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To: HQ
For: Secretary Gallagher

From: Belfast
From: Joint Secretary

Subject: Meeting with RUC Chief Constable, 22 October 1999

1. RUC Chief Constable Ronnie Flanagan called to the Secretariat last Friday, paying his first visit to the Secretariat since I took up duty here on 1 August. Discussion at the meeting, which lasted some two hours, was free-flowing throughout and was focused primarily on the Patten Report. We also discussed the overall security situation and I raised a number of specific cases with him, viz., Robert Hamill, Rosemary Nelson, Pat Finucane and Ed Moloney. Flanagan was unaccompanied, while Val O'Donnell and Niall Holohan attended on our side. Following is a summary of the main points made.

2. I began the meeting by referring to the close cooperation between the two sovereign Governments and between the RUC and the Garda Síochana and expressed our appreciation for the personal protection and advice being provided by the RUC on an ongoing basis.

3. On Patten, Flanagan sought to adopt a measured, neutral attitude with regard to the various recommendations, in line with his initial public response. He came across as very keen to serve for a further period, if asked. Probably in that particular context, he favoured the early appointment of the Oversight Commissioner. His overall assessment of the security situation is that, while the level of overt paramilitary activity on both sides has abated very significantly, the overall level of paramilitary capability has not diminished - and has, if anything, increased. While he had little new to offer on the individual cases which I raised with him, the meeting served to underline the ongoing concern and close scrutiny of the Irish authorities.

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Patten Report

4. In asking the Chief Constable for his personal reaction to the Patten Report and about the mood generally within the police and in the Police Federation, I cited the common approach of the two Governments and their overall agreement in principle with regard to the implementation of the Report's recommendations. He responded that the Patten recommendations could be divided into a number of categories:

1. Those recommendations which could be implemented forthwith, many of which were based on the recommendations based on his own Fundamental Review of 1997, e.g., structured change, management, IT, training.

   Flanagan felt that these could and should be proceeded with, without delay.

2. Those which would require legislative (and policy) change, e.g., establishment and composition of Policing Board, the 3p levy and related issues.

   Flanagan's main concern here was to reject forcefully the notion that former paramilitaries could be given a role. As he graphically put it, he wanted no Johnny Adair patrolling the Shankill or a Brian Gillen patrolling the Falls. (He fully accepted my point that such an eventuality had been specifically ruled out by Patten.)

3. Those which are security-dependent, of which he said there were ten in particular - some dependent on an improved security situation, some dependent on no deterioration in the present situation.

   This really seemed to be primarily and essentially a political rather than a security point. He said that, for example, a statement by the IRA to the effect that "the war is over" would constitute an improvement in the security situation (whether or not the dissident republican threat remained or became greater).

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4. Those involving change to name, flag display, badge, uniform and other symbolic initiatives recommended by Patten.

Flanagan said that - whatever about their potential emotional cachet - these are essentially political or policy issues which would be worth the pain involved if it resulted in acceptance of the new policing service by the nationalist community. (At the same time, he referred to growing resistance among serving RUC officers to taking a new oath. Were they not already observing an oath of office?)

5. He was somewhat defensive when I raised the issue of "bad apples" in the RUC as highlighted in the Patten Report. He felt that it would be impossible to get rid of the bad apples by taking any action that would have a retrospective effect. Instead, he emphasised the potential effect in the future of certain proposed changes:

(a) proposed change in the standard of proof in disciplinary cases from the present "beyond reasonable doubt" to "balance of probability", as obtains at present in civil cases. (In a rather disturbing anecdote, he mentioned a recent case involved the alleged beating of a person in custody, where the officer was found not guilty - but would have been found guilty under balance of probability guidelines.)

(b) the more extensive powers proposed by Patten for the post of Ombudsman

(c) increasing resort to computer-based analysis of patterns of complaints re RUC conduct/discrimination.

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Oversight Commissioner

5. Flanagan saw value in the appointment of the Oversight Commissioner - from overseas - at an early stage. He supported the concept that all parts of the new policing infrastructure would be accountable to the Oversight Commissioner. It was therefore vital to select the right person for the assignment, he said, and went on to criticise the suggestion that a prominent South African should be appointed. He referred in particular to media coverage of police violence against local (black) South Africans and questioned whether the changes carried out in South Africa had been a complete success. Comment: I formed the clear impression that Flanagan was mindful that - if he were to serve on as Chief Constable at a time of profound change for the RUC - the Oversight Commissioner would personally be likely to carry a large measure of the responsibility (and the blame). In effect, the Chief Constable's task would simply be to carry out faithfully and effectively the Government's directives in that regard.

