offence which would normally warrant a prison sentence.

**Dismantled** - the arrest and charge/or instigation of criminal proceedings against all the main principals for an offence which would normally warrant a prison sentence.

**Table 3: Organised Crime Task Force sub-groups**

Criminal Finance Intellectual Property Crime Immigration and Human Trafficking Publicity Drugs Legal Armed Robbery Cross Border Fuel Fraud Cybercrime Strategy Group
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2.25 While there is no equivalent to the OCTF in England and Wales, the practice there has recently been moving towards the creation of Threat Reduction Boards/Strategic Governance Groups. It has been advocated by HMIC that the arrangements in NI (and also in Scotland) are more advanced than those in England and Wales. HMIC indeed noted recently that ‘...there is still much to be learnt from the approaches in these two devolved administrations.’<sup>35</sup>

### Northern Ireland Policing Board (NIPB)

2.26 The NIPB Performance Committee is responsible for monitoring PSNI performance in the area of organised crime. The PSNI regularly updates the Board on performance and progress against the Policing Plan. The NIPB is also represented on the OCTF Stakeholder group by its Chair and Vice Chair and this helps consistency of approach and information sharing between the two.

2.27 The NIPB Policing Plan for 2014-17 reflects recommendations made by the Northern Ireland Audit Office. The Policing Plan sets out a range of quantitative and qualitative performance indicators and measures. Some of the most relevant indicators included in the plan are set out in Table 4 below:

**Table 4: Relevant Policing Plan performance indicators and measures**

Outcome	Indicator	Measure
Reduced crime and antisocial behaviour.	Reducing the harm caused by drugs in local neighbourhoods.	To continue to support local PCSPs and key stakeholder initiatives aimed at removing illegal drugs from the community and reducing the community harm caused by drugs. Reporting seizures and outcome rates to demonstrate improvements to the Board.
Crime Outcomes.	The rate of crime outcomes achieved.	To increase by 2% points the overall rate of crime outcomes achieved using a range of appropriate disposal methods.

<sup>35</sup> From Street to Strategic: Tackling Organised Crime, Her Majesty’s Inspectorate of Constabulary, 2013.

Reduced levels of activity and harm caused by individuals or gangs involved in organised crime.	The impact on organised crime.	Demonstrate progress in tackling individuals and gangs involved in organised crime and reducing their activity levels by reporting on: <ul style="list-style-type: none"> <li>• the number of individuals or organised crime gangs whose activities have been frustrated, disrupted and dismantled;</li> <li>• the actions taken to reduce the harm caused by human exploitation; and</li> <li>• the actions taken to reduce the harm caused by drugs.</li> </ul>
Reduced level of violent crime.	The level of violent crime.	An increase of 1% point in the outcome rate for Rape Crime.  To report to the Policing Board on the number of officers reporting injury through Public Disorder and the measures taken by PSNI to mitigate this.  To work with local PCSPs to reduce the number of non-domestic violent crimes involving injury.
Reduced level of violent crime.	Tackling crime and protecting the public.	To report on actions taken to reduce the number of paramilitary-style attacks, including partnership initiatives with communities.
Enhanced confidence and reassurance to the public through our response to risk and harm.	Critical Incident Management (Managing critical incidents and restoring public confidence): <ul style="list-style-type: none"> <li>• Civil contingencies (emergency procedures, casualty bureau and disaster victim identification);</li> <li>• Public disorder (responding to sustained periods of public disorder including the command, planning and deployment, tactical options and training);</li> <li>• Major investigation and public protection (responding to public protection and major investigation issues, e.g. child abuse and child sexual exploitation);</li> <li>• Cybercrime (protect the public against emerging threats online from organised crime gangs and hackers);</li> <li>• Police action against drugs; and</li> <li>• Police action against organised crime.</li> </ul>	To provide the Policing Board with a six monthly report on the PSNI view of the threats against each category including: <ol style="list-style-type: none"> <li>1. identification of, and plans to address these threats and risks;</li> <li>2. the extent of collaboration (where appropriate) with other relevant agencies and police services;</li> <li>3. resource allocation and prioritisation against each category; and</li> <li>4. details of communication strategies or campaigns to enhance public confidence and reassurance.</li> </ol>

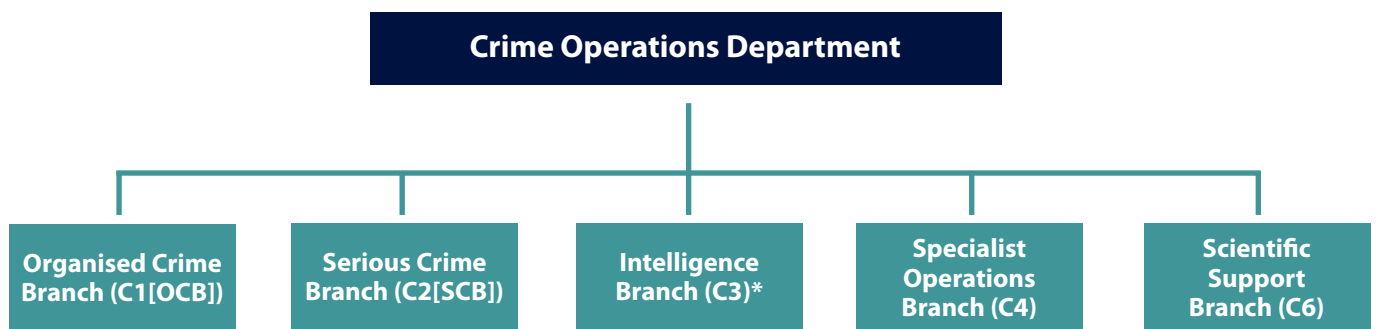
## Policing structures in England and Wales

2.28 The structures for dealing with serious and organised crime in England and Wales differ from those in NI. In terms of serious crime individual forces decide on the structures applicable but, for the most part, there is a system of major investigation teams with some being shared regionally between forces. In this latter respect, PSNI structures are broadly comparable. In the area of organised crime however, there is a more marked difference. In England and Wales there are separate Regional Organised Crime Units (ROCU) which are a collaboration among regional forces. There are a total of nine ROCUS across England and Wales. The funding and functions of ROCUs are shared between the collaborating forces with some additional 'matched' Home Office funding. Similarly, in England and Wales there is a network of Counter Terrorism Units which attract separate and distinct funding. In this way, the response to organised crime and terrorism are distinct separated entities with their own dedicated resources supporting capability and capacity in these areas.

## PSNI structures

2.29 A graphical representation of the core branches of the Crime Operations Department is shown in Figure 1. It is this department which currently holds core responsibility for serious and organised crime interventions and is described further in paragraph 3.11.

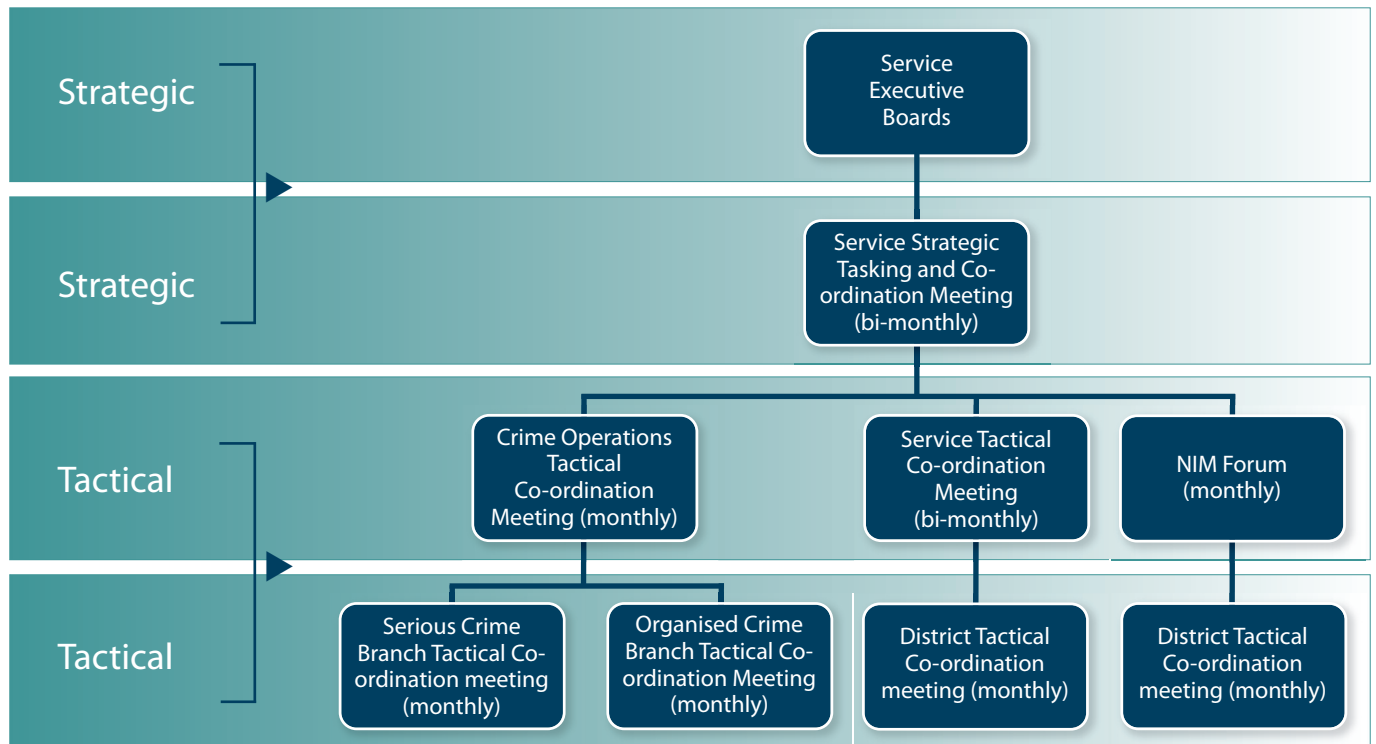
**Figure 1: The core structure of Crime Operations Department, PSNI**



\* The former Analytical Support Branch (C5) has been subsumed into C3.

2.30 Inspectors found the internal governance frameworks within the PSNI were largely satisfactory. There was a clear and present implementation of the NIM framework throughout the areas of serious and organised crime and extending to the strategic and executive governance. The framework of governance is graphically mapped out in Figure 2.

**Figure 2: PSNI strategic governance framework for the operational delivery of policing serious and organised crime**



- 2.31 The inclusion of partner agencies was a strength both in terms of governance and operationally, in terms of liaison and intelligence sharing. This extended to secondments and the embedding of officers internally and externally from partner agencies. This is seen as a significant and constructive approach embracing partnership working.
- 2.32 Inspectors fieldwork suggested that some areas for improvement included:
- the replication of the attendance of key stakeholders at strategic level meetings. This could include, for example, representatives of the DOJ, the Public Prosecution Service (PPS) or independent members of the Audit and Risk Committee;
  - the recording of all strategic decisions (as opposed simply to actions as happens currently);
  - a review of the existence of the NIM forum given internal concerns about its utility;
  - the attendance of both Territorial Assistant Chief Constables at the Service Strategic meetings; and
  - a greater focus on and use of criminal business/problem profiles and tactical assessments, together with a more broad focus on the existing control strategies and performance against these at the Crime Operations meetings.

