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CONFIDENTIAL

FROM: MRS C COLLINS  
Police Division  
29 November 1993

~~Not on file~~

MM

NOV 1993

- cc PS/PUS (B&L) - B
- PS/Mr Fell - B
- Mr Legge - B
- Mr Thomas - B
- Mr Bell - B
- Mr Steele - B
- Mr Deverell - B
- Mr Williams - B
- Mr Wood - B
- Mr Leach - B
- Mr Marsh - B
- Mr Maccabe - B
- Mr Bramley, SIL - B
- Dr Rosborough
- Mr Kyle - B
- Mr Mills
- Ms Bharucha

ASST SEC 5/12  
1 DEC 1993  
CENT WDW SEC

15351  
in the letter  
Generally excellent - tho'  
Some points as noted in the  
margin. Any comments to?  
may reply on Thursday, pl.  
to. 11

Mr Lyon - B

*Mr Watkins*

POLICE STRUCTURES: PUBLICATION OF MEMORANDUM

We now need to move to finalise the "Memorandum" setting out the Government's views on the way ahead for police structures in Northern Ireland.

This, although not formally a consultation document, will provide an opportunity for the subject to be discussed in an informed manner, and for any views expressed to be taken into account in fine-tuning (or otherwise) the policy. It will also help to counteract the Police Authority's own propaganda and allow us to take a more proactive stance in lobbying, than we are at present able to do.

Our original intention was to take on board anything of substance arising out of the meeting with the Police Authority, before presenting a final version to Ministers for approval. The Secretary of State would then send a letter to colleagues informing them of his proposals, and make a Statement, before Parliament rose on 17 December, to coincide with the publication of the document. Depending on when the meeting with the Police Authority eventually takes place, this timescale may still be achievable. If it is not,

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then I believe we ought to await the return of Parliament in the New Year, before taking the same route. Given the salience of the issues, we would be exposed to criticism if we proceeded in any underhand manner. Such a delay would, of course, have drawbacks in allowing a proliferation of gossip, and, if we are forced into delay it might be wise to put the NIO position rather more clearly in the public domain - perhaps by means of a rather fuller "NIO" statement of the principles underlying our policy. We can consider this once we know the date of the meeting with the Police Authority.

A draft of the document is attached, on which comments would be welcome by close of play on Thursday.

Signed

C COLLINS

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THE GOVERNMENT, THE COMMUNITY AND THE POLICE: A THREE WAY PARTNERSHIP FOR EFFECTIVE, RESPONSIVE AND ACCEPTABLE POLICING.

(The term [Police Body] has been used throughout for the successor to the Police Authority, the title of which has not yet been decided.)

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POLICY IN CONFIDENCE

INTRODUCTION POLICING STRUCTURES IN NORTHERN IRELAND

The people of Northern Ireland have a right to expect a police service that is effective and most responsive to the needs of the community. The responsibility of Government is to ensure that the police service is independent and provides an effective system for the way of policing which meets the demands upon it and reflects the needs of the community in Northern Ireland. At present, this involves the police tackling the difficult task of taking primary responsibility for the even-handed and energetic enforcement of the criminal law, being sensitive to community needs and concerns, and undertaking the myriad tasks for which ordinary people turn to the police. While the Police Authority is charged with securing the provision of an adequate and efficient police force, using the funds provided by Government.

The Government believes that substantial improvements can be achieved in the effectiveness of policing in Northern Ireland by

**THE GOVERNMENT, THE COMMUNITY AND THE POLICE: A THREE WAY PARTNERSHIP FOR EFFECTIVE, RESPONSIVE AND ACCEPTABLE POLICING.**

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1. INTRODUCTION AND SUMMARY

Upholding law and order is one of the fundamental and most important responsibilities of Government. In Northern Ireland, with the problems of a divided community, and the many years of experience of civil unrest and terrorist activity, policing is central both to the day to day security of the community and to the prospects for securing the peaceful, harmonious and equitable society to which all decent people aspire.

To this end, the people of NI deserve, and rightly demand, the most efficient, effective and most responsive police service possible. It is the responsibility of Government to ensure that the statutory and management framework provides an effective system for the delivery of policing, which meets the demands upon it and reflects the needs of the community in Northern Ireland. At present, this involves the police tackling the difficult task of taking primary responsibility for the even-handed and energetic enforcement of the criminal law, being sensitive to community needs and concerns, and undertaking the myriad tasks for which ordinary people turn to the police. While the Police Authority is charged with securing the provision of an adequate and efficient police force, using the funds provided by Government.

The Government believes that substantial improvements can be achieved in the effectiveness of policing in Northern Ireland by strengthening and rationalising the "tripartite structure" - that is, the existing relationships between the Secretary of State, the

*quite a leap* The government considers <sup>to</sup> that the responsibilities of the PA must be <sup>adequately</sup> <sup>covered</sup> <sup>in this paper</sup> <sup>set</sup> <sup>out</sup> <sup>how</sup> <sup>that</sup> <sup>will</sup> <sup>be</sup> <sup>achieved</sup>

POLICY IN CONFIDENCE

Police Authority as a local representative body, and the Chief Constable.) A new [Police Body], replacing the police authority, would have responsibility for <sup>advising on</sup> <sup>the</sup> ensuring that the police service is adequate and acceptable and would be fully committed to strengthening the RUC's sensitivity and accountability to the community. The Chief Constable would be given full responsibility for the management of the police resources provided by Government to enable the most effective use of these resources, and to strengthen his operational independence. The Government believes that these proposals will ensure that the RUC is better placed to tackle terrorism and other crime and is more responsive to community concerns, and accountable to the community it exists to serve.

The Government, and the whole community is indebted to the Police Authority and the RUC for the sterling service given during extremely difficult years. Throughout the last quarter century, the Police Authority and the RUC as a whole has striven to build and maintain links with the community. Brave and dedicated service has been given by members and civilian employees over many years, in a number of instances at great personal hardship and in all too many cases at the expense of their lives. The achievements in transforming policing in Northern Ireland, the growth in linkages between the police and the community, and the measure of stability achieved are all the more commendable in that they have been achieved despite extreme contrary pressures. They form a solid foundation on which to build, but not, in the view of the Government, laurels on which to rest complacently.

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2. THE ORIGIN OF THE PRESENT SYSTEM

The present framework for the management of the police service is contained in the Police Act (Northern Ireland) 1970. But the circumstances in Northern Ireland today are radically different from those envisaged at the time of drafting the 1970 Act. The flexibility of that framework has been tested to the limit, and some of the basic principles underlaying it long set aside.

The 1970 Act enshrines in legislation a tripartite structure for the administration of policing. The three parties who form that structure are the Secretary of State for Northern Ireland (originally the Minister for Home Affairs), the Police Authority for Northern Ireland and the Chief Constable.

The system was set up following the publication of the report of the Hunt Committee in 1969. The Committee, which was appointed at the end of August and completed its report in early October, drew attention to the lack of clarity in the legal relationship between the Government and the police and the perception of the RUC as representing only part of the community. Lord Hunt recommended the creation of a police authority responsible for the provision of policing and representative of the community as a whole, to which the Chief Constable of the RUC could be accountable and through which the wishes and fears of the community could be expressed. This was part of a series of recommendations to civilianise and

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7/10/69  
SHP will  
go into  
overdue  
on hallen  
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professionalise policing, and was based on the premise that terrorism (if it recurred) would be short-lived phenomenon, best tackled by military, rather than police, means.

The setting up of a Police Authority for Northern Ireland represented the extension to Northern Ireland of