

CONFIDENTIAL

POLICE COMPLAINTS

Key Points

Mr Scott announced publication on 24 July of proposals (on which you can comment) to reform the procedures for handling complaints against the RUC; the new system will be broadly in line with that which exists in England and Wales, supplemented to take account of the particular situation in Northern Ireland.

I understand your officials have had a number of opportunities to discuss details of the revised procedures with NIO officials through the Secretariat; although not all of your suggestions have been accepted, we believe that our proposals nevertheless establish a more effective system for handling complaints. The independent Police Complaints Board will have considerable powers.

It would greatly help if you could give the proposals some measure of public support.

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Background

On Thursday 24 July 1986, Mr Scott announced publication of the draft Order-in-Council outlining the Government's proposals to reform the Police Complaints and Discipline Procedures in Northern Ireland. (Press notice attached).

2. The Irish have already been given copies of the draft Order together with the Explanatory Document, and the Secretary of State has written to Mr Barry explaining his reasons for rejecting the latest Irish proposals about strengthening the independent element in investigations by having a third party present at interviews with suspects; and the retention of Section 13 Tribunals.

3. These were rejected because:

(a) The presence of a third party during the interview of a witness/suspect could only be such as to impair severely the effectiveness of the enquiries; any short-term gain in public confidence would ultimately be offset by a loss of effectiveness.

(b) Section 13 Tribunals, even if strengthened, would still fail to provide for proper punishment for wrong-doing, since the process would be reliant de facto on the granting of immunity to witnesses; this would certainly not be in the public interest. The Existence of such a tribunal would detract from the standing of the new Police Complaints Commission and would add nothing to the substantial powers, the new proposals would provide for the effective investigation of complaints.

4. However, the Irish expressed concern about imminent publication of the proposals and sought a postponement until much later in the year. The balance of advantage lay clearly in pressing ahead with some urgency; and both the Secretary of State and Mr Scott, being of one mind on the importance of public confidence, expressed the hope that despite the remaining difficulties, the Irish would still feel able to give the proposals a measure of public support.

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L35/86

24 July 1986

REFORM OF POLICE COMPLAINTS SYSTEM

Mr Nicholas Scott, MP, Parliamentary Under Secretary of State, with responsibility for Law and Order matters, today announced the publication of a Proposal for a Draft Order-in-Council setting out the Government's proposals for reform of the police complaints system in Northern Ireland.

The central feature of the proposals and the foundation upon which the new system is based, will be the establishment of the Independent Commission for Police Complaints for Northern Ireland which will have extensive supervisory powers in relation to the investigation of complaints against the police.

Launching the proposals, Mr Scott emphasised the importance of establishing an effective and independent system which would command the support of the whole community and in which the police could have confidence.

He said: "As with the rest of the United Kingdom, the principle upon which the proposals are based, is that the investigation of complaints should be accountable; that the investigations are conducted by those whose training and experience best fit them for the task and that they are required to satisfy an independent public authority that the investigations are carried out efficiently, effectively, thoroughly and fairly."

Stressing the importance of the Commission's supervisory powers Mr Scott said: "It would be able to approve or disapprove the choice of investigating officer and could direct that he be appointed either from within the RUC or from another UK police force; it could appoint one of its own members to take personal responsibility for the supervision of a particular investigation; that member would stay close to the investigation throughout its course.

"The Commission could also direct the investigating officer as to the conduct and scope of his investigation and ask for progress reports during the investigation.

"In addition, and where necessary, it could direct that enquiries should follow a particular course and that the investigating officer should carry out a more searching examination of points already considered.

"At the conclusion of an investigation the Commission would be required to state to the complainant whether the investigation had been carried out to its satisfaction. The Commission would also have oversight of the process by which minor complaints were handled informally and would be able to receive complaints directly from the public."

Mr Scott said that, in addition, and unlike its counterpart in England and Wales, the system in Northern Ireland would be supplemented by measures which gave the Secretary of State and the Police Authority powers to direct the Commission to supervise the investigation of matters, not the subject of a formal complaint, but which indicated that a police officer may have committed a criminal or disciplinary offence in cases which affected or appeared to affect the public interest. "I believe that these powers will further reassure the public that questions concerning the conduct of police officers would be dealt with effectively," he said.

Mr Scott added that between now and the end of September the Secretary of State would welcome comments from interested parties, including those to whom copies of the proposals had been sent. He said copies had been issued to the Northern Ireland political parties who represented the law-abiding community, and both he and Mr King looked forward to receiving their comments in particular.