## Assessment

- 2.33 There are some differences in the strategic governance frameworks in NI when compared with England and Wales. The NI framework could be said, in some respects, to be more developed with structures such as the OCTF, albeit with splintered accountability mechanisms. There is no single body which can take responsibility for the issues or the responses and the outcomes. This is among the main findings of this

inspection. For example, each of the law enforcement agencies is responsible to their own sponsoring Departments or to the NIPB. The Home Office Immigration and Enforcement Directorate<sup>36</sup> and Border Force have significant law enforcement responsibilities and are responsible to the Home Office. Other enforcement agencies such as the Northern Ireland Environmental Agency (NIEA) are responsible to the Department of the Environment, whereas the PSNI are accountable to the NIPB and at the same time have national responsibilities.

- 2.34 While the OCTF has a co-ordinating (strategic direction) responsibility, it has no operational authority or control that might offset the problems arising from the unclear high level governance framework. NI is not alone in this as the governance framework in England and Wales could equally be described as splintered with complex arrangements. The inter-dependencies between agencies and departments also make operational delivery and performance reporting complicated to assess. This report emphasises the importance of co-operation and good partnership working, both individually and collectively across the criminal justice system. Inspectors consider that the findings above make the role of the OCTF even more crucial.

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<sup>36</sup> Formerly the United Kingdom Border Agency (UKBA).

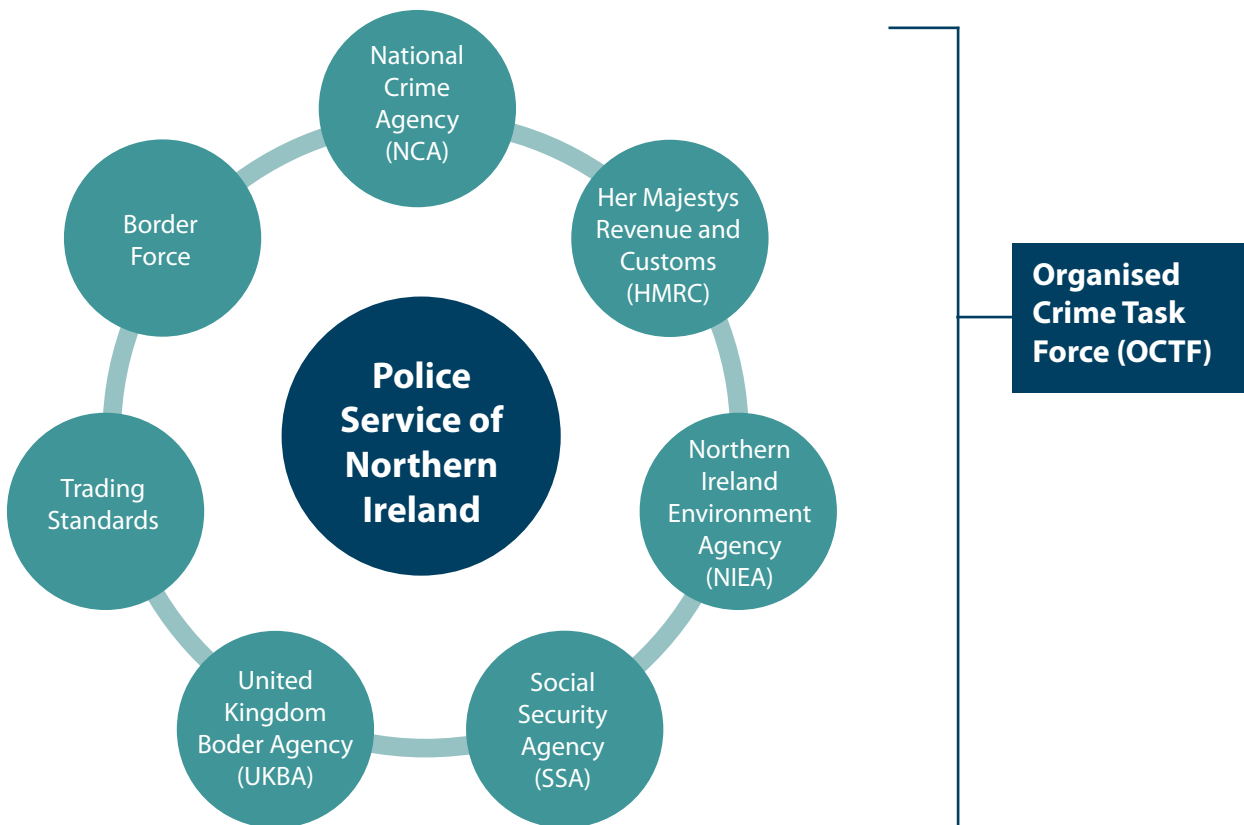


# 3

# Delivery

3.1 The PSNI sits at the centre of the law enforcement landscape in NI. The key agencies are illustrated in figure 3. This chapter considers PSNI delivery, given its central position, but also takes into account the surrounding co-ordinating, support and partnership arrangements commencing with the delivery work of the OCTF.

**Figure 3: The key law enforcement agencies in Northern Ireland**



## Organised Crime Task Force (OCTF)

- 3.2 The OCTF has no role in operational delivery - it operates primarily in a co-ordinating role and 'facilitates' joint working/operations and information sharing. To this extent, it can influence delivery. In its co-ordinating role its usefulness as a model of good practice is recognised and CJI recommended a similar co-ordinating group in dealing with legacy related issues within the CJS<sup>37</sup>. The facilitation of collaboration, information sharing (even on an informal basis) and the co-ordination of significant strands of enforcement and other work are regarded as key aspects of the OCTF. Inspectors concluded these were certainly core strengths of the current arrangements, but there are opportunities to further expand the effectiveness of the arrangements; to refine the OCTF attention to its overarching purpose and to develop meaningful pathways to improved outcomes.
- 3.3 It was clear that the intent of the OCTF and the NIOCS in particular was fitting. It stated, *'The production of this Northern Ireland Organised Crime Strategy (NIOCS) is intended to bring focus to the collective work of the OCTF and to set a framework within which all partner agencies agree to operate together. The Strategy considers how the major threats are to be identified and mitigated and has been organised under the headings of Awareness, Analysis and Action.'*<sup>38</sup> Similarly the OCTF mission is regarded as apt and can be paraphrased as *'...confronting organised crime through multi-agency partnership...'*<sup>39</sup>
- 3.4 That no operational control is held by the OCTF is entirely understandable in the context of the statutory and other independence assumed by various law enforcement agencies and partners. In addition, the OCTF does not manage performance, given that it has no operational control. However, Inspectors believe that performance application and operational co-ordination of priorities could be further strengthened. Inspectors recognise this must be achieved by agreement. Secondly, its purpose should be to observe and co-ordinate collective performance, to provide a shared focus, and to advise and guide rather than provide a single accountability mechanism. In other words, to co-ordinate meaningful action and work on outcomes in the partnership effort, across both law enforcement agencies and government. A mechanism to collectively challenge and hold all parties to account on agreed priorities set in the NIOCSF must be found for the OCTF to take the next steps towards even greater effectiveness.
- 3.5 The current NIOCS while a transitory one, does not include SMART actions nor the appointment of senior responsible leads for the activities planned. Inspectors believe each of the strands require senior responsible owners to ensure both delivery and a degree of accountability. Evidence suggested that the OCTF and some of its sub-groups had not strongly prioritised and therefore maximised the opportunities its structures present.
- 3.6 An examination of principle threats reported by the OCTF for the previous three years revealed there was a continuing and consistent threat posed by drugs and organised immigration crime. It also demonstrated the emergence of new threats such as cyber crime and revealed some variability such as fraud which was a key threat in 2011, but not in either 2010 or 2013.<sup>40</sup> Similarly, environmental and waste crime was not noted as a principle threat in either 2011-12 or 2012-13, but had been in 2010-11. It would therefore be useful for the OCTF to indicate clearly which are the priority threats and align these with specific objectives and harm reduction strategies.

37 The Cost and Impact of the Past on Criminal Justice Organisations, Criminal Justice Inspection Northern Ireland, November 2013.

38 The Northern Ireland Organised Crime Strategy, January 2012 – March 2014, Organised Crime Task Force.

39 Organised Crime Task Force, Annual Report and Threat Assessment, 2013.

40 This could be for a range of reasons, including the absence of evidence or intelligence for the period.

- 3.7 Bearing in mind the OCTF's overarching aim is to set priorities for tackling organised crime, Inspectors considered it could usefully re-focus its efforts and refine its purpose which should include:
- to undertake a more focussed role in monitoring collective performance in respect of organised crime (confronting organised crime);
  - to provide specific harm reduction strategies (including, for example, in education and awareness);
  - marketing (see comments on media strategies below);
  - monitoring and co-ordinating the strategic response to emerging threats;
  - influencing, facilitating and co-ordinating effective action through partnership working between agencies and Government Departments; and
  - to provide a focus on solving reasonable problems encountered by law enforcement agencies in respect of organised crime.
- 3.8 Inspectors suggest the OCTF should lead on a more aggressive media strategy aimed at keeping the public informed of the threats in organised crime, assisting preventative strategies and enhancing the impact of work undertaken. This could, for example, include:
- a quarterly update bulletin (published and available on the OCTF website);
  - a more proactive approach to informing the public of the impact of law enforcement activity (and court outcomes) in preventing harm; and
  - public information campaigns supporting preventative work.

These activities could be linked to assessments of impacts arising and of the harm reduced through the collective work of the agencies represented in the OCTF.

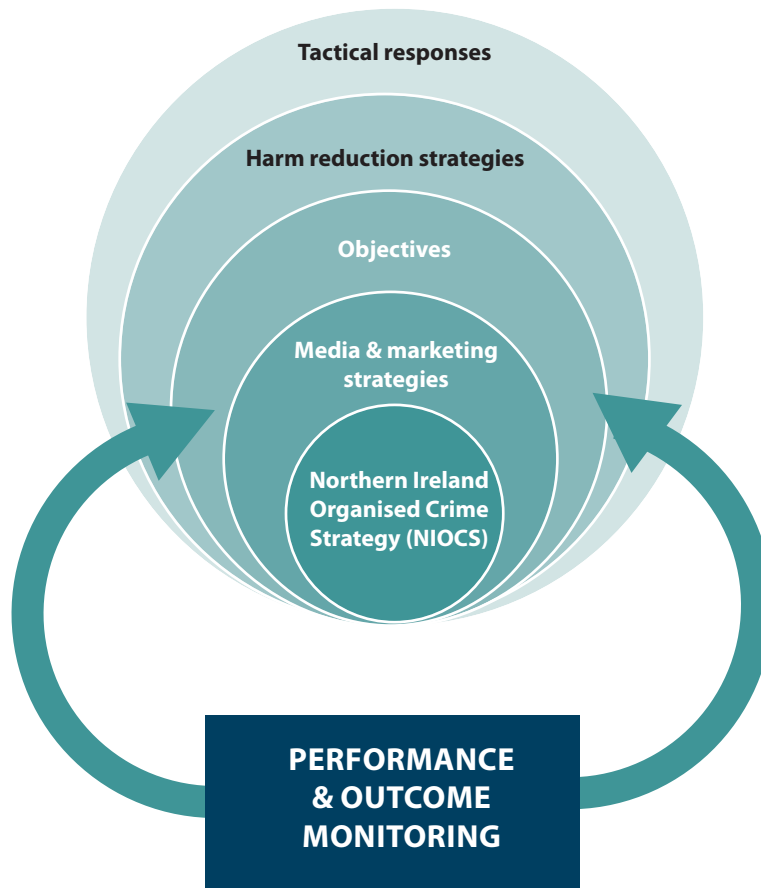
- 3.9 Inspectors also felt that the OCTF Annual Report and Threat Assessment had some scope for enhancement. There was, for example, limited assessment of the overall threats and the impacts of activity. The reports concentrated on a description of criminal activities and a range of operational successes. The report also considers calendar years, whereas much of the commentary and statistics relate to financial years and this seems out of step with a general trend towards the use of financial year data and reports.

