



HOUSE OF COMMONS
LONDON SW1A 0AA

2nd April 1996

Please find enclosed a copy of Labour's consultation paper on policing in Northern Ireland which will be launched in Belfast on Wednesday 3rd April.

Labour would welcome any comments on this paper and on all issues related to policing in Northern Ireland.

Best wishes.

Yours sincerely

Tony Worthington MP

Policing in Northern Ireland

A service for all people

A Labour Party consultation paper

April 1996

Contents

Preface	p1
Introduction	p2
The Structure of the Police	p4
Accountability and Independence of the Police <i>Clarifying the Tri-Partite Structure</i>	p5
Powers and Responsibilities of the Secretary of State	p7
Powers and Responsibilities of the Chief Constable	p8
Powers and Responsibilities of the Police Authority	p9
The Independent Commission for Police Complaints	p11
Police Name, Traditions and Insignia	p12
Police Training and Community Awareness	p13

Preface

The uncertainty about whether a ceasefire will be successfully restored and the internal turmoil at the Police Authority of Northern Ireland (PANI) has highlighted once again just how central the RUC is to life in Northern Ireland. In conflict, the police are in the front line to the extent that 297 officers have been killed and 7,301 have been injured or permanently disabled. For there to be a successful political settlement, the police force have to command the loyalty of all sections of society in Northern Ireland.

Despite the uncertainty about the future, we cannot postpone consultation on the function and control of the police in Northern Ireland. The recent well-publicised events at the Police Authority show that the role of that body has to be clarified.

We hope that you will respond in the discussion urged by this paper. This is part of the Labour Party's work in assisting the development of the peace process. Some of the biggest problems in finding a just, comprehensive, political settlement in Northern Ireland will only be settled by inclusive all-party talks. But there is much that can be done outside those talks in terms of immediate initiatives and as invaluable preparation for those talks. As you will see from this paper, there are areas where, after much consultation and reading, we have clear views but there are other areas where we believe more debate is necessary before a fixed policy position is taken. We hope you will help us.

Introduction

1.1 Before the IRA's appalling breach of the ceasefire on the 9th of February, the community in Northern Ireland had begun to benefit enormously from the decrease in the visible security presence on the streets of Northern Ireland. Two thousand troops were removed from Northern Ireland. Although some were redeployed, an overall decrease in troop levels remains. The quality of life had greatly improved and the police were given the opportunity to take on a "normal" policing role. Working on the assumption that the ceasefires would hold, the Government earmarked savings of £36 million between 1995/96 and 1996/97 from the Law, Order and Protective Services budget, to be redirected into other areas of public service. Compared with Great Britain, Northern Ireland has relatively low levels of crime. It is also extremely important that no vacuum is allowed to exist into which dangerous forms of criminality, such as drug racketeering, can step. Paramilitary organisations have sought to take the law into their own hands and exercise control locally by terror and intimidation.

1.2 Policing the peace will present new challenges. Policing peace is different from the emergency situations of the past 25 years. For instance, including full and part time reserves, there are currently 13,183 officers serving in the RUC - more than the Garda Síochána in the Irish Republic. In other parts of the UK, a population of similar size would have a force of about 3,500 officers. It is not the purpose of this paper to deal with the issue of the size of the police force. The RUC is looking at this in its Fundamental Review. This will have to be approached with a great deal of caution bearing in mind the general security situation. But we do think that both the Northern Ireland Office and the RUC should be doing considerable preparatory work that would help officers cope with these changes.

We hope the Fundamental Review into policing in Northern Ireland is considering this matter, not just in terms of the technical requirements for policing Northern Ireland, but also in human terms, so that if the RUC becomes a smaller force, those officers leaving are treated with consideration and due generosity.

1.3 A great deal of attention has also been paid to the necessity of increasing the number of recruits from Catholic and nationalist traditions. We spend some time on this later. It is going to be challenging to manage this in a situation where the overall size of the force may be declining - but it has to be achieved when 92% of officers are from a Protestant background and only 8% from a Catholic background. No-one could do more than democratic nationalists to persuade Catholics to join the RUC by condemning the intimidation that has prevented or discouraged Catholics from joining. The force has to become balanced. The essential bedrock of the rule of law and its enforcement is a sense of fairness.

It has been argued that it is to the detriment of community relations that officers serving in the RUC - as in other police forces in the UK - do not live in the communities where they work. However, we believe that it is unrealistic to expect that police officers will always live in the urban areas that they police. "Gentrification" of the police has taken place not just in Northern Ireland but throughout the United Kingdom. In addition, the

