

SDLP

Policing - Role of British Government and Independent Commission

1. The SDLP believes that while views on policing have been expressed during the talks process, the discussion has not advanced sufficiently to formulate agreed new policing structures and arrangements. Recognising this, and accepting that the issue is one of great sensitivity and importance, the SDLP believes that change in this vital area should be taken forward through the mechanism of a Police Commission and a programme for immediate action by the British Government.
2. The SDLP believes that the following key areas on policing must be addressed in the terms of a final agreement:
 - terms of reference
 - membership
 - time-frame
 - conduct of commission
 - process of implementation
 - British Government programme for action

Terms of Reference

3. The terms of reference must enable the commission to address the following key areas:
 - mechanism for achieving and sustaining balanced composition in the shortest possible time-frame
 - relationship between the new balance in composition and optimum size of a force policing a new society
 - effecting transition from security led to community based policing and policing that is unarmed and civilian in nature
 - the powers (legal) and resources (arms, equipment etc.) appropriate to new policing and consistent with appropriate international human rights standards

- the nature of operational independence and its relationship to structures of accountability and control
- the involvement of the police in prosecution with the intention of separation of power of prosecution for the police service
- nature of support for serving officers wishing to resign and embark on alternative careers
- nature of recruitment and selection and of civilianising this process through a dedicated agency
- nature of training and civilianising training through establishment of dedicated training agency run by civilian director
- mechanisms or approaches to ensure that the ethos of the police reflects society and the new purposes of policing a peaceful society (while recognising that the ethos of the police depends on large measure on nationalist representation reaching a critical mass)
- the issue of name, uniform, identity and symbols
- the creation of regional structures; the manner in which new regionalised structures would be determined and operated
- the role of the police complaints system
- the nature of performance appraisal, particularly vis-a vis the new ethos
- mechanisms for providing support to new police arrangements to deal with extraordinary public order situations
- interconnections with other police forces, particularly with the Garda Siochana
- the incorporation in law and in practice of human rights standards

4. It is important to recognise that we regard the primary purpose of the commission as being to formulate proposals on new policing appropriate to the political settlement. It should be clearly understood that the role of a commission would not be to amend current arrangements with the intention of maintaining the basic integrity of current policing structures.

Membership

5. Confidence that the purpose, expectations and outcomes of the Commission will be influenced by its membership. It is vital that the Commission's membership has a clear international dimension, drawing on international expertise and experience on policing in transition, formally assisted by local and international human rights NGOs and with a significant role for the Irish Government through the Intergovernmental Conference. Membership must be by agreement between the Irish and British Governments. Moreover, the SDLP believes that a number of NGOs should be specifically resourced and tasked to be both a secretariat to and/or dedicated input agencies to the Commission, In particular, we commend the probation Board/ NIACRO and the Committee on the Administration of Justice as two such bodies.

Time-Frame

6. In the context of action by the British Government to convey its commitment to new policing, there is a widespread expectation that a Commission will report its recommendations within a short time-frame. Such a time-frame, in concentrating efforts and intensifying consultation, would be an assurance that the exercise is a meaningful one and will be acted on. It may be that the Commission could take action indicative of progress during such a time-frame and that the time-frame should be six months.
7. We wish to underline our deep conviction that if current policing were continued or within the context of the unacceptable proposals for change in circulation, then new political arrangements would be vulnerable to many factors - those factors would include the credibility of the current situation where one community is being seen to police the other.

Conduct of Commission

8. A wide ranging public engagement in the debate on policing is crucial. The commission must play a key role in ensuring that society as a whole has an input into and ownership of the process of formulating new policing. The formal role for local and international human rights NGOs will be critically important in this regard.

British Government Commitment

9. The nationalist community expects as do others, and all are entitled, in the context of an overall settlement, to see new policing structures and arrangements being put in place within the shortest time feasible with the maximum change possible. It is the responsibility of the British Government to convey change while the Commission is deliberating. That change must be focused on much more than what others refer to as "normal policing", particularly as there has never been normal policing in Northern Ireland given the absence of nationalist consent. A convincing commitment by the British government to change in policing will be crucial to nationalist confidence in the efficacy of an independent commission to take forward the issue of policing.
10. The British Government must implement a programme for immediate action. The need for action has been reaffirmed by recent revelations that tend to confirm long-standing concerns about collusion between the security forces and loyalist paramilitaries, abuse of detainees in holding centres and of police intimidation of lawyers.
11. The programme for action should include:
 - immediate accelerated programme of affirmative action by the British Governments to achieve early and significant changes in composition, thorough, for example, a programme of geographically based recruitment
 - ban police membership of oath bound organisations

- a substantial programme of de-escalation of the RUC's security profile
- immediate closure of holding centres
- immediate banning of plastic bullets
- immediate implementation of audio/video recording of interviews
- immediate drafting of new legislation on inquests
- immediate repeal of emergency legislation
- immediate end of derogation from the European Convention on Human Rights
- publication of the Stalker/Sampson reports
- publication of the Stevens inquiry report
- inquiry into allegations of collusion, including the death of Pat Finucane (based on recent revelations in press and recommendation of the U.N. Special Rapporteur on the Independence of Judges and Lawyers)
- formal investigation into allegations of police intimidation of lawyers (based on report of U.N. Special Rapporteur)
- formal announcement of adherence to U.N. recommendations and standards on policing with appropriate action: specifically U.N. Principles on the effective prevention and investigation of extra-legal arbitrary and summary execution; U.N. Basic principles on the use of force; U.N. Code of Conduct for law enforcement officials

12. As with the implementation of changes in the administration of justice, confidence in the efficacy of an independent police commission to bring about real and meaningful change requires a forthright commitment as part of an overall agreement that, following appropriate consultation, the recommendations of such a commission will be acted upon by the British Government. Only when such changes have been satisfactorily implemented can consideration be given to the question of transfer of responsibilities of these complex and sensitive issues.