## Strategic recommendation

- 3.10 Inspectors considered **the OCTF should develop a new jointly agreed strategy with clear outcomes focused on co-ordinated joint enforcement operations and linked to explicit underlying harm reduction strategies. This should be in place one year following the publication of this report.**

This could include, for example, a specific outcome focus on prevention through education and awareness. Inspectors present in figure 4 a graphical representation of the envisaged process, but the core of this should be that the OCTF does not become an end in itself, but rather a means to the end of improved outcomes and harm reduction.

Figure 4: The CJJ envisaged business process of delivery for OCTF



## The PSNI

- 3.11 The full range of serious and organised crime policing occurs within the PSNI District Policing model. All law enforcement activity is geographically delivered in the eight policing Districts across NI. The primary delivery mechanism in the PSNI for the highest risk serious and organised crime policing is the Crime Operations Department who provide a highly specialist service complimenting local policing. The Crime Operations Department is responsible for conducting the most complex and high-risk police investigations into organised crime and serious crime, including murder, terrorism and the investigation of organised crime groups. Teams of detectives work with other in-house specialists, including crime analysts, scientific support officers and staff, to deliver expert investigations and manage intelligence.
- 3.12 The Department has been in existence since 2004 following a series of critical reports.<sup>41</sup> Among the primary issues of concern arising were:
- exhibits handling;
  - intelligence sharing; and
  - the resourcing and structure of major crime investigations.

<sup>41</sup> The report of Mr Dan Compton published in November 2002; The Report of Mr David Blakey, HMI, May 2003; and The report of Sir John Stevens (Stevens 3) published in April 2003.

- 3.13 The Crime Operations Department currently consists of a number of Branches for the purposes of operational delivery. These have been set out earlier at Figure 1. Each of the Crime Operations Department Branches are headed by a Detective Chief Superintendent as Branch Commander, with the exception of C6 which has a civilian head. The former Analytical Support Branch (C5) has recently been subsumed into C3 Branch.

## Structure and Resources in Crime Operations Department

- 3.14 The work of the Crime Operations Department invariably involves highly specialist functions. The budgets for PSNI's Serious and Organised Crime Branches are substantial at £37m in 2012-13. In addition, a significant amount of the additional £245m funding granted in 2011 by the NI Executive and Treasury to the PSNI for security is being spent on matters of serious crime (terrorism). While clearly not reflecting the totality of spend on serious and organised crime, this provides an indicator of the level of investments.
- 3.15 The Crime Operations Department cannot be compared either in operational or resource terms to generalist policing (i.e. neighbourhood or response policing). Inspectors have previously reported on the nature and costs of investigations concerning the past.<sup>42</sup> Indeed, the context of policing is also significantly diverse; with funding structures differing substantially from England and Wales where both counter-terrorism and the policing of organised crime at the highest levels are funded separately. While direct comparisons are difficult, benchmarking in terms of efficiency and effectiveness should nonetheless be undertaken. CJI made this specific recommendation in the 2013 inspection report *'Finding the Balance: matching human resources with priorities in the Police Service of Northern Ireland.'*<sup>43</sup>
- 3.16 During the course of inspection no clear coherent rationale for the resourcing of much of the Crime Operations Department including the Organised Crime Branch (OCB) and the Serious Crime Branch (SCB) was provided to Inspectors. There had been no formal structured review of the Crime Operations Department since its establishment in 2004 and despite some impacts and rationalisations of the HR profile which were focussed on different themes (such as *'Resource to Risk'* (R2R)), these did not fundamentally address the overarching issues which centred on a combination of demand modelling and risk, threat and harm. Inspectors have previously recommended the PSNI should conduct pan-business demand modelling<sup>44</sup> and this should be viewed as central to the future structure and work of the Crime Operations Department, but clearly set alongside issues of threat, risk and harm.
- 3.17 The PSNI advised that its Service First programme<sup>45</sup> would, in time, address the issues of demand, structures and resources. But, Inspectors were concerned that this programme had, at the time of fieldwork, only limited impact in the Crime Operations Department and secondly that there was an absence of evidence which linked the Service First programme with other significant outstanding strands of work including a review of the strategic management of the Criminal Investigation Department (CID) and, at the time of inspection fieldwork, the strategic oversight and management of Public Protection Units (PPU's). There was not any plan or mechanism which addressed the gaps between the District responses to matters which could be described as serious and organised crime and the specialist policing

42 The Cost and Impact of the Past on Criminal Justice Organisations, Criminal Justice Inspection Northern Ireland, November 2013.

43 Finding the Balance: matching human resources with priorities in the Police Service of Northern Ireland, Criminal Justice Inspection Northern Ireland, Belfast May 2013.

44 Ibid.

45 Service First is an efficiency programme reported in the 2012-15 Policing Plan.

of the Crime Operations Department. Inspectors would like to see realisable benefits in terms of the strategic gaps identified between the control and management of local CID and of the PPU's; both of which were isolated from the Crime Operations Department.

- 3.18 Inspectors were informed of some early discussions on the subject of structures which were taking place, but saw no firm evidence of a coherent strategy. As a minimum, the gaps in terms of the management of local CID officers (and consequently the issues of focus and attention to matters of serious and organised crime) require a structure which is more connected than is currently the case. Without diluting the operational control of local District Commanders in terms of day-to-day issues, closer links and ties should be forged with the Crime Operations Department - a matter linked to paragraph 3.39. Secondly, responsibility for the professional control of all investigating detectives lies with those specialists whose career profiles and experience lends them to in this area. This means that the **PSNI should appoint a single senior detective officer to become the professional head for all investigating detectives.**<sup>46</sup> This officer should, in conjunction with others and meeting national benchmarks, set the standards for both professional accreditation and investigating protocols<sup>47</sup>. The same officer should lead the relatively newly formed PSNI 'Investigative Standards Committee'.

## Performance and costs

- 3.19 Inspectors found that performance regimes within the Crime Operations Department could be stronger. There was a variety of evidence highlighting areas for improvement. This included the lack of SMART targets in some areas, a lack of consistency between Departmental and Branch plans and other strategies and also a deficit in consistent performance focus in some areas. Inspectors fieldwork indicated there could be a greater focus on the costs associated with investigations and enquiries as there was an absence, of any significant cost and impact analysis. Inspectors acknowledge that in the most high risk investigations and enquiries inputs, outputs and costs are not the deciding factor, but the cost information to make judgements must become more of a customary activity in order to maximise efficiency and effectiveness. As an area for improvement, the **PSNI Crime Operations Department should review its performance systems to ensure meaningful target setting, performance monitoring and consistency of approach. It should also seek to incorporate the costs and impact of serious and organised crime investigations into its management and performance information.** This could include, for example, a broad measure of the impact of investigations measured against cost and would provide senior management with a further useful tool in a more comprehensive analysis of performance.
- 3.20 A matter which was generic across the area of serious and organised crime concerned the issue of post incident investigation. As existing performance indicators concentrate solely on the preparation of files within administrative time limits, this can have the perverse effect that concentration on the important aspects of quality and particularly of post charge investigation (including disclosure, trial preparation and conduct) becomes invisible at management level. This can contribute significantly to a range of other problems such as poor quality files and subsequent linked challenges. Furthermore, it fails to recognise the significant resource investment applied and required in this area. It is acknowledged that some significant influencing factors lie outside the control of the PSNI. However, these should not inhibit adjustment in this area and a focus on what can be controlled.

<sup>46</sup> This excludes Detectives in the field of intelligence work who require diverse skills.

<sup>47</sup> The investigative protocols ideally should straddle both volume and serious crime investigations.

## Operational recommendation

**The PSNI should introduce performance indicators which include and recognise the need for effective and timely post charge<sup>48</sup> investigations (including trial preparation and management) in all crime investigations.**

Such targets should be recognised as a vehicle to drive positive behaviours, including investigative exactitude and timely outputs. For practitioners, it also recognises the considerable commitments required in this area and meets best practice in performance measurement; which should always be relevant to and reflect the material work.

## Crim-net

- 3.21 As the primary vehicle and process for OCG assessment (mapping) within the PSNI, Inspectors sought assurances on the validity of the Crim-net process and found evidence it met best practice standards. The PSNI was linked to national OCG mapping and had developed the Crim-net model to adapt it to the NI context. The process and scoring of OCG's for example included weighted assessments of a range of issues including expertise/sophistication and community harm.
- 3.22 The PSNI has invested considerably in Crim-net, including extending this to national security matters. However, there is an opportunity for further development in terms of its utilisation in performance/review and, in particular, the assessment of impact.

## Analytical Support (formerly C5)

- 3.23 Analysts are vital to the operation of the Crim-net process. The PSNI has significantly developed the use of analysts over the last number of years. Feedback from stakeholders was overwhelmingly positive with regard to the support and value analysts added to the process of investigation and to the underpinning business procedures.
- 3.24 Analytical services had been moved from being a separated branch with its own leadership into the Intelligence Branch (C3) in April 2011. The PSNI advised the analytical resource to serious and organised crime functions had been dedicated and increased for serious crime. There were also plans to review the structure of analytical services including how Districts were supported. However, there was a broad concern surrounding a perceived downgrading of the position of analysts and, in particular, their independence. Inspectors heard of concerns that within the intelligence function the crime analysts role in the provision of evidence products would increasingly, over time, become diluted.
- 3.25 It is imperative that the principles underpinning the deployment of analytical services are maintained. This means a degree of independence which should allow analysts to challenge and, for crime analysts, to maintain a focus on providing results which could be used in evidence. A system of professional development which would see proficiency being maintained and enhanced would also be beneficial.

<sup>48</sup> This should also include the reporting of a person with a view to prosecution.

## Organised Crime Branch (OCB - C1)

- 3.26 The OCB has organisational responsibility for frustrating, disrupting and dismantling the most prolific and dangerous organised criminals operating in Northern Ireland. It also offers the services of trained officers in the delivery of protection arrangements<sup>49</sup> and the management and de-briefing of assisting offenders.<sup>50</sup> It is structured into eight different investigating teams who are allocated investigations based on analysis of their threat risk and harm. This work is supported by Crim-net.
- 3.27 There was strong evidence of the need for flexible teams who target the crime groups and their criminality, rather than a specific crime type; albeit there remains the need for some limited areas of very distinct specialism within the realm of organised crime and for appropriate balance between the two. The former is apparent in areas where a dynamic and highly specialised response could be critical to success. Good examples are complex fraud and blackmail. Further commentary is offered at paragraph 4.13.
- 3.28 The inspection also found there was evidence of scope for improvement in the police response to some areas such as:
- the structure of fraud investigation. Inspectors considered that the PSNI should review and develop its approach to the investigation of fraud which ensures there is a central co-ordinating and support mechanism for fraud investigation which is also further linked to national structures. Secondly, that adequate training and support is provided to all officers who are charged with the investigation of fraud; and
  - the application of national best practice in the area of kidnap and blackmail/extortion (including the training/accreditation and appointment of investigating officers).