Police Board

6. Flanagan was unsure whether Patten envisaged that the Police Board could be established prior to an Executive being set up. Operationally, his main concern related to the inclusion of Sinn Féin on the Police Board in the absence of an unequivocal demonstration of their commitment to non-violence. In the absence of that, he could see real difficulties developing, given the highly sensitive nature of the information which would be channelled between the Chief Constable and the Board, e.g., plans for new police stations, deployment of police resources to deal with public order and other policing issues. Comment: While Flanagan was very strong on the general point he was making, he was non-specific as to what precise development/s would establish a sufficient level of trust to remove the reservations he has about Sinn Féin involvement in the Police Board..

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North-South Cooperation

7. Flanagan appeared very comfortable regarding the prospect of further north-South cooperation between the two police forces. He seemed open to what might be termed a "maximalist" approach to the Patten recommendations in this regard - including the possibility of reciprocal secondments involving the exercise of full, normal police powers in the other jurisdiction. He also expressed the belief that, given the very high level of cooperation which already exists, the Patten recommendations regarding North-South cooperation - some of which he felt were quite minor, e.g. Annual Conference, protocols - would not in the end make a huge practical difference.

Security Situation

8. The security situation was not discussed in any great detail. Flanagan repeated his concerns about the increased threat from dissident republicans. I reflected concern at this also and referred to the very effective Garda operations in addressing that particular threat. I also repeated our concerns at the spate of attacks on Catholics, especially with reference to the worrying situation in Larne (see also other specific cases referred to below). As indicated, Flanagan's main thesis regarding the security situation is that, while the level of overt paramilitary activity has abated, the overall level of paramilitary capability has not diminished - and has, if anything, increased. Nevertheless, Flanagan went on to refer to a number of normalisation measures which have been introduced, consistent with the current level of threat:

1. British army patrolling has been reduced to one-third the level which obtained at the time of the renewed IRA cessation (July 1997).

2. There has been no recruitment to the full-time RUC reserve for the past two years - leading to a reduction of some 450 in its approved strength (down to about 2,500).

3. Many security installations have been totally removed or mothballed. (He also trailed - again - the possibility of the Army installations along the Fermanagh border being dismantled in the near future.)

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Current Cases

I raised a number of specific cases with Flanagan, stressing in each instance the concerns of the Irish authorities:

1. **Robert Hamill**

I referred to the widespread unease, concern and dissatisfaction at the way in which this case was proceeding, emphasising the pressure on my authorities to call for a public inquiry. Flanagan said the internal police disciplinary investigations will likely be concluded in a month or so, but he did not hold out much prospect that disciplinary charges will ensue. He cited Justice McCollum's lack of a clear-cut conclusion on the behaviour of individual RUC officers at the scene of Hamill's murder. In the absence of new evidence, he felt that the case was unlikely to proceed much further.

- **Pat Finucane**

Flanagan expects Stevens to stay on to complete his investigation before going on to head up the London Metropolitan Police Force. Flanagan seemed to think it unlikely that more persons will be charged.

- **Ed Moloney**

Flanagan stressed that it was Stevens - and not the RUC - who was pursuing Moloney for his notes on the Stobie conversation. He also stressed that the key point in the case is that Stobie's admission to Moloney, based on the notes, could be admitted as evidence - anything less would be hearsay, and thus inadmissible. Flanagan accepted that Moloney was quite prepared to face jail.

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- **Rosemary Nelson**

I told Flanagan that I had requested a meeting with Deputy Chief Constable Colin Port to discuss the Rosemary Nelson case. Flanagan said that Port has made progress and may be aware of the identity of those responsible for her murder. The problem is to assemble sufficient evidence to bring charges that will stick. He mentioned, incidentally, that Paul Nelson has broken a previously good relationship with him personally and will have nothing to do with the RUC since the publication by the Independent Commission on Police Complaints of his sister's earlier complaints against the RUC.

Flanagan's Personal Position

9. As indicated, Ronnie Flanagan appeared keen to serve further if asked. A number of times during our two-hour meeting, he sought to defend his personal position against what he felt were unfair calls or comments. In particular, he believes that Sinn Féin is determined to have him removed from office as a major selling point among their followers in gaining acceptance of Patten and in justifying other elements of the overall package (acceptance of Assembly, entry into Executive, no 32-county republic, etc.). He also referred to Congressman Chris Smith's visit to him earlier this year. Whilst the meeting had gone well, he said, Congressman Smith was very critical of him personally in subsequent statements to the media here and in the United States. He was especially upset at critical and inaccurate personal references to his human rights record contained in Ben Gilman's Congressional report on the RUC. He also hinted at the possibility of taking libel action if "untrue reports" regarding his attitude to human rights - based on the US material - are published in the north or in Britain.

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