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17 February 1988

STATEMENT BY SECRETARY OF STATE, RT HON TOM KING MP, IN  
HOUSE OF COMMONS ON 17 FEBRUARY 1988

With permission, Mr Speaker, I wish to make a statement on matters within my area of responsibility arising from the investigations carried out by Mr Stalker and Mr Sampson.

In his statement to the House of 25 January, my Rt Hon and learned Friend the Attorney General said that the Director of Public Prosecutions for Northern Ireland had concluded that having considered all the facts and information ascertained and reported by Mr Stalker and Mr Sampson and having re-examined the original Royal Ulster Constabulary investigation files, the evidence did not warrant any further prosecutions in the two incidents in which charges of murder have already been brought, nor in the third incident at Ballynarry. He did, however, conclude that there was evidence of the commission of offences relating to perverting the course of justice, but had further concluded, on grounds of public interest, that it would not be proper to institute any criminal proceedings.

The question of further action therefore falls to be considered in the context of the question of disciplinary proceedings.

The Director of Public Prosecutions has advised the Chief Constable of the RUC of those offences in respect of which he concluded there was evidence. The Chief Constable of the Royal Ulster Constabulary has today announced that he has invited the Chief Constable of Staffordshire, Mr Charles Kelly, to consider whether disciplinary charges should be brought in the case of RUC officers of Chief Superintendent rank and below, and if so what charges would be appropriate. Mr Kelly has appointed one of his Assistant Chief Constables to help him in this task. The work has already started. The Chief Constable has told me of his concern that it should be completed without delay in the interests of all concerned. The Chief Constable has also confirmed to me that he considers that any charges brought should be heard by a Chief Constable of another Force. I have made clear to the Chief Constable my own concern for these disciplinary issues to be resolved as soon as possible.

Mr Sampson also made observations on the role played by more senior officers. The Police Authority for Northern Ireland is the discipline authority for those ranks. Her Majesty's Inspector of Constabulary, Sir Philip Myers, has therefore informed the Chairman of the Police Authority of these observations, and is making available relevant material for their attention. I have seen the Chairman who has confirmed this position to me and that these matters will now be considered by the Authority.

I shall keep the House informed of further developments on these matters.

The circumstances surrounding and following the incidents in 1982 gave rise to concern about procedures, responsibilities and control within the RUC. In the light of Mr Stalker's interim conclusions and of Mr Sampson's further comments upon them, a special inspection into these matters was carried out by Mr Charles McLachlan, one of Her Majesty's Inspectors of Constabulary, and I received his report on 25 January. I am grateful to him for the thorough manner in which he carried out his task. I have since discussed his report with the Chief Constable.

I am most anxious that there should be a better public understanding of the two major issues involved. The McLachlan report deals with the procedures and practices that have been followed in police work in Northern Ireland arising out of anti-terrorist operations. The report essentially covers two areas: first, how the Special Branch, with its own crucially important and distinctive task, still remains an integral part of the overall force within the disciplines of mainstream policing. The House will be aware of the concerns expressed in 1982 that the Special Branch had become a 'force within a force'. The second issue is how to ensure that, notwithstanding security and other considerations, there is a proper procedure for the investigation of all serious incidents, and that full and accurate information is given to the Director of Public Prosecutions.

These questions go to the heart of the problems faced by a police force using the normal processes of the law while fighting a vicious and ruthless terrorist enemy. Intelligence is the lifeblood

of that fight. Without it the security forces are seriously handicapped. It is vital that it is protected. Moreover, knowledge even the procedures used by Special Branch and other RUC officers will not only make their task still more difficult, but will put lives at even greater risk. That is why the security forces are understandably and rightly so committed to protecting intelligence. But the lessons of these incidents show clearly that that desire must not operate outside effective accountability and control.

On the question of a 'force within a force', Mr McLachlan's report makes it clear that while the Stalker/Sampson enquiry rightly focussed on the situation in 1982 and immediately thereafter, matters were substantially improved shortly afterwards. In 1983, at the request of the Chief Constable, a former very senior officer of the Security Service carried out a special review into certain aspects of Special Branch management and its relationship with the CID. His recommendations were implemented in full. The new rank of Senior Assistant Chief Constable was introduced for the RUC in 1984. Since then both the Special Branch and CID have answered to the same Senior Assistant Chief Constable, so that their work has been fully co-ordinated.