## Serious Crime Branch (SCB - C2)

- 3.29 The purpose of the SCB is to lead and provide support for the PSNI in relation to the structured investigation of homicide offences, the investigation and management of stranger and adult rape offences, major terrorist incidents and the investigation of all other 'complex and major' incidents. In addition, the SCB provides service wide support in the areas of E-crime (technical evidence recovery), the major enquiry management systems (HOLMES), the formal review of major crime enquiries and Child Internet Protection. Within the broader context of national best practice, the area of homicide investigation is best described as 'major crime'. Most of the areas of criminality coming within the remit of the SCB can also simultaneously be described as 'serious crime'. The structural areas of the SCB and their designated delivery units are set out in Table 5.

49 Concerning protected persons (including witnesses).

50 Assisting offenders as set out in the Serious Organised Crime and Police Act 2005.



**Table 5: The structures and sub-units of the PSNI Serious Crime Branch**

Sub-Unit	Designation	Acronym
Major crime and homicide investigations	Major Investigation Teams	MIT
Rape crime (all stranger and adult rape offences)	Rape Crime Unit	RCU
Child internet pornography	Child Internet Protection Team	CIPT
Major crime review function	Serious Crime Review Team	SCRT
Historical murder review unit <sup>51</sup>	Retrospective Major Investigation team	ReMIT
Major enquiry teams (administrative system)	Home Office Large Major Enquiry System	HOLMES

3.30 The basic operating model for serious crime differs from that of organised crime. The challenge of organised crime requires a more apparent and effective multi-agency and cross departmental approach than does serious crime. Serious crime relies primarily on highly specialised investigators with partnership working becoming increasingly important in the area of prevention. Arising from the broad range of Inspectors assessments, the core structures and the capability and capacity of the SCB were found to be generally fit-for-purpose. However, there were, in common with other distinct areas of capability, a number of areas for improvement.

3.31 The issue of legacy investigations was among the most significant issues affecting the SCB. Once again Inspectors point to their previous work on this issue<sup>52</sup> which pointed out that this represented some 40% of the workload for the Branch and was said to be ‘diluting’ its effectiveness. The findings of HMIC in its work on the Historical Enquiries Team,<sup>53</sup> resulted in 18 cases concerning deaths where the British Army were involved being referred to the SCB for investigation. It was also clear that the matter of legacy investigations had a wider impact across the PSNI.

3.32 While there was no separate violence/homicide reduction strategy in place for the SCB, there was clear evidence of reduction initiatives (e.g. the ‘One Punch’ campaign) which were being managed via the overarching control strategy. Direct links to issues such as domestic violence were however less apparent.

## Operational recommendation

**Improvement could be made by the provision of a clear homicide reduction strategy for the PSNI which links and addresses the primary known factors in homicide.**

3.33 Inspectors examined standards within serious and organised crime including the review process for investigation. It was found that the review function had been severely limited over a considerable period and a backlog of reviews had resulted. **The PSNI should put in place contingency arrangements for the uninterrupted review of major crime cases where demand is exceptional.**

51 This differs from the Historical Enquiries Team insofar as it examines cases which were outside the remit of the HET and occurring between 1998 and the formation of Crime Operations.

52 The Cost and Impact of Dealing with The Past on Criminal Justice Organisations in Northern Ireland, CJI, November 2013.

53 Inspection of the Police Service of Northern Ireland Historical Enquiries Team, Her Majesty’s Inspectorate of Constabulary, 2013.

- 3.34 The PSNI high tech evidence recovery capability is provided primarily by the PSNI E-crime unit which is part of the SCB. Additional capability is provided elsewhere in the PSNI including some at local District level. Capabilities were weakened by a divergence of capacity and demand. Given the potential impact of delays in the CJS together with the exponentially growing availability and use of technology in society, this issue will need to be kept firmly within the view of strategic decision makers.

### Operational recommendation

**The PSNI should conduct a specific resilience review for its E-crime Unit which should include consultation with stakeholders and benchmarking against best practice in the UK.**

It is also considered that supplementary assurances are required in this area and Inspectors highlight further linked matters in paragraph 3.41.

### Specialist support structures for serious and organised crime (C3 and C4)

- 3.35 The primary strategic structures which support the policing of serious and organised crime are provided by the PSNI Intelligence Branch (C3) and the Specialist Operations Branches (C4). The former provides an intelligence support and analytical function while the latter provides, for example, specialist firearms officers and surveillance.
- 3.36 The provision of quality assessed intelligence is a vital component of very many serious and organised crime investigations and indeed of the analysis which underpins strategy. This intelligence lifeblood is largely provided by Intelligence Branch. The findings insofar as the support to serious and organised crime is concerned were clear as primarily positive. The overwhelming majority of staff were highly complimentary of the work and worth of Intelligence Branch and, for example, the relatively recent development and amalgamation of the previously separate serious and organised crime support teams received high acclaim. Equally, the work of the Specialist Operations Branch was highly valued and sought within the PSNI.

### PSNI District policing responses to serious and organised crime

- 3.37 Inspectors found a range of matters concerning the local District policing response to serious and organised crime that indicated that deficits in the balance of work and focus. There was evidence of the need for re-balancing arising as the Crime Operations Department was seen as primarily responsible for serious and organised crime and, secondly, District policing had not fully integrated the approach to serious and organised crime. Too much of the management and control of serious and organised crime was occurring in Crime Operations and this meant there was a gap in terms of ownership and responsibility at local levels. A large percentage of OCGs were being investigated by the Crime Operations Department (54%<sup>54</sup>) while Districts led on less than a quarter (23%). The remaining 23% of OCG's were allocated to others, including other law enforcement agencies, or were unallocated at the time of inspection. This contrasts, with the approach in Scotland where specialist organised crime teams investigated the top 20% of OCGs, while the remainder were managed by local police Districts.

54 Figures have been rounded up.

- 3.38 This should mean a shift from the major controls of centralised and specialist policing to one where there is a more tangible bottom-up approach - rather than a top-down one as characterised by the current working practices in the PSNI. Inspection work indicated that there was a need for:
- more ownership of the issues surrounding serious and organised crime at District level and processes which, subject to appropriate support and thresholds, passes those relevant areas of risk and harm to the centralised/specialised policing functions;
  - tackling serious and organised crime to be integrated and escalated through the PSNI to become part of and complimentary to policing with the community, not separated from nor in conflict with it;
  - a stronger structure of learning across the PSNI (straddling Crime Operations and Districts) should be implemented; and
  - a need for all PSNI officers to see themselves foremost as investigators.
- 3.39 There is room for improvement in terms of the District response to serious and organised crime and a role for senior command in embedding it. This should include a consistent approach within District policing and in the underpinning local performance and accountability regimes.

## Strategic recommendation

The main conclusion is that **the investigation of serious (major) and organised crime needs to be established as a core activity across the PSNI. The PSNI should develop an action plan with appropriate action owners and deliverables to provide focus for this and ensure delivery. The action plan should be in place by the end of 2014 and completed by the end of 2015.**

Some other areas for improvement highlighted in this inspection could constitute key strands of such an action plan (see for example the recommendation of a single senior detective officer to become the professional head for all investigating detectives.)<sup>55</sup> District policing will require significant support in achieving such change.

## Internet Crime (cyber crime)

- 3.40 The area of cyber crime and cyber security has been recognised as a high priority within the UK. Government has established the Office of Cyber Security to provide strategic leadership across Government, and to develop and coordinate the delivery of the UK Cyber Security Strategy. Inspectors found that the issue of cyber crime was recognised as an emerging threat within the OCTF who had a cyber crime sub-group. It had also been recognised as a significant issue in the PSNI where there was an underlying control strategy with a senior lead appointed. The PSNI acknowledged that there is much work to be done in this area and was, engaged in the development of a cyber strategy at the time of fieldwork.
- 3.41 It was concerning that despite the different work ongoing in this area, the overall capability was being fragmented and that the PSNI may perhaps quickly fall behind best practice unless further impetus is given to the current work.

<sup>55</sup> This excludes detectives in the field of intelligence work which require additional skills.

## Operational recommendation

**The PSNI delivery of a cyber crime strategy should be part of a broad cyber delivery programme led by a dedicated team with a strong crime response and investigation focus. The programme should also, as a minimum, ensure:**

- **data recording of cyber enabled crime supports strategic decisions;**
- **the approach considers a single strand central structure or consolidates and firmly links the resources across this broad area;**
- **the approach 'future-proofs' the response to cyber crime with a forward-looking vision which also addresses the building of appropriate future capacity and benchmarking best practice; and**
- **the approach provides clarity across all disciplines surrounding the PSNI responses to cyber crime in all its guises.**

Key aspects of work in this area should also include partnership, best practice and securing confidence.

## The partnership approach

- 3.42 Among the most significant agencies in the landscape of serious and organised crime (including in NI) is the NCA. In 2011 the Home Secretary announced the creation of the NCA to lead the UK's fight to cut serious and organised crime replacing the SOCA. The NCA is among the most significant law enforcement agencies operating alongside the PSNI in tackling serious and organised crime. The NCA operates across the UK and became fully operational in October 2013 with the exception of NI where there has been no Assembly agreement (legislative consent) on the extension of its powers.
- 3.43 While the creation of the NCA has had no impact on the PSNI powers to seize criminal assets, and they are still able to refer cases to the PPS to consider applications in the courts for confiscation orders post-conviction, the NCA was planned to be the lead Agency on civil recovery. There is therefore a gap locally in terms of the ability to use these civil recovery powers which are designed to remove assets gained from offences in the devolved arena. Examples would include offences such as armed robbery and human trafficking. In the absence of legislative consent by the NI Assembly, the NCA's work on civil recovery cases in NI is limited to assets gained from crimes in the 'reserved' and 'excepted' fields (matters not devolved to the NI Assembly). NI is likely to see a deficit in terms of the international reach and specialist capabilities of the NCA. Assurances on the determination and resolve of the PSNI and others to ensure that apparent capability gaps were closed, have been given but it is clear that resources which could be used elsewhere were having to be focussed in this area. There are already a number of civil recovery cases linked to organised crime which the NCA cannot progress, and this coupled with some recent court judgements, leave NI more vulnerable to money launderers than Great Britain and Ireland. The PSNI expressed the absence of the NCA assets in NI as '*...hugely disappointing*'.
- 3.44 The relationships and joint working between the PSNI and the NCA was operationally excellent and while some minor frustrations were seen, Inspectors found there were no significant concerns beyond those matters already highlighted publicly by the PSNI and the Minister of Justice. Senior PSNI officers and NCA officials each described noteworthy operational co-operation and joint success. The transitional phase which was just beginning at the time of fieldwork was encouraging, and there was an equal commitment to preventing harm.