2. The Structure of the Police

- 2.1 The RUC is currently conducting a Fundamental Review of policing in Northern Ireland. We welcome this because if the peace develops, there are major issues about the deployment of the force and its structure that need addressing. It has been a major weakness of the Government's approach that it has not been clear what would be the role of the Chief Constable, Secretary of State and Police Authority in making decisions about the outcome of the Fundamental Review. The people of Northern Ireland should also be fully consulted.
- 2.2 We find unconvincing any argument that there should be more than one police force in Northern Ireland. Whilst the police force must be responsive to local needs, it is also crucial to promote equality before the law, with consistent standards and effective coordination throughout Northern Ireland. Motorised crime, drug dealing, money laundering, international crime links, forensic requirement and information technology are just some of the areas of crime fighting that require economies of scale.
- 2.3 There are also many aspects of local policing that require larger scale back up. Crime prevention programmes which can be tailored to the needs of the community - such as street lighting, closed circuit television, educational initiatives - need the expertise and support of the Northern Ireland-wide police service to be successfully administered at a local level.
- 2.4 But we do believe that the Fundamental Review should put the emphasis on devolution of command to as local a level as possible. At the moment, the RUC has force headquarters, three regional headquarters, 12 divisions, 38 subdivisions or Basic Command Units and nearly 170 officers at Superintendent and above level. There must be serious questions asked about whether this is a top-heavy structure. Our preference would be for the emphasis to be on the local command unit and the maximum possible boundary sharing with Community and Police Liaison Committees and District Councils. The prevention of crime and promotion of harmonious public order cannot be done by the police alone but can only be done in partnership with the people they serve.
- 2.5 There is obviously also a need for some policing to be considered on an all-Ireland basis. This is most clear in terms of anti-terrorism activities where links between the British and Irish security services should be maintained and strengthened. With regard to matters such as drugs, organised crime and money laundering, there would be much merit in regular meetings between representatives of the Secretary of State, Chief Constable and Police Authority with their Irish counterparts, as well as professional collaboration between the forces.

... needed and whether any remaining powers should be incorporated, where necessary, into the law of the United Kingdom rather than being specific to Northern Ireland

- 3.7 Power and influence over the police has always been dispersed. In the United Kingdom, this has been called the tripartite system. Essentially, this involves firstly, a central government element through the relevant Secretary of State and through Her Majesty's Inspector of Constabulary. Secondly, the Chief Constable who has sole responsibility for operational matters. And thirdly, the Police Authority whose membership in England and Wales includes local councillors, magistrates and since the 1994 Police and Magistrates' Courts Act, five so-called "independent" appointees. (London has no police authority).
- 3.8 Although it claims to follow the principles of a tripartite structure, Northern Ireland has been unique in several ways in its policing structure. Firstly, the RUC has the same boundaries as the Secretary of State's jurisdiction and is therefore Northern Ireland wide. Secondly, local government in Northern Ireland has been under a cloud in recent years and has been given few powers. The Secretary of State has taken the power to choose the membership of the Police Authority in Northern Ireland as well as having his own role. Thirdly, unlike the United Kingdom, Northern Ireland's entire police budget comes from central government control of funding. In Northern Ireland, the whole financing of the police has been decided by the Secretary of State. However, the Police Authority for Northern Ireland has had some responsibility for equipping and accommodating its civilian staff. These are powers that the Government is proposing to remove.
- 3.9 In the Government's Consultation Paper, "Policing in the Community", responsibility for security policing was reserved as the prerogative of the Secretary of State for Northern Ireland in clear partnership with the Chief Constable and the security services. Obviously, by definition, there are aspects of this work which cannot be conducted in the public domain. There was a clear exclusion of the Police Authority from any view on security policing objectives or related matters.
- However, this necessarily meant that the Police Authority was unable to have a view or relay the view of the community on issues which came under the heading of security policing, but had a direct impact on the community, such as: the policing of marches and funerals, the closing of roads or the use of plastic bullets.
- This is a matter that needs further discussion so that there can be more clarity about boundary setting in the tripartite structure.
- 3.10 The overall consequence is that in Northern Ireland, the third element of the tripartite structure represented by the Police Authority Northern of Ireland is underdeveloped. This deficiency has been underscored by the refusal of significant sections of the Northern Ireland community to take up places on PANI. In particular, the SDLP and the trade unions have seen PANI as a body lacking in credibility and influence.
- 3.11 It is vital in the context of an overall political settlement that steps are taken to help the police win the support of all sections in the community. Some steps in the process are beyond the scope of this paper but will have to be dealt within the wider political talks.

Powers and Responsibilities of the Chief Constable

5.1 The Chief Constable must have the independence to make operational decisions concerning the use of the police. This does not mean he is a free agent because his officers have to justify their actions before the law, the Independent Commission for Police Complaints and be subject to the scrutiny of Parliament and the media. The problem is in deciding what are the limits of operational decisions. A Chief Constable, in our police tradition, should be seeking to use his resources in order to emphasise a police service rather than a police force. This can only be done, and the police can only be effective, if the Chief Constable has the support of the community. Means have to be provided to ensure that the Chief Constable is accountable without impinging on his rights to make operational decisions. Both the Secretary of State and the Police Authority have the right to help shape the development and direction of the police force. They do not have the right to tell the Chief Constable what to do now. We would welcome debate about the proper limits and freedoms of operational decision making so that there can be the crucial clarity about the respective roles in the tripartite structure.

