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**FAXED**B CHOGM
19:00 24/10

Prime Minister

POLICE (NORTHERN IRELAND) BILL - POLICY CLEARANCE

You are aware of my desire to have a Police (Northern Ireland) Bill introduced in this session of Parliament. The purpose of this letter is to seek IN Committee's approval to the policy content of the Bill, so as to ensure the maximum flexibility on timing, if the Business Managers find it possible to allocate time. I do not see a need for a Committee meeting to discuss the Bill.

Purpose of the Bill

The Bill, which is fully drafted, introduces changes in policing structures, similar to those introduced in England and Wales in 1994; it implements changes to the police complaints system in Northern Ireland, in line with the recommendations made in a review published earlier this year; and it consolidates with some amendments our policing legislation. It is in line with our manifesto commitments, and with our May 1996 consultation document on policing in Northern Ireland.

The structural reforms are necessary to ensure an effective tripartite structure and for providing mechanisms which engage the community in policing issues, while holding the Chief Constable to account. They will provide a good basis for all likely future constitutional scenarios.

The introduction of independent investigation of police complaints should strengthen public confidence, across the whole community, in the police complaints system, and so in the police service.

Detailed Provision



(a) Structural Changes

The legislation contains detailed proposals for reforming the role of the Secretary of State, the Police Authority for Northern Ireland, and the Chief Constable of the Royal Ulster Constabulary in the field of policing. It is in line with those already implemented in England and Wales by the Police and Magistrates Courts Act 1994, and with the proposals in the Labour Party consultation paper "Policing in Northern Ireland - A Service for All People".

The principal changes will be:

- delegation of the day-to-day management of the police grant and police support services to the Chief Constable;
- delegation to the Chief Constable of the powers of an employer in respect of civilian staff directly employed by the Police Authority for Northern Ireland (PANI) and the power of 'direction and control' over Northern Ireland civil servants seconded to PANI, and (in due course) transfer of those civil servants to the employment of PANI;
- a requirement for the Secretary of State and Police Authority to set policing objectives;
- a requirement for the Police Authority to publish an annual policing plan, and for the Chief Constable to publish a 3 to 5 year strategic plan (the latter is not required in England and Wales);



- the introduction of the term "Northern Ireland Police Service" to describe the total workforce under the control of the RUC Chief Constable, that is, RUC officers, traffic wardens and civilian members of staff; the name 'Royal Ulster Constabulary' for the sworn officers is retained;
- provisions allowing local district councils to question members of the Police Authority at council meetings;
- a move from the current "oath" of appointment for RUC officers to the more neutral Scottish declaration. The move was strongly recommended by the Police Authority here and will remove one of the factors that deters Catholics from joining the service.

These reforms will safeguard the operational independence of the police, whilst providing much needed mechanisms to engage the community meaningfully and constructively on policing issues. In particular, the change to the form of the declaration of office will be a clear signal that policing is to become more open to the whole community.

They are based on fundamental principles: the need to ensure that the police are impartial, efficient and effective, that they enjoy the confidence of the community and are responsive to it, and that policing services are delivered in ways which meet the need for safer communities, and for real reductions in crime and the fear of crime.

(b) Police Complaints

The Bill will reform the police complaints system in line with recommendations in the report by Dr Maurice Hayes "A Police

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Ombudsman for Northern Ireland?", which we undertook to implement while in Opposition.

These reforms create a new office of Police Ombudsman for Northern Ireland, provide new procedures for the treatment and investigation of police complaints, including independent investigation by staff of the Ombudsman (who will include 'civilians' and police officers seconded on temporary service), and to provide the Ombudsman with a call in power for non-complaint cases.

Political Aspects

There is no particular GB political interest in the provisions in the Bill.

I have considered carefully the Northern Ireland implications, particularly at this point in time in the Talks. Although there may be some Irish (and Nationalist community) concerns that this legislation is not far reaching enough, and may close off options, provided it is made clear that the structures reforms do not preclude the implementation of any agreement which should come out of Talks, this should be manageable. Much of the Ulster Unionist Party concern would be addressed by proceeding by Bill (and not Order in Council). There may however, be some Unionist concern focused on the removal of support service provision for the police from the Authority, which they may claim will unduly restrict the Authority's powers, and on the new form of declaration. However, we expect the Chief Constable and PANI to support us on the declaration, and the objective setting planning and reporting provisions provide a strong counter-balance to the concerns about the Authority's powers. There will inevitably be other claims - for example, that the name of the force is being changed by stealth, but these can

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be tackled as they arise. Underlying many Unionist concerns is their opposition to any change in the status quo, especially in an area which they regard as 'theirs' by right.

The proposals on the police complaints system enjoyed support from across the political spectrum in Northern Ireland when Dr Hayes' report was published in January. It will be extremely important not to lose this support, and I am anxious that we move smoothly to build on the constructive approach Dr Hayes' skilfully brokered.

Jack Straw, who has the greatest policy interest in the proposals, has seen them; and I am grateful for his helpful support and endorsement.

Handling/Parliamentary Procedure

I am happy to fit in with what the business managers want, should we get a Bill slot.

Public Expenditure/Manpower

I have considered carefully the resource implications of the proposals. I expect the transfer of management of civilian support staff and police resources to the Chief Constable to reduce the considerable bureaucracy, inefficiency and duplication of effort between the RUC and the Police Authority. There may be short term costs associated with transitional arrangements in the structures area, but as these will largely involve a reallocation of existing resources between the Police Authority, the RUC and the Northern Ireland Office, they will be contained within existing budgets.

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The setting up of the Police Ombudsman's Office will give rise to increased running costs for a limited period. This is inevitable as the current and new systems will operate in parallel for a time. However, once all complaints under the old system have been processed, savings in the Complaints and Discipline Department of the RUC should offset the costs of the new system. The changes are a high priority for Government; which is committed to early implementation (by end February 1999 at the latest). Resources will need to be found within the context of the NIO Comprehensive Spending Review.

Impact on Business

The proposals only direct impact on business will be in the complaints area. Here, the impact will be on solicitors; the proposals should, by giving one point of contact and a streamlined process, make their task easier.

ECHR Aspects

We have considered the ECHR aspects. Our conclusion is that there is nothing in the Bill which is likely to be judged contrary to the Convention. Indeed, it can be argued that the independence of the Ombudsman strengthens the position of the complaints system under the Convention; and that the clarification of the roles and duties of the respective parties, and the purpose of policing itself, is entirely in keeping with the Convention.

New Powers of Entry

By providing the Ombudsman's staff with powers of investigation, the legislation effectively creates a power of entry. For example, they could search premises. GB officers working on cases at the request of the Chief Constable (Clause 57) or on temporary service with the Ombudsman are in a similar position. These are powers the RUC are exercising at present in their

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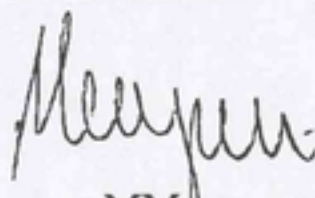


investigation of complaints, and although there is the possibility of some duplication in their use, for example where the police are investigating a crime and the Ombudsman is investigating police involvement or actions, this is likely to be a rare occurrence. In addition, there are safeguards. The PACE Code of Practice will apply in all cases and the power could only be used "for the purpose of conducting, or assisting in the conduct of an investigation".

Conclusion

I should be grateful to know by 5 November if you and other copy recipients are content with these proposals.

A copy of this letter goes to members of IN, the Secretary of State for Scotland, President of the Council, Lord Chancellor, Attorney General, First Parliamentary Counsel, and Sir Robin Butler.


MM

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