- 3.45 A further significant participant in the serious and organised crime context is HMRC. Among the areas of positive co-operation and practice was the secondment of staff between the PSNI and HMRC. Inspectors found evidence that co-operation and assistance between PSNI and HMRC was high and the liaison was both bearing fruit and highly regarded in the collaborating agencies. Practical assistance and co-operation between these agencies was also of a very high level and operational successes against HMRC priorities including fuel smugglers and counterfeiters are continuing. It must also be highlighted that there remain some significant issues and barriers to tackling organised crime generally and specifically, in the arena of fuel smuggling. This concerns the lack of tangible outcomes in the form of arrests, convictions and sentences - matters which have recently been publicly highlighted<sup>56</sup>.
- 3.46 Despite the extent of existing co-operation between the PSNI and HMRC there is no formal protocol or Service Level Agreement in place. It is the approach of senior management which has meant the relationship is excellent and while positive personal relationships are laudable, they are not the basis for a sound relationship.

## Operational recommendation

**The PSNI should lead in the development of a Service Level Agreement with HMRC which underpins and secures the existing positive relationship.**

- 3.47 The Border Force (the former Immigration and Customs control at the UK frontier) has been an operational command within the Home Office since March 2012. It has a critical role in securing the border and protecting communities against a range of harm including terrorism, crime, revenue fraud and immigration abuse at UK borders; whilst facilitating legitimate travel and trade. This includes controls at the borders to ensure those seeking to enter are entitled to do so, through a range of checks.
- 3.48 The Border Force works closely with other agencies and partners who have business at the border to help defend UK interests. This includes the police, NCA, HMRC, UK Visas and Immigration Department (formerly UK Border Agency), and Social Services. Partnership working and co-operation between the Border Force and the PSNI was evident with the PSNI described as a 'major' partner in its day-to-day operations. There was an intelligence sharing protocol in place with the PSNI Intelligence Branch, supported by informal bi-monthly meetings. There was also a clear thread that as a relatively newly reformed organisation, the Border Force were still in a transition phase with more to do in terms of its structures and liaison protocols with other agencies.
- 3.49 There was the potential for some confusion to arise as to the responsibility of agencies in respect of criminality discovered at or transiting ports. The Border Force saw its role as primarily a front line Agency with very limited involvement in further investigations. There was also some ambiguity and vagueness in the procedures, for example, when drugs might be discovered and concerns of 'territorialism' on the part of some. While these issues were not solely concerning the Border Force, Inspectors heard concerns from a range of agencies. For the most part, these matters were dealt with on the basis of common sense discussions between agencies, but this requires more detailed guidance. **The principle agencies involved (PSNI, HMRC, NCA and Border Force) should commission a working group to set out and address the operating procedures for criminality which is discovered or transits NI ports with a view to agreed operational guidelines (or service level agreements) between the various law enforcement agencies in NI.** This should assist operational officers in the various agencies in decision making and ensure there are no gaps.

<sup>56</sup> See for example comments by Robin Newton, MLA, 1 November 2013 widely reported in the media.

- 3.50 The UK Visas and Immigration Department based in Northern Ireland deals with **in-country** abuse of the UK's immigration laws. Its enforcement and crime teams detect, and remove immigration criminals involved in crimes within the UK, whether they have overstayed their visa, entered the country illegally or made an unfounded claim for asylum. The Directorate refers cases to the PPS to consider whether prosecution should take place. Inspectors found there were apparent and appropriate links with a range of partners including with the PSNI, and no significant issues of concern arose during inspection.
- 3.51 Environmental crime is an issue in NI as it is one of the most profitable of crimes. One of the most obvious forms of organised criminality in respect of the environment surrounds the illegal dumping of waste. These are dealt with by the Department of the Environment's Northern Ireland Environment Agency (NIEA) and by the Planning Service. The application of European Directives has increased the cost of legitimately disposing of waste has led to a black market in which unscrupulous operators both transport and dispose of waste illegally and without any concern for the environmental damage caused. These crimes and the damage they cause to the environment and to the economy should not be regarded as marginal.
- 3.52 The issues have been highlighted by the discovery of one of the largest ever illegal waste dumping sites by the NIEA in an area adjacent to the River Faughan near Derry/Londonderry. An estimated total of 516,000 tonnes of waste was also found. The site was in and around a licensed Materials Recycling Facility site. The site was regulated by the NIEA and had a history of repeated non-compliances. Arising from this, a review was ordered into the circumstances. It was conducted by Christopher Mills and reported in December 2013.<sup>57</sup> The review identified that:
- criminality is widespread in the waste industry in Northern Ireland with at least some involvement by organised crime;
  - the regulatory regime for waste has become very complicated and much of it is not working as intended;
  - the Regulatory Service in the NIEA needs to change in order to become more integrated and adaptive. Good intelligence will be vital in order to adopt the appropriate style of regulation. In order to achieve this, sufficient resources must be deployed by the Department; and
  - the clean up cost for the Londonderry site alone is estimated at tens of millions of pounds.
- 3.53 Christopher Mills' findings have significance in terms of the work of CJI and build on previously published reports by the Inspectorate on enforcement within the Department of the Environment in October 2007 and in November 2011. At that time Inspectors noted that, '*Considerable progress had been made since the last (2007) inspection in developing and strengthening partnerships including achieving DOE/NIEA representation at the Northern Ireland Organised Crime Task Force - an acknowledgement that certain types of environmental crime are linked to broader organised criminal activities.*' The report also stated that at that time while working relationships with the PSNI were positive, '*Working relationships with other law enforcement agencies were described as less collaborative due to the different priorities for each Agency!*' The Mills review also stated there was a need to, '*...further develop the intelligence framework and ensure that the joint enforcement capability of Northern Ireland's enforcement agencies is capable of deterring, disrupting and combating waste crime.*'<sup>58</sup> The recommendations in this review are far reaching and will take considerable time to come to fruition.

57 A review of waste disposal at the Mobuoy site and the lessons learnt for the future regulation of the waste industry in Northern Ireland, Christopher Mills, December 2013.

58 A review of waste disposal at the Mobuoy site and the lessons learnt for the future regulation of the waste industry in Northern Ireland, Christopher Mills, December 2013.

- 3.54 The Department of Enterprise, Trade and Investment is responsible for Trading Standards. The main area of concern linking to organised crime surrounds counterfeit goods. The Northern Ireland Trading Standards Service is responsible for enforcing the Trade Marks Act 1994, which prohibits the unauthorised use of trademarks. This is most often associated with market stalls but can also occur in other areas of business. In terms of the working relationships with partner agencies the principle partner is, once again, the PSNI and the relationship is underpinned by an information sharing agreement. No significant issues arose during inspection.
- 3.55 One of the strategic responsibilities of the Department for Social Development is social security benefits dealt with by the Social Security Agency (SSA). The SSA pays out about £4.5 billion in social security on behalf of the Department.<sup>59</sup> This is a vast sum of money and fraud was estimated to account for 0.5% of that at £19.4m in 2011.<sup>60</sup> It has consistently been reported that the fraud seen locally has not been linked with organised crime but rather to individual frauds. Once again, the PSNI relationships were good and they pass a significant number of cases per annum. In addition, there was a recognition that the PSNI work in recognising areas of social deprivation was of assistance and helpful in the relationship. No significant issues were apparent except perhaps that access to the CJS platform which allowed sharing of data did not assist the SSA. Inspectors understand that the Causeway programme had never set out to incorporate additional Agencies such as the SSA and additions to the programme would be both outside scope and potentially prohibitively costly, even if possible at this stage. It was also of note that the SSA was not included in the OCTF strategic group and this could usefully be further discussed with it.

## Prosecution/prosecution strategies

- 3.56 Each year the PPS receives thousands of case files from investigating agencies. The overwhelming majority come from the PSNI (96.1%).<sup>61</sup> A total of 49,628 cases were received in 2012-13 compared with 53,308 in 2011-12.<sup>62</sup> These cases are not categorised by specific reference to serious or organised crime nor is there any overarching policy dictating how serious or organised crime case files are dealt with. Cases arising from the most complex or sensitive investigations are dealt with by the PPS Central Casework Section. Other cases are referred to prosecutors in the PPS Regional Offices and each is considered in the context of the test for prosecution when a case weighting is applied. This case-weighting, while not scientific, provides an indicator of the volume of more serious files. The overall number of cases received in 2012-13 in 'case weight' categories 1-4 (including homicide, serious sexual offences, serious fraud/dishonesty and other grave offences) was 5,864 (11.81% of the total).<sup>63</sup>
- 3.57 Inspectors consulted with prosecutors by way of a survey containing 17 questions managed internally by the PPS. This asked a range of questions with regard to the conduct of serious and organised crime cases and prosecutions (albeit that the issue of definition arises once again). This provided a general picture of the issues arising from a prosecutorial point of view. It was instructive in highlighting the main areas of concern for prosecutors. While recognising that some files relating to serious and organised crime were of a good standard, concerns can be summarised in the following main areas:
- the quality of files (including issues of disclosure) was 'often' a problem and this is demonstrated by the number of Decision Information Requests (DIR's) issued by the PPS. A DIR is issued by the PPS to

59 Department for Social Development, Social Security Agency website <http://www.dsdni.gov.uk/index/ssa/ssani-fraud.htm>.

60 Ibid.

61 46,447 of a total of 48,315 case files received by PPS between 1/7/2012 and 30/6/2013. Source: PPS.

62 Public Prosecution Service for Northern Ireland Annual Report and Resource Accounts 2012-13.

63 Ibid.

investigating agencies where the evidence and information contained in an investigation file is incomplete and a further evidence, written report or action from them is required. Prosecutors reported that *'often extensive DIR is required to cover evidential gaps, disclosure issues and other enquiries.'* Indeed, the time taken for DIRs has been identified as a key issue in delay, particularly in more serious cases. Over half of the indictable prosecution decisions issued by the PPS during 2012-13 required one or more DIRs<sup>64</sup>. An improvement in the preparation of investigation files by investigating agencies should provide significant efficiency savings and the PPS continue to work with the PSNI and others to address these issues. CJI will specifically examine these areas in a forthcoming inspection;

- technical issues with the submission of files were apparent with, for example prosecutors reporting *'...the integrity of electronic files is not assured.'* Current IT systems do not support the evidential ordering of material in the way this is normally ordered in manually prepared case files. Many of the most serious and complex files are submitted manually (i.e. on paper) rather than electronically due to their complexity and this was welcomed by prosecutors who reported that it was simply not feasible to manage these electronically;
- joint investigations can present particular difficulties with a lack of cohesion between papers submitted to the PPS and further complex issues arising surrounding disclosure; and
- ancillary orders are generally taken into account in case files submitted concerning serious and organised crime, whereas this was less prevalent in less serious cases.

3.58 The PPS has a range of protocols/memoranda with investigating agencies which underpin and support the working arrangements. While several of these were signed-off at the time of fieldwork, there were a number of others which were still in draft form. There was a clear commitment to strengthen the working arrangements with a comprehensive set of memoranda which set out the roles and responsibilities of the PPS and relevant Departments and Agencies. Delays had been caused by resource pressures and the changing circumstances of some Agencies and legislation. Progress on these protocols is expected in due course.

