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## Daily Features

### The Monday Interview: Inquiries cast a shadow over how policing has changed for the better

Assistant Chief Constable Alister Finlay has just four officers under his command and is tasked with protecting the PSNI's reputation in the face of upcoming inquiries

Monday, May 28, 2007

By Chris Thornton

Alister Finlay has one of the most unusual commands in policing. An assistant chief constable, he is at the top tier of the PSNI, yet generally has just four police officers working for him.

But he does have lawyers, squads of administrative clerks and researchers. Files and records are his beat.

ACC Finlay is yesterday's man - in the sense that he is professionally occupied with the past.

The first of four expected collusion inquiries begins later this week, when retired Scottish judge Lord MacLean begins full formal hearings on the murder of LVF leader Billy Wright.

ACC Finlay, a 46-year-old Scot who came to the PSNI from Strathclyde Police, is in charge of the PSNI's preparations. Already, they have handed over something like 1,000 files to this inquiry team, but the other three inquiries - looking into the deaths of Robert Hamill, Rosemary Nelson and Pat Finucane - will all demand even greater involvement from the PSNI.

Preparation for the collusion inquiries and two others in the Republic - without considering the expense of the legal teams that will represent the PSNI at hearings - is costing police £2m this year alone. Between this year and last year, the total is about £3.6m.

And it's a full-time job. Mr Finlay was hired last year because the inquiry workload - previously handed to the ACC in charge of Crime Operations, Peter Sheridan - was starting to swamp other areas.

"The time Peter was having to give to the issues around the inquiries was eclipsing the time that he could actually deal with the current crime," said Mr Finlay.

"That says something about the scale of work and demand and also how these inquiries aren't straightforward.

"We are talking about public inquiries into areas that we haven't really had public inquiries into before, into how the police and other security services went about their business."

Much of Mr Finlay's job is about facilitating the inquiries - finding material and handing it over. But it is also partly defensive - concerned with protecting specific operational secrets and the general reputation of the present PSNI against judgments on the past.

"There's a lot of effort going on in this organisation dealing with the past, and we're anxious to do it," he said at his office outside Carrickfergus.

But he added: "Dealing with the past is a drag anchor for this organisation.

"Because time has passed and things have changed so much, it actually influences some of the really positive things we're trying to achieve at the moment."

He says all the inquiries could end up "raising the wrong notion in people's eyes".

After Wright, the case of Robert Hamill will look at accusations that police stood by and failed to intervene when Hamill was fatally beaten by a loyalist mob. Rosemary Nelson's case concerns threats allegedly made by police before the Lurgan lawyer was murdered by loyalists. One aspect of Finucane is whether

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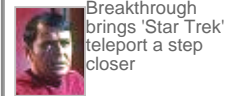
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police officers helped loyalists target the solicitor.

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"The inquiries will have a view on how things should be done and could be improved, but the passage of time between when these incidents took place and now is such that most, if not all, of the things that they may make in their recommendations have been overtaken by events," said Mr Finlay.

"We have a significantly different organisation going about its business in a different way and in a different environment. There is a real criticality to the inquiries dragging back the progressive work of PSNI because of the public's perception of it being influenced negatively.

"The whole inquiry process has a real potential to distract from what we're doing right now and has a real potential in people's mind to say, this is the police now, as opposed to this was the police then in a different context, in a different time, operating in a different way.

"It's not a matter of burying the past. It's about contextualising the past.

"Because there's an awful lot of water passed under the bridge. We're in a different place to where we were in those particular times. These are tragic events and it's understandable why families and associates would like to know more answers, must have questions arise in their minds either confirmed, denied or dispelled. But there are very real dangers that, through the portrayal of those events, it adversely affects the relations that we're building in policing today."

Then is the emphasis on public inquiries justified? "I suppose it's justified if, at the end of the day, people feel satisfied," he said

"But I don't know if everyone's going to be satisfied with the results. I mean that from the point of view of going through a public inquiry process.

"We've got quite a lot of looking back. We've got the public inquiries looking back, we've got the Ombudsman's Office getting involved in issues of the past, we've got the Historic Enquiries Team looking at reviewing the murders during that period.

"I don't know if we've actually joined all that up. I don't know if there is an opportunity at some point for someone to take stock and say what are we actually trying to achieve - what are we trying to achieve for the future of Northern Ireland by doing this? What are we looking for?

"The thing about the public inquiries is they are a judicial, legislative process. They involve lots of lawyers. They take a long time because they've got rules of engagement and a legal process. They cost a lot of money. Do they provide best value? I don't know if they do.

"I think currently the inquiries are around £18m. Our running costs this year will be around £2m.

"Presumably, if I'm incurring about £2m, then there are other agencies incurring significant sums of money. It's a lot of money that might be used in a different way."

The Wright Inquiry has already brought criticism down on the Prison Service for the destruction of some key files and the loss of others.

But Mr Finlay has indicated they will not be alone - admitting that the PSNI and other agencies will probably be criticised for poor recordkeeping, although possibly not to the same degree as the Prison Service.

"All the information that we have of the Billy Wright investigation has been made available," he said.

"There's some things they've asked us for and we have to say 'no, we can't find it'. And I've said to the inquiry if we can't find it, we can't find it. I'm not going to tell you otherwise. We're not going to make it up and pretend we have something we don't have. We've searched as comprehensively as we can through a diverse and wide estate."

He added: "I'm sure we will all get some adverse comments about recordkeeping.

"But that's not unique. I think that, when you find the Health Service have their public inquiries... if they're making an inquiry into something it relies on the records and people's recollection.

"Very often public inquiries are much closer to the event than these ones are. So, we've had a long period of time when the opportunity for the records to go missing, not maliciously, but put into cupboards or storage and without having at that time a whole structure of records' management that allows you to store things properly and archive things.

"No-one, I think, at a particular time went about thinking 'there's going to be a public inquiry over this, we better keep all this together'.

"Around the late 90s and prior to that, the organisation wasn't really set up to focus on recordkeeping and archiving as being one of its core tasks. Its core tasks were saving lives, preventing crime, disrupting activity, a whole host of things that came as more important to do rather than the maintenance of libraries, of files and such."

He says recordkeeping is better now, partly because of new requirements in the law. But prior to those changes, retiring officers did walk away with some records, especially their personal log books or journals.

"Historically, that did happen," he said. "The organisation didn't have any controls in place.

"For some reason, and I can't make any explanation why, there was no real structure in place round about journals. And people would write a lot in their journal.

"And then, when they retired, we didn't have anywhere to give them into. In some cases, we do know of officers who said 'yeah, I took my journals with me when I retired because there was no other option and we've now destroyed them'. Maybe they didn't want them lying about.

"In other cases, we've been able to go to officers who say 'yes I've got my journals', and we'll then take them back and we'll store them securely."

Also stored securely, in London, are the records of the Stevens Inquiry's three investigations into collusion.

Those records, which will be especially crucial to the Finucane Inquiry if it is ever established, are under the direction of the PSNI. Recently, Metropolitan Police sources claimed MI5 and the MoD have been demanding the return of sensitive documents and destroying them.

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"My understanding is that (it) is not an accurate portrayal of events," said the ACC. Any documents that have been returned, he says, have been copied.

"The Stevens Inquiry document collection is intact," he added.

For the foreseeable future, ACC Finlay will be dealing with the past.

He says the inquiries could be a "valuable learning opportunity", but says again "so much has changed between the times when these incidents took place and now".

"They all have the potential of distracting from what PSNI is doing today and how PSNI is working in the community for policing today and tomorrow."

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