Special Branch operations must be conducted in secrecy but they must not be carried out without the knowledge of the RUC senior command. Mr McLachlan stresses that the regional Assistant Chief

Constables are now aware of the operations of Special Branch within their respective areas, and re-emphasises the importance of them continuing to monitor these. In addition he makes a number of specific recommendations designed to ensure the highest standard in the selection and training of members of Special Branch, the prevention of over-specialisation, the encouragement of cross-posting both within the RUC and with other police forces and the further integration of the Branch with the other parts of the Force. In putting forward these recommendations, Mr McLachlan pays a strong tribute to the present professionalism and standards of members of Special Branch, stressing the vital part they play in combatting terrorism.

I now turn to the second major issue covered by Mr McLachlan. This concerns the vital need that serious incidents are thoroughly investigated. At the heart of this is the point that the policies and practices of the RUC should in future reflect the paramountcy of the CID investigations, including the need for evidence to be preserved and for no obstacle to be placed in the way of questioning of suspects and witnesses.

Mr McLachlan considers that the combined responsibility for both CID and Special Branch makes an important contribution to the proper handling of such enquiries. In addition, he now recommends that in controversial incidents involving RUC officers, the Chief Constable should consider whether an experienced Assistant Chief Constable from another force should be appointed to lead the

investigation; and that an experienced senior CID officer should attend any debriefing where firearms have been used by the RUC and people killed or injured. He also recommends improved arrangements at the scene of such incidents so that the forensic, pathology and photographic resources available are used to best effect.

In addition, however, to the specific recommendations of Mr McLachlan in this area, as my Rt Hon and learned Friend told the House on 25 January, the Director of Public Prosecutions was intending to discuss with the Chief Constable and Deputy Chief Constable of the RUC, safeguards to ensure that in the future, facts and information given to the Director are in all respects full and accurate, whether or not any security interest is involved. The House will recognise that this is precisely the issue that I identified earlier and which has to be addressed. I can inform the House that a first meeting has already been held and that these discussions are now proceeding.

The House will note therefore the steps that have been taken and are now in progress to address these difficult issues. The Chief Constable has implemented in full the recommendations of the special review in 1983; further changes have been made subsequently, including in particular the control of both CID and Special Branch under a single senior officer; and the Chief Constable is now in discussion with the DPP on the necessary safeguards for full and accurate disclosures to the Director. I can also tell the House that the Chief Constable has confirmed to me that he has accepted in principle all the recommendations of Mr McLachlan.

There is one further particular aspect that I should mention. Shortly before one of the incidents in 1982, two RUC officers were given approval to cross the border into the Republic of Ireland. At the meeting of the Anglo-Irish Conference yesterday, I advised Irish Ministers of the full circumstances of the officers' presence in the Republic. I emphasised that the two officers who made the crossings were in plain clothes, were unarmed and were in an unmarked car. As the Chief Constable said in the statement which he issued on 7 April 1984, the crossings were made "for observation purposes only. There was no preplanned incursion nor is there any deliberate or authorised system of incursion". Nevertheless it is fully accepted that it was wrong and regrettable that two RUC officers were permitted to enter the territory of the Republic unannounced as part of an ongoing operation. It is the Government's intention that this should not happen again and the Chief Constable for his part has undertaken to ensure that it does not; nor has it occurred since.

These incidents of 1982 and the subsequent events illustrate sharply the acutely difficult problems faced by a Parliamentary democracy and the police service in combatting the evil of terrorism. These incidents in which six lives were lost, and in which one person was seriously wounded, have already led to four



policemen being prosecuted for murder, two more senior officers suspended, and the shadow of innuendo cast more widely over the RUC. Undoubtedly serious mistakes were made which have damaged the reputation of the RUC. This is a particular tragedy for a police force of the courage and professionalism of the RUC today who have given ample recent evidence of their commitment to protecting the whole community from violence from whatever extreme it may come, and who fully deserve the tributes that Mr Stalker, Mr Sampson and Mr McLachlan all pay to them. We owe it to them and to the whole community in Northern Ireland to ensure that these matters that I have described to the House today are dealt with promptly and correctly that the wider lessons have been fully learnt, and the necessary changes effective to ensure that such problems can never happen again.