3.59 There were differing views on the need for, and availability of prosecutors outside of normal working hours. Some stakeholders highlighted concerns at the absence of formalised out-of-hours arrangements, albeit there was an acknowledgement that many prosecutors did make themselves available at short notice. The PPS have highlighted the fact that many serious and organised crime investigations are long-term, where pre-prosecutorial advice is already available and when coupled with pre-planning and preparation should be sufficient. In addition, investigators are not required to seek the consent of the Prosecution Service before charge, but prosecutors are obliged to review the charges prior to the accused appearing in court and may then amend or withdraw them. CJI considered that stakeholders will need to establish a clear need before this issue can be further addressed. Some agencies were also concerned at 'mixed messages' emerging from the submission of case files and this seemed to result from matters being referred to differing PPS regions and departments (i.e. a lack of consistency in approach). CJI did not consider that a single repository within the PPS for all 'serious' and/or 'organised' crime files was feasible. The investment in jointly managing the failure demands arising from the levels of DIR's and other matters highlighted here would clearly reap benefits and Inspectors heard that a programme of work was just beginning in this respect. All these matters will be examined in greater depth in the forthcoming CJI inspection on file quality and disclosure.

64 Public Prosecution Service for Northern Ireland Annual Report and Resource Accounts 2012-13.



## Ancillary and civil orders

3.60 There are a range of civil orders available to law enforcement agencies in helping to tackle serious and organised criminality and to protect the public. These include, for example, Serious Crime Prevention Orders<sup>65</sup> and a range of financial orders and proceedings. Inspectors sought to establish the numbers of such orders issued as an indicator of their use. The PPS do not routinely collate this data but were able to provide some limited statistics on the number of suspects against whom orders were made. These are reproduced in Table 6.

**Table 6: Number of suspects with results of the following orders between 1 July 2012 and 31 August 2013**

Result Type	Number of Suspects
Companies Disqualification Order	3
Confiscation Order Application withdrawn	13
Crown Court - PoC Confiscation	52
Deportation Recommendation	2
Forfeiture/Destruction/Disposal/Confiscation	3079
No Order made - Deportation Recommendation	5
Revoke Forfeiture/Destruction/Disposal Order	3
Serious Crime Prevention Order	13
Sexual Offences Act - Vary, Renew, or Discharge	16
Sexual Offences - Sexual Offences Prevention Order	156
Variation of Confiscation Order	4

3.61 In addition, during 2012-13 the PPS received money laundering files as follows:

**Table 7: Money laundering files received by the PPS**

Money laundering files	2012-13
Files received	106
Suspects reported or charged	149
Decisions to prosecute	101

3.62 Inspectors are unable to assess whether ancillary orders were appropriately considered in individual cases. This demonstrates there were a range of orders being considered and applied, including serious crime prevention orders. Some agencies reported concerns that insufficient consideration was being given to confiscation and civil recovery 'upstream' in investigations and to a lesser degree, when the test for prosecution had not been met. It is impossible without examining individual cases to make a final judgement. Inspectors would wish to see its consideration in all appropriate cases. While some serious crime prevention orders had recently been applied, there were indicators that they could be considered more often and given their scope, more widely used.

<sup>65</sup> Set out in the Serious Crime Act 2007.

3.63 There was significant assurance of a systematic approach to confiscation and assets recovery with financial investigators embedded across the PSNI. The values of confiscation orders made in the last three financial years are shown in Table 8.

**Table 8: Confiscation Orders 2011-14**

Year	Value
2013-14	£2.12m
2012-13	£1.34m
2011-12	£2.36m

It was also apparent that, overall, this was an area where increased focus and attention on performance and outcomes could bring benefit. While there was assurance that the capability and capacity in this area was significant, the link to improved outcomes was less visible and this should be the focus of renewed scrutiny.

### Delivery assessment

- 3.64 There are appropriate delivery frameworks across the range of Agencies in order to tackle serious and organised crime and a range of supporting evidence and of significant work in delivery. Partnership working was an area of strength with evidence of inter-agency work and co-operation underpinned by agreements and protocols. The evidence is underpinned by the work of the OCTF and by examples of routine daily operational co-operation. There were however some obstacles such as the landscape and structures described in Chapter 1 and, the need for all agencies to better prioritise their activities. Opportunities, including those provided by the OCTF structures to deliver more were also apparent and we make a strategic recommendation in respect of this at paragraph 3.10.
- 3.65 A number of areas for improvement in terms of operational delivery have been highlighted. Further clarity and focus on priorities, performance improvement and resilience reviews are among these. The most significant concerns surround the need to close existing gaps between local responses provided in the District policing model and the specialist policing of the Crime Operations Department. The policing of serious and organised crime must be established as a core activity with appropriate support and underpinning structures.



# Outcomes

- 4.1 This chapter builds on the analysis of operational delivery in Chapter 3 insofar as it reports on broad outcomes and concludes with an overall assessment based on this and other analysis including of the national standards described in Chapter 1.

## The difficulty of measurement

- 4.2 A range of academic investigations in the area of public sector performance generally and also in the appraisal of serious and organised crime have highlighted significant problems in its measurement.<sup>66</sup> One of the key questions concerns whether success results from good work by enforcement or some other factor. There cannot be confidence, for example, if drug trafficking offences are showing an upward trend whether this results from good work in law enforcement, more drugs in the market or indeed some other factor. Neither is it known if asset seizures represent a small or large proportion of criminal assets. It is not known if this acts as a deterrent and therefore if the resource investment is truly effective. However, the anecdotal evidence is that it does have a deterrent effect. The public certainly like to see criminals having their ill gotten gains removed from them. There are also the benefits arising from the use of these monies for community based projects under the Assets Recovery Community Scheme (ARCS). This has meant, for example, the allocation of over £313,000 to community projects for 2013-14.<sup>67</sup> Finally, it is not known whether the scale of the illegal trade in drugs/goods/fuel is as clearly clandestine and therefore remains a significant unknown. This makes the measurement of success problematic.
- 4.3 It has also been stated that the key to performance management in this context is incorporating and integrating it. Performance needs to be embedded as a culture across the response to serious and organised crime. While this was not absent in the local context, there was room for some improvement. Specifically, the inspection highlighted a number of areas for performance development. Also, currently, performance management does not address value for money or efficiency to any great extent (see Chapter 3).
- 4.4 There appeared to be some merit in moving the existing PSNI (and OCTF) models closer towards a concurrent analysis of harm reduction, the costs and impacts. The **PSNI could usefully examine how**

<sup>66</sup> See for example *Managing Performance in the Public Sector* (second Edition), Routledge, London and New York, 2007 and Mackenzie S & Hamilton-Smith N, *Measuring police impact on organised crime: Performance management and harm reduction*, *Policing: An International Journal of Police Strategies and Management*, 2011.

<sup>67</sup> <http://www.dojni.gov.uk/index/publications/publication-categories/pubs-policing-community-safety/community-safety/organised-crime/asset-recovery-community-scheme-projects-2013-14.pdf>. Accessed 3 January 2013.

**the measurement of harms reduced (or prevented) and the resources deployed could assist broader performance monitoring and efficiency.** This would further support traditional performance measures and provide an additional indicator and reassurance to the community of the extent of harms reduced. This could be achieved by a revision to the Crim-net process (which already scores harm), to include a process of re-scoring post intervention(s). The difference between initial and final scores being an indicator of the harm prevented. Such a model could be tested and evaluated in a sample of OCG interventions.

- 4.5 What is clear is that performance measurement in the area of serious and organised crime is complex, but not impossible. Further attention to this area could provide reassurance and be of benefit.

### Key performance indicators - the justice gap

- 4.6 One of the most significant performance indicators across the criminal justice system is the gap between the number of recorded crimes and the numbers successfully brought to conviction in the courts. This can be a significant contributor to public confidence. It can also in itself act as a deterrent to criminals. There continues to be critical commentary and challenges to the criminal justice agencies in this regard and in some areas, there is more to be done. While directly comparable data is not readily available, the number of the most serious cases reaching the Crown Courts has risen between 2008 and 2012, with the number of defendants committed increasing by 44%.<sup>68</sup> This is also set alongside data which indicates that the number of defendants disposed of increased by 28% in the same period.<sup>69</sup> Indictable charges in the Magistrates' Court also increased by 15% between 2011 and 2012.<sup>70</sup> While this does not indicate any specific form of success attributable to one Agency or initiative, it signifies a broad narrowing of the justice gap.

### Crime type outcomes

- 4.7 Inspectors analysed a broad range of outcomes and considered these as predominantly positive. There was evidence in terms of the trends and data of some encouraging outcomes and indeed of some significant operational successes. For example, in the area of armed robbery and cash in transit attacks, there was evidence of significant reductions over a period of years. Inspectors attribute this at least in part, to the partnership working between law enforcement agencies and industry. Reductions in tiger kidnapping also occurred during 2012-13, with evidence of partnership working assisting achievements in this area.
- 4.8 In terms of homicide there were significant encouraging indicators of positive performance. This related to the overall detection rates for homicide and the considerable resource investment and professionalisation of the area of homicide investigation in recent years. While a number of areas for improvement are suggested, the decreasing numbers of homicides, the detection rates and the work of the PSNI in this area is largely positive.
- 4.9 With regard to serious sexual crime, while the numbers of reported rapes, for example, has been increasing and for 2012-13 detection rates have been receding, again there was evidence of significant

<sup>68</sup> Judicial Statistics 2012, The Northern Ireland Courts and Tribunals Service and the Northern Ireland Statistics and Research Agency.

<sup>69</sup> Ibid.

<sup>70</sup> Ibid.

advances and positive work. This includes the establishment of the first Sexual Assault Referral Centre (SARC) for NI and also of preventative campaigns (such as the PSNI 'Be SMART' anti rape campaign referred to earlier). The structures and resources within the area of the SCB were assessed as adequate to meet the known challenges.

- 4.10 Some areas of serious and organised crime such as drugs are viewed as more intractable and linked to broader societal issues and the levels of inter-departmental working. Performance has been mixed and with significant increases in the numbers of drug related deaths, it will always be difficult to claim success. However, there was evidence of focus on the issue of drugs throughout the OCTF work and lessons learned initiatives in the strategy group. In terms of law enforcement, the number of drug seizures in 2012-13 was up by just over 14% on the previous year; the number of arrests had increased by almost 10%; and the number of trafficking offence detections was also up. There was also focus on major drugs operations. This alone is a creditable response by the PSNI; given considerable and constant pressures elsewhere. The PSNI Chief Constable is on record reporting the significant decreases in the numbers of arrests during late 2012/early 2013 as a result of significant public order issues and this is likely to manifest itself in changes to drug related statistics in due course.<sup>71</sup>
- 4.11 The arena of organised immigration crime (including human trafficking) has received significant attention in recent years. Its hidden nature makes it difficult to gain an accurate picture of its true scale and therefore the law enforcement success. In terms of the broad assessment of outcomes, significant efforts had been made to tackle the issue working in conjunction with important partners. Examples include:
- a NI Human Trafficking action plan had been implemented;
  - the DOJ was funding support packages for victims;
  - there had been numerous awareness raising events on the subject;
  - there was evidence of significant enforcement operations;<sup>72</sup> and
  - legislative change had been introduced.<sup>73</sup>
- 4.12 There is evidence of commitment and focus in this area. CJI's assessment was that all this activity - the work of the OCTF and indeed the publication of an action plan by the Minister - showed an increasing and positive commitment on the part of law enforcement agencies, the DoJ and its partners. The challenge ahead will be to ensure that society continues to do whatever it can to prevent and detect these crimes, and to provide help for victims, while balancing it against the many other threats and risks from organised crime.
- 4.13 In respect of intellectual property crime and counterfeiting it is even more difficult to gauge the outcomes of activity. There was very little reporting to these areas in the 2013 OCTF Annual Report, despite these areas remaining 'key priorities'. A problem profile in relation to this area of criminality had been completed early in 2013, but the concentration on criminal groups has the potential to lead to an imbalance. There were high level PSNI assurances that processes allowed for emerging and identified criminal markets to be targeted. Inspectors encourage a constant focus by the PSNI on the NIM processes which takes full and proper account of criminal markets alongside consideration of criminal groups to create a richer picture of organised crime.

