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PAPER BY HMG: POLICING AND CRIMINAL JUSTICE

This short paper addresses policing and criminal justice, and seeks views on how these arrangements might be reviewed in order to inform the Government and the parties. These issues are widely recognised as important, complex and sensitive, where detailed technical consideration as well as challenging and constructive thinking is required, in order to produce practicable options for the way ahead.

2. The Government recognises that policing is part of a broad, coherent and co-operative criminal justice system. That system should be 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. It should also command the confidence of all parts of the community; and deliver justice economically, efficiently and effectively.

3. There has been useful and wide ranging discussion on the paper "Principles for Policing in Northern Ireland". The Government has also published a paper on Criminal Justice. The strong linkages between policing and the wider criminal justice system emerged; and Government believes that the future of Northern Ireland's criminal justice system as a whole, and its relationships with new institutions needs to be considered in parallel with the consideration of the future of policing.

4. The "Principles for Policing" paper canvassed the possibility of a "wide-ranging, multi-faceted review of policing, perhaps by an Independent Commission, to produce recommendations to inform the Government and the parties". Several of the parties have commented favourably on this possibility, emphasising that such a Commission should be authoritative, independent, and produce recommendations within a reasonable timescale; others have expressed reservations about the scope and purpose of such a Commission.

5. A wide-ranging, multi-faceted review of policing to be carried out by an Independent Commission, perhaps a Royal Commission, with a membership including professional experts and perhaps an international element and required to produce emerging findings within 12 months of its first formal actions would be one way in which, in the context of an overall agreement, consideration of policing could be carried forward. Such a Commission might also

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be invited to draw the attention of Government to other aspects of the criminal justice system which impinge on policing. An indicative outline of the terms of reference of such a Commission is attached.

6. The Government has already made clear its wish to return to a position as quickly as possible where normal policing arrangements operate in Northern Ireland, with no need for military support of the police, protective security measures removed and no further need for temporary emergency legislation. But the pace of progress will be determined solely by the threat posed by terrorism. As the Government has already announced, it intends to bring forward permanent legislation for countering terrorism of all kinds, domestic and international. This will eventually allow the present emergency legislation to be repealed.

7. The Government envisages devolution of broader criminal justice responsibilities in due course. This will entail addressing structural issues and means of commanding the confidence of all parts of the community in criminal justice. A parallel review of those aspects of criminal justice other than policing and those aspects of the criminal justice system which flow from the emergency legislation could be carried out by the Government in consultation with the new institutions which emerge from Talks, within broadly the same timescale as the proposed Commission.

8. The Government would welcome the views of the parties and stands ready to discuss these ideas with parties bilaterally or, if time permits and the parties so wish, in a Strand One discussion.

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