The Chief Constable would have the following powers and responsibilities:

- a) Sole responsibility for the operational decisions relating to the direction and deployment of the police.
- b) Responsibility for civilian employees, land and buildings that are currently the responsibility of the Police Authority (like the Government, in Policing in the Community, we believe that the present allocation of responsibilities leads to the double banking of functions, bureaucracy and confusion)
- c) To produce a costed 3-5 year policing plan, for approval by the Police Authority, on how it is proposed to meet the strategic objectives and performance set by the Secretary of State. This should contain community objectives advanced by PANI to the Chief Constable.
- d) To produce an annual report on the functioning of the police force.
- e) To produce an annual budget plan for Police Authority approval, in line with objectives set by Police Authority and Secretary of State for submission to the Secretary of State as part of the public expenditure round.
- f) To produce regular reports on financial monitoring and other such policing matters as he wishes to inform the Police Authority or on which it required reports.
- g) Show to the Police Authority how the views of the Community and Police Liaison Committees had been taken into account in policing Northern Ireland

The Police Authority would have the following powers and responsibilities

- a) In deliberation with the Chief Constable, it would produce a costed 3-5 year development plan specifying priorities for police activity in line with the strategic objectives set by the Secretary of State. This would be submitted to the Secretary of State for comment and endorsement
- b) Each year, PANI, in consultation with the Chief Constable, would submit its financial plans to the Secretary of State. On receipt of its budget, PANI and the Chief Constable would decide on the broad financial allocation to functions that would best allow the police to achieve its policing plan goals.
- c) The Police Authority could require the Chief Constable, within a stated timescale, to produce financial monitoring reports and other reports on policing matters. If either PANI or the Chief Constable felt any request for a report, or the response from the Chief Constable was inappropriate, particularly with regard to the Chief Constable's sole responsibility for operational decisions, then the Secretary of State should be the arbiter
- d) PANI should produce an annual report - there should be a specific section identifying the progress made by the RUC in making the force truly representative and what action needed to be taken by the RUC and others to achieve that goal
- e) PANI would retain its existing powers to appoint the Chief Constable and other senior officers from criteria drawn up by PANI and Her Majesty's Inspector of Constabulary
- f) PANI should report on how the work and recommendations of the CPLCs had been taken into account in its own actions and set up mechanisms for reporting back to CPLCs
- g) PANI should be empowered to comment on those aspects of policing, including security policing, which have implications for the protection of human rights. (In the Framework Documents, both governments agreed to encourage democratic representatives from both jurisdictions in Ireland to adopt a Charter or Covenant which would reflect and endorse agreed measures for the protection of the fundamental rights of everyone living in Ireland. This does not take away from the monitoring role of the Standing Advisory Commission on Human Rights).
- h) Other duties, as at present, such as setting the establishment of the police, maintaining a lay visiting scheme, monitoring the police complaints system, and stimulating research into police matters.

We believe that these interim proposals will strengthen PANI by ensuring that the police are accountable to the people of Northern Ireland and making it possible for those groups who currently will not accept membership of PANI to join the body.

8. Police Name, Traditions and Insignia

- 8.1 There are huge differences in publicly expressed attitudes to the RUC. The views range from total support to demands for disbandment. Inevitably, argument has centred on symbols such as the name of the RUC. This is understandable because symbols are easy issues to understand and they are the most visible issues to focus upon when addressing the problems of community identification. However, especially when the memory of the troubles is so recent, these issues are consistently seen in terms of victory or defeat, triumph or betrayal. This is counterproductive to progress.
- 8.2 It would be wrong to ignore these symbols. If rapid progress can be made on issues such as whether an oath of allegiance to the Crown is necessary (after all the government recently announced that the oath required to become a Queen's Counsel had been removed) then indeed such progress should be made. But we believe it would be foolish to allow names, uniforms and other matters to dominate the debate. Symbols must not be allowed to get in the way of substance. It is the structural changes which are fundamental.
- 8.3 This problem cannot be fully solved outside a general political arrangement. Only once a balanced, constitutional settlement has been agreed for Northern Ireland, which embraces relationships with Northern Ireland, between Northern Ireland and the Republic and between the Republic and Britain, can there be agreement on issues such as the name and symbols. It will be a success when both nationalists and unionists can join the police fully accepting and upholding the legitimacy of the state and its law, because, in line with the Framework Documents, that state is based on agreement and as set out in the Downing Street Declaration.
- 8.4 Labour in no way believes that the RUC should be disbanded. It is the sole repository of policing skills in Northern Ireland. Its members and their considerable skills and experience are bound to be the foundation of policing in Northern Ireland in the future. What we are concerned with is setting the service in the right framework.
- 8.5 Labour's role - both in and out of government - must be to help establish a service that can work towards becoming fully representative of the community and accountable to it. These features will not happen overnight but the mechanisms must be put in place to make further development as easy as possible. This is why we believe that the changes outlined to PANI above, into the complaints system, to training and recruitment and to CPLCs, whilst not providing instant solutions, will establish channels and links to the community for progress in the future.