71 Criminal Justice Inspection plan to conduct a specific inspection looking at drugs enforcement commencing in 2015.

72 See for example, Operations Pentameter, Eagle and Gull.

73 See for example the Criminal Justice Act (Northern Ireland) 2013.

4.14 Fraud masks a large number of offences and while we have noted some concerns in the operational approach of the PSNI, detections in the area of fraud and forgery show a higher average detection rate in NI (34.1%) than in England and Wales (22%). There was evidence of work and success in other areas of fraud such as oils fraud (primarily dealt with by HMRC) and in benefit frauds (dealt with primarily by the SSA). While these indicators of success are notable, the opposite becomes apparent when the number of fraud cases disposed of in the courts is compared with those recorded crimes. The table below highlights the significant gap.

**Table 9: Fraud and forgery outcomes**

	PSNI recorded 2011-12 <sup>74</sup>	PSNI sanction detection rates 2011-12 <sup>75</sup>	Number of defendants 'Disposed of' (courts) 2012 <sup>76</sup>
Fraud and forgery	2,750	34.1%	108(3.9%)

4.15 In terms of criminal assets and money laundering, there was evidence of significant positive outcomes. In 2012-13 the total value of assets recovered was £2.7m and significant amounts of these monies are returned to community projects. However it seems likely that the value of assets recovered represents only a fraction of the criminality. Inspectors would wish to see more specific and challenging targets focussed on performance improvement in this and other areas.

4.16 Data available to Inspectors linked to the NI Policing Board target is shown in Table 9. The performance indicator for this target was *'to report four times each year on the number of organised crime gangs frustrated, disrupted or dismantled'*.<sup>77</sup>

**Table 9: PSNI performance on the impact against crime groups**

	Frustrated	Disrupted	Dismantled	Total
2011-12	36	70	23	129
2012-13	47	46	23	116

4.17 The total number of groups frustrated, disrupted or dismantled has fallen by some 10%. The number of those frustrated has increased (30%) and the number disrupted has fallen (34%).

4.18 Taking into account outcomes outside of those in policing, concerns remain present across a range of areas of enforcement; including matters such as environmental crime and criminality associated with the food industry.<sup>78</sup> Concerns remain that the collective response of law enforcement, including a lack of visible prosecutions, fails to meet expectation or provide a deterrent to organised crime. Less visible areas of criminality may also attract less deterrent sentencing when considered in isolation. This is an

74 Trends in Police recorded Crime in Northern Ireland 1998-99 to 2011-12 PSNI Annual Bulletin, July 2012.

75 Available at: [http://www.psnipolice.uk/index/updates/updates\\_statistics/update\\_crime\\_statistics.htm#crime\\_statistics](http://www.psnipolice.uk/index/updates/updates_statistics/update_crime_statistics.htm#crime_statistics).

76 [http://www.courtsni.gov.uk/en-GB/Publications/Targets\\_and\\_Performance/Documents/Judicial-Statistics-2012/p\\_tp\\_Judicial-Statistics-2012.pdf](http://www.courtsni.gov.uk/en-GB/Publications/Targets_and_Performance/Documents/Judicial-Statistics-2012/p_tp_Judicial-Statistics-2012.pdf).

77 **Frustrated** - the arrest and/or instigation of criminal proceedings against one gang member (not main principal) for an offence which would normally warrant a prison sentence.

**Disrupted** - the arrest and/or instigation of criminal proceedings against two or more gang members (not main principal) for an offence which would normally warrant a prison sentence.

**Dismantled** - the arrest and charge/or instigation of criminal proceedings against all the main principals for an offence which would normally warrant a prison sentence.

78 Concerns following, for example, the horsemeat scandal across the UK in 2013 and the discovery of an alleged illegal slaughterhouse in South Armagh by Department of Agriculture and Rural Development officials in March 2014.

area where the DoJ and the OCTF could lead on a cross-departmental analysis of the problems. An examination of the Scottish plans to create new offences of being involved in or directing organised crime and a statutory aggravation for offences linked to organised crime, would also be beneficial.

## Moving forward

- 4.19 We have highlighted the complexity of measurement in this report. However, it is clear that performance measurement is not impossible and the challenge is to institutionalise it, to make it relevant. Balanced and SMART performance measures should take account of the areas of risk and harm arising from serious and organised crime. There should also be clear linkages between strategic priorities, the NI Policing Plan and operations. There is also a need to ensure that both subjective qualitative measures and numeric measures should be formulated in the area of serious and organised crime. In terms of improvement, more focus on the quality of processes; including that of investigation and of the service to victims would be constructive. These actions should improve focus and relevancy to performance measurement, including outcomes of activity if implemented.
- 4.20 While local communities do not always identify serious and organised crime as specific areas of concern, systems should be put in place at the strategic level which facilitate an informed response that incorporates local concerns and the over-arching risks and threats which may be hidden.
- 4.21 The general duty of all police officers is set out in S.32 of the Police (Northern Ireland) Act 2000 as follows:
1. to protect life and property;
  2. to preserve order;
  3. to prevent the commission of offences; and
  4. where an offence has been committed, to take measures to bring the offender to justice.
- 4.22 Bearing the above in mind a fundamental precept of any performance regime should focus on these issues and in particular, in the context, on the latter two. While acknowledging the 'messy working realities'<sup>79</sup> and the complexities earlier referred to, performance measurement should be made as simple as possible. The basic principles are: firstly, work out what is important and, secondly, work out how to measure what is important. The policing purpose above should therefore be one of the key determinants and foundations in terms of performance measures.

## Final conclusions

- 4.23 Overall, the criminal justice organisations in NI and PSNI in particular are responding well. While there are some inevitable challenges there is a willingness to work jointly and for the good of society. There were also many indicators of success in tackling serious and organised crime including a willingness to improve in response to past performance. A range of areas for improvement highlighted by Inspectors arise from the PSNI's own self-assessment.
- 4.24 All of this bodes well for the future and while there is no guarantee of success in individual cases and challenges will remain, the commitment of the criminal justice agencies to work to keep communities safe through tackling serious and organised crime is acknowledged.

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<sup>79</sup> Mackenzie S & Hamilton-Smith N (2011) Measuring police impact on organised crime: Performance management and harm reduction, Policing: An International Journal of Police Strategies and Management.



# Appendices





## Appendix 1: Methodology

Fieldwork for this inspection took place between late August 2013 and November 2013. This began with a desktop review of relevant available documentary material including publicly available documents. In addition, the PSNI were requested to provide a self-assessment in a number of specific areas identified by Inspectors. This was received by Inspectors on 29 August 2013.

There was engagement with a range of staff and stakeholders across the criminal justice sector. This comprised of a series of engagements, meetings and semi-structured interviews with a range of interested parties and included:

05/06/13 - Policing Board Officials  
21/06/13 - Northern Ireland Environment Agency  
24/06/13 - HMRC  
26/06/13 - Launch of the OCTF Annual Report  
27/06/13 - Serious Organised Crime Agency (now National Crime Agency)  
12/08/13 - Support After Murder/Manslaughter Northern Ireland (SAMMNI)  
13/08/13 - Trading Standards  
15/08/13 - OCTF Strategy Group  
28/08/13 - Chair of OCTF Legal Sub-Group  
28/08/13 - Chair of OCTF Strategy Group  
29/08/13 - Focus Group PSNI Crime Trainers  
04/09/13 - ACC Crime Operations, PSNI  
05/09/13 - Head of Crime Analysis, PSNI Analysis Centre  
05/09/13 - Head of PSNI Intelligence Branch  
06/09/13 - Head of PSNI Serious Crime Branch  
06/09/13 - Head of PSNI Specialist Operations Branch  
09/09/13 - Head of PSNI Crime Training  
10/09/13 - Head of PSNI Organised Crime Branch  
10/09/13 - Head of PSNI Scientific Support Branch  
11/09/13 - PSNI District Commander, 'A' District  
12/09/13 - Security Service  
12/09/13 - PSNI District Commander, 'G' District  
12/09/13 - PSNI District Commander, 'B' District  
13/09/13 - Chair of OCTF Drugs and Finance Sub-Groups  
17/09/13 - Focus Group Detective Chief Inspectors, PSNI Serious Crime Branch  
17/09/13 - Focus Group Detective Inspectors, PSNI Serious Crime Branch  
17/09/13 - Focus Group Detective Sergeants and Detective Constables, PSNI Serious Crime Branch  
17/09/13 - Focus Group Detective Sergeants and Detective Constables, PSNI Serious Crime Branch  
18/09/13 - Focus Group Crime Analysts, PSNI Analysis Centre  
18/09/13 - Chair of OCTF Drugs and Finance Sub-Groups  
20/09/13 - Focus Group Detective Superintendents PSNI Organised Crime Branch  
20/09/13 - Focus Group Detective Chief Inspectors PSNI Organised Crime Branch  
23/09/13 - OCTF Analyst  
23/09/13 - Focus Group Organised crime Branch D/Inspectors  
24/09/13 - Focus Group D/Superintendents, Serious Crime Branch  
25/09/13 - Focus Groups (x2) D/Constable and D/Sergeant, Organised Crime Branch



26/09/13 - Family Liaison Co-ordinator and focus group of Family Liaison Officers, PSNI  
27/09/13 - Deputy Director UK Border Agency  
03/10/13 - Victim Support NI  
03/10/13 - Police Ombudsman for Northern Ireland  
04/10/13 - Detective Chief Inspector 'H' District, PSNI  
07/10/13 - Visit PSNI Social Media Monitoring Unit and Intelligence Branch  
09/10/13 - Attend OCTF Strategy Group Meeting  
10/10/13 - Chief Executive and staff Social Security Agency  
15/10/13 - Head of PSNI Specialist Operations Branch  
21/10/13 - Detective Superintendent PSNI District Policing Command  
22/10/13 - Head of PSNI Intelligence Branch  
22/10/13 - Assistant Chief Constable Kerr re Service First programme  
23/10/13 - Document reads at PSNI Organised Crime Branch  
23/10/13 - Head of PSNI Analysis Centre  
28/10/13 - Detective Superintendent Urban, PSNI Serious Crime Branch  
28/10/13 - Detective Superintendent Rape Crime, PSNI Serious Crime Branch  
29/10/13 - Head of PSNI Organised Crime Branch  
30/10/13 - UK Border Force  
14/11/13 - Attend Crime Operations Department Tactical Tasking & Co-ordination group meeting and document reads at PSNI Crime Operations Department  
21/11/13 - Visit to North West Regional Organised Crime Unit (ROCU), Warrington  
22/11/13 - Visit Greater Manchester Police Headquarters  
27/11/13 - PSNI Assistant Chief Constable Rural  
12/12/13 - PSNI Chief Constable and Deputy Chief Constable  
12/12/13 - Detective Superintendent PSNI Anti-Corruption Unit  
06/02/14 - PPS Senior Management  
07/03/14 - Visit Police Scotland

Where necessary, follow-up meetings and contacts were conducted to clarify any matters arising from assessment and analysis.

