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Record of meeting

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SUITABLE FOR PUBLICATION SCHEME	Yes	DATE CREATED	21/09/2023
TITLE	Operation Kenova Governance Board held 19 th September 2023 Via Teams		
SUMMARY	Record of discussions and recommendations made by the Board		
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Minutes of Meeting held via Teams

19th September 2023

Present

Iain Livingstone – IL (Chair)

Bertha McDougall – BM

Monica McWilliams – MMW

Rev. Harold Good – HG

Fr. Martin Magill – MM

Jon Boutcher – JB

Keith Surtees – KS

Minutes

Sharon Dutton

Apologies

None recorded

Agenda

1. Introduction, Welcome
2. Interim Report update and Publication
3. Denton Update
4. Turma / DPPNI Update
5. Any other business



1. Introduction

Chair opened the meeting and referred to his recent retirement.

He stated that the main purpose of the meeting was for Jon to provide an update on the Interim Report while acknowledging how the instability of the PSNI and recent unprecedented developments regarding former CC Simon Byrne and TCC Mark Hamilton will impede on the publication date.

Chair invited members to give their observations, having recently read the draft report.

Board Member made the point that the gap created in the Chief Constables office gave the board a window to arrange a face to face meeting to review the report more thoroughly, given that representations were still coming in from the DoPP.

Board Member thanked **JB** for providing an update today and agreed with the suggestion of a face to face meeting. She stated that it was very important that the recommendations were followed through.

Chair acknowledged that a face to face meeting would be beneficial and ideally arranged prior to any publication.

Board Member reiterated the earlier point about recommendations, giving what had happened at Stormont as an example. He also agreed a physical meeting would be beneficial and stated that board members can be 'critical friends'.

Board Member appreciated the hard work that has gone into writing the report and felt that it had a good balance. He expressed his concerns about the responses once it is published and how long the contents can be kept out of the media. He questioned if the Legacy Bill would impact the outcome of the report.

Board Member acknowledged how frustrated JB and Op Kenova must be with regards to the PSNI and how to address the families. Confirmed that the media are expecting publication in the autumn.

Chair agreed with members remarks regarding the quality of the report.

2. Interim Report update

JB provided details of how unexpectedly a 22 page letter had been received from PPS as Kenova had only required transparency around whether there was any criminal prejudice in the report that might affect any criminal prosecutions. The letter had been written by their legal staff and approved by Stephen Herron and stated that they should have been a part of the Maxwellisation process.

JB stated he had taken legal advice from Senior Counsel who confirmed that the PPS hadn't reached the threshold for Maxwellisation. However, Kenova had made them fully aware of the issues, including the delay in investigations throughout and their failure to consistently contact families.

JB explained how Kenova had responded to the PPS on the 13th September and again on the on 14th September stating that Kenova's work should be reviewed in the public good and how they needed to learn lessons and make adjustments accordingly. Advised that a case conference was to take place the following day. Stephen Herron has said that he hasn't had the staff required for legacy cases.



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JB thanked the members for their feedback and stated this had been a very helpful exercise. He explained that similar responses had also been received from other Kenova governance groups.

Discussion took place detailing some of the changes that had been made and how this had improved the flow of how the report now read. One of the suggestions was to recommend a day of reflection that has been included. However, some of their suggestions had not been included.

Board Members expressed some concerns about the narrative regarding the history of the troubles.

JB responded by explaining that this was mainly to provide some background for people with little knowledge of this time period in Northern Ireland and included the findings of Op Kenova after five years of the investigation.

JB commented that as Chief Constable of Bedfordshire Police, he had been instructed by PSNI to conduct an independent inquiry and as such, the report is in his name and he will take responsibility for the report.

Chair stated that Kenova await the PPS feedback after which the report will be almost finished. Suggests that the Governance Board have a private meeting prior to publication to discuss how the report may be received.

Discussion took place regarding a meeting to take place for at least half a day to discuss the

Board Member commented that as the Kenova model had been accepted, the Government would probably agree. Raised concerns about the potential for leaking of the report before it could be signed off by PSNI.

Discussion took place regarding the current situation within the PSNI Chief Constable's Office and how this had potential to delay the publication date and increase the risk factor regarding it being leaked in advance of publication. It was agreed that this would be discussed further at the meeting.

3. Operation Denton – The Glenanne Gang

JB advised that the Denton report is expected to be completed by May – June 2024. It currently contains approximately 400 pages. Sir Declan Morgan has been very supportive.

4. Operation Turma

JB explained brief details of the background to this case and how Kenova had made excellent progress with DNA evidence. He was hopeful that the case conference with the PPS would address any issues.

Chair re-iterated the remarkable work carried out by the team.

5. AOB:

Board Member asked if the minor changes to the wording he had requested had been made.

JB confirmed that this had taken place.



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Chair thanked everyone for their attendance and confirmed that potential dates for an imminent face to face meeting as soon as possible.