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ROYAL COMMISSION ON POLICING IN NORTHERN IRELAND: DRAFT TERMS OF REFERENCEOVERVIEW

It is essential that the police service in Northern Ireland is professional, effective and efficient; fair and impartial, free from partisan political control; accountable, both under the law for its actions and to the community it serves; representative of the society it polices; and that it operates within a coherent and co-operative criminal justice system designed to:

- deliver a fair and impartial system of justice to the community;
- be responsive to the community's concerns, and arrange community involvement where appropriate;
- have the confidence of all parts of the community; and
- deliver justice economically, efficiently and effectively.

It must be capable of maintaining law and order including responding effectively to any terrorist threat, and to public order problems, as a police service which cannot do so will fail to win public confidence and acceptance.

DETAIL

The Commission should inquire into the police service in Northern Ireland and, on the basis of its findings, bring forward proposals for future policing arrangements, including recommendations covering any issues (such as training and severance arrangements) which might be required in the transition to policing in a peaceful society; and on the scope for structured co-operation with the Garda Síochána. The Commission should focus on policing issues, but if it identifies other aspects of the criminal justice system relevant to its work on policing, then it should draw the attention of the Government to those matters.

Its proposals on policing should be designed to ensure that policing arrangements, including culture, ethos, recruitment and training, are such that the police are representative of, enjoy widespread support from, and are seen as an integral part of the community as a whole; and accordingly that:

- the police service is structured, managed and resourced so that it can be effective in discharging its full range of functions (including proposals on any necessary arrangements for the transition to policing a normal, peaceful society);
- that the legislative and constitutional framework is such that the police service maintains its impartiality in the discharge of police functions;
- the police operate within a clear framework of accountability to the law and to the community they serve, so:
 - ♦ they are constrained by, accountable to and act only within, the law;
 - ♦ their powers and procedures, like the law they enforce, are clearly established and publicly available;

SECRET AND PERSONAL

- ◆ there are open, accessible and independent means of investigating and adjudicating upon complaints against the police;
- ◆ there are clear arrangements enabling local people, and their political representatives, to articulate concerns about policing and, (subject to safeguards to ensure police impartiality and freedom from partisan political control) to publicly establish policing priorities and influence policing policies;
- ◆ there are arrangements for accountability for the effective, efficient and economic use of resources in achieving policing objectives; and
- ◆ there are means to ensure independent professional scrutiny and inspection of the police service to ensure that proper professional standards are maintained.

TIMESCALE OF COMMISSION'S WORK

The Government proposes to establish the Commission as soon as possible, with the aim of it starting work by Autumn 1998 and publishing its final report by Autumn 1999.

ANNEX []

SECRET AND PERSONAL

CRIMINAL JUSTICE REVIEW

DRAFT TERMS OF REFERENCE

Overview

The criminal justice system in Northern Ireland exists to uphold the rule of law. It is concerned with crime in all its elements and the process which brings offenders to account, but constitutes only a part of society's response to crime. It involves a number of publicly funded bodies, as well as professions, defendants, witnesses and victims. It is designed to:

- deliver a fair and impartial system of justice to the community;
- be responsive to the community's concerns, and encourage community involvement where appropriate;
- have the confidence of all parts of the community; and
- deliver justice economically, efficiently and effectively.

The Review

Taking account of all of these points, the review will address the structure, management and resourcing of the publicly funded elements of the criminal justice system. It will bring forward proposals for future criminal justice arrangements (other than policing and the emergency legislation, which the Government is considering separately) covering such issues as:

- the structure and organisation of criminal justice functions to be devolved to an Assembly, including the possibility of establishing a Department of Justice, while safeguarding the essential independence of many of the key functions in this area;
- the arrangements for making appointments to the judiciary and magistracy, and safeguards for protecting their independence;
- the arrangements for the organisation and supervision of the prosecution process, and for safeguarding its independence; and
- measures to improve the responsiveness and accountability of, and lay participation in, the criminal justice system; and
- mechanisms for addressing law reform.

The review will also take account of any issues drawn to the Government's attention by the Royal Commission on Policing.

Timescale

The Government proposes to commence the review as soon as possible, consulting with the political parties and others. The review will be completed by Autumn 1999.