### Limitations

There were a range of limitations to this inspection some of which are highlighted in the Terms of Reference. However, it should also be noted that the inspection took a strategic approach to the issues and, for the most part, examined capability and capacity as well as partnership working in support of dealing with serious and organised crime. It did not examine individual cases and to that extent the findings are illustrative rather than exhaustive.

The inspection considered firstly PSNI delivery and secondly the support and partnership working arrangements with other key partners. However, it is recognised that in doing so there were other areas where matters of serious crime (however defined) are examined. However, in keeping with its Terms of Reference it was not the purpose of this report to examine in detail the efficiency and effectiveness of every agency contributing to serious and organised crime. Examples might include the Office of the Police Ombudsman, The Health and Safety Executive and others. Neither did the inspection consider the management of serious offenders. These areas have been examined in previous CJJ inspections.



## Appendix 2: Terms of Reference

### An inspection of Serious and Organised Crime

#### Introduction

Criminal Justice Inspection (CJI), with assistance from Her Majesty's Inspectorate of Constabulary (HMIC), proposes to undertake a thematic inspection of the handling of serious and organised crime arrangements across the Criminal Justice System (CJS) in Northern Ireland.

The inspection will focus on the three main elements of CJI's inspection framework as they apply to serious and organised crime. The approach to serious and organised crime from investigation to conviction or acquittal, but excluding examination of individual cases, across the CJS will therefore be assessed with regard to Strategy and Governance; Delivery, and Outcomes (or projected outcomes). Issues of equality and fairness form an integral part of the inspection framework and will be applied to this inspection. How dealing with serious and organised crime in Northern Ireland aligns with existing good practice and relevant standards, where appropriate, will also be evaluated. It is this latter aspect which the expert assistance of HMIC will primarily be employed and with specific reference to Police Service of Northern Ireland (PSNI) practice.

The main organisation to be inspected will be the PSNI - as the core agency involved in preventing and tackling serious and organised crime. However, other areas of the CJS central to the effective delivery of justice in respect of serious and organised crime will be incorporated and include the Public Prosecution Service (PPS) and the Northern Ireland Courts and Tribunals Service (NICTS). This will examine the totality of responses, including co-operation and partnership working. Although not subject to inspection by CJI, also included will be the extent of partnership working with other areas of law enforcement and harm reduction such as the Serious and Organised Crime Agency (SOCA), HM Revenue and Customs (HMRC) and the UK Border Agency (UKBA) and others such as the Department of Justice (DOJ).

The inspection will not of itself seek to repeat issues arising from separate inspection work on the care and treatment of victims and witnesses<sup>80</sup> and sexual violence<sup>81</sup> but will, where appropriate, comment on outcomes.

The inspection will not examine the work of the Historical Enquiries Team (HET) but will include matters of serious crime referred to the PSNI Serious Crime Branch.

#### Context

Serious and organised crime<sup>82</sup> probably represents the most serious risk of harm to the community in NI. While the overall numbers of crimes in the category of serious and organised crime may be small (as a percentage of overall crime), their impact on victims and their families is incalculable and in some cases devastating, for example, following the murder of a loved one. Given the nature of these crimes, there may also be a consequent impact on public confidence and increases in the fear of crime.

80 CJI completed an inspection of The Care and Treatment of Victims and Witnesses published in December 2011. A follow-up inspection is due to commence in early 2014.

81 CJI completed an inspection on Sexual Violence and Abuse in July 2010 with a follow-up inspection due to be undertaken in late 2013.

82 For the purposes of inspection CJI defined serious and organised crime as those matters where the appointment of a Senior Investigating Officer was required and specialist resources deployed. For the PSNI this was also taken to mean those crimes dealt with by the dedicated and separate Serious and Organised Crime Branches.



Crime statistics do not separately indicate the volume of 'serious and organised crime' and this definition is not universally accepted across policing boundaries. For example, many UK police services use the definitions of 'major crime' and 'serious and organised crime' to delineate the operational and resource boundaries in these areas. The PSNI use the operational demarcations of 'serious' crime and 'organised' crime for functional purposes. Both will be covered by this inspection.

In Northern Ireland (NI) some indicators of serious and organised crime may be illustrated by reference to a number of distinct crime categories as follows:

- while overall crime rates across NI has shown a downward trend in recent years indicators of serious and organised crime in the form of violence against the person has remained relatively steady at 17 per 1,000 of population in the last five years;<sup>83</sup>
- the homicide rate in NI has shown a downward trend, similar to overall crime, from a height of 42 in 2002-03 to 16 in 2011-12. The equally significant crime of manslaughter however shows an increase over the same period of some 57%, although the overall numbers remain small;<sup>84</sup>
- drug offences (trafficking) are showing an upward trend and for example in 1998-99 accounted for 14% of all drug offences recorded. In 2011-12 that figure had increased to 22%;<sup>85</sup> and
- armed business robbery accounts for nearly 60% of all business robbery and reached its peak at 1,404 offences in 2002-03. In 2011-12 that had reduced to 420 - an overall reduction over that period of 70%.<sup>86</sup>

There will clearly be a range of other offences which are dealt with within the broad definition of serious and organised crime and this includes, for example terrorist related offences. However, the purpose of this short treatise in respect of relevant crime data is not to be prescriptive, but rather to indicate that while overall crime is receding the categories of offences most relevant to serious and organised crime are demonstrating mixed trends.

Bearing in mind the risk of harm set out and its potential destructive impact on the community, CJI seeks to review how the CJS deals with serious and organised crime. Core among the outcomes and assurances sought by Inspectors will be the capability and capacity to deliver an effective service, including that to victims and victim's families. The public should also be entitled to expect that the CJS is capable of responding to serious and organised crime. While the aspiration of the Police Service should be to prevent major crime, equally there is a duty on it to provide an effective response to serious and organised crime where and when it does occur.

The last specific inspection of this area was conducted by HMIC in relation to the PSNI in 2008 with a follow-up visit in July 2010. Also, in July 2009 HMIC published a thematic inspection report Major Challenge – *The Thematic Inspection of Major Crime*. This incorporated the PSNI. Other relevant inspection reports include again HMIC's report entitled '*Getting organised - a thematic report on the police service's response to serious and organised crime*', published April 2009 and also the '*Police Service of Northern Ireland, Inspection findings*' published February 2011 which incorporated a section on 'major crime and serious and organised crime'. Inspectors are also aware of other inspection work by HMIC which is as yet unpublished, but will be considered as part of fieldwork for this inspection. Various CJI reports have touched upon matters of serious and organised crime across the criminal justice system in Northern Ireland, but there has not previously been a specific thematic inspection of the topic.

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83 Trends in Police Recorded Crime in Northern Ireland, 1998-99 to 2011-12, Annual Bulletin published 05 July 2012, PSNI.

84 Ibid.

85 Ibid.

86 Ibid.

## Aim and objectives of the inspection

The aim of the inspection is to examine and assess arrangements for dealing with serious and organised crime across the criminal justice system in Northern Ireland, but with specific emphasis on the PSNI.

The objectives of the inspection are to:

- Assess the effectiveness of arrangements in the NI system by collecting and analysing quantitative and qualitative information across all CJS organisations and also with key stakeholders.
- Examine the effectiveness of organisational strategies with regard to serious and organised crime. In particular, the understanding of the threats, violence reduction strategies, intelligence and the partnership working aligned to these issues. Also taking account of:
  - prevention;
  - enforcement; and
  - resilience.
- Examine the response to serious and organised crime - how operational delivery is structured to meet the needs and expectations of stakeholders and victims. To determine effectiveness and potential areas for improvement. This will include the responses to areas such as:
  - vulnerable people;
  - organised crime group activity;
  - violent and dangerous offenders; and
  - high risk locations.
- Examine and assess the outcomes of strategies and delivery mechanisms for serious and organised crime against targets and expectations.
- Examine performance and the measurement of and analysis of success and failure.
- Examine how the outcomes of serious and organised crime arrangements are benchmarked against best practice.

Other matters of significance as they arise during inspection will also be considered.

## Methodology

The following methodology is proposed:

The inspection will seek to engage with all criminal justice agencies to assess and document the matters set out above.

The following methodology is proposed.



There will be a five phase approach to inspection as follows:

Phase I - Design and planning (including development of Terms of Reference);

Phase II - Delivery (fieldwork);

Phase III - Assessment and review;

Phase IV - Factual accuracy checks; and

Phase V - Publication and closure.

### ***Design and planning (Phase I)***

Preliminary research has been undertaken by Inspectors to inform these terms of reference. In addition, some preliminary meetings have been held with key stakeholders as a means to finalise these terms of reference. A literature review will be conducted by CJI during June and July 2013. Each CJO will be asked to supply CJI with all relevant documentation including reports, protocols and statistical data by the end of June 2013. Using these submissions, Inspectors will determine whether any further information should be requested from CJOs. Other stakeholders, such as the Organised Crime Task Force and its constituent representatives together with others such as the Department of Environment and relevant community stakeholder organisations will also be asked for views and or submissions.

### ***Delivery Fieldwork (Phase II)***

Inspection fieldwork will be spread over the summer months and into early Autumn 2013 so as to minimise the impact on CJO's and bearing in mind the availability of staff during the busy events and marching season ahead for the PSNI and also the holiday period incorporated in this timeframe.

Organisations will be asked to provide CJI with any available statistics.

Preliminary research work has been carried out which has identified relevant good practice, standards and guidance for serious and organised crime.

The major stakeholders identified for this inspection are the partner law enforcement agencies set out earlier together with members of the Organised Crime Task Force. Also included will be voluntary sector organisations involved with victims and survivors.

### ***Assessment and review (Phase III)***


Following the fieldwork completion Inspectors will take a period of time to assess and review all relevant material, documentation and evidence. Following this a further period of time will be necessary to prepare a draft report which will be subject of internal CJI quality assurance before moving to the next phase of work.

### ***Factual accuracy checks (Phase IV)***

A draft inspection report will be produced by the end of 2013 and shared with the participating agencies for factual accuracy checking in line with existing CJI protocols.

### ***Publication and closure (Phase V)***

Following factual accuracy checking by relevant agencies and internal CJI QA processes the final draft inspection report will be sent to the Minister of Justice seeking approval to publish. Once permission to publish has been received from the Minister a date of publication will be identified by CJI and communicated to the main agencies involved in the inspection and to the Department of Justice (DOJ). A report and covering letter will be sent by CJI to other agencies and stakeholders identified as needing sight of the report prior to publication. A press release will be prepared by CJI and will be shared with the agencies involved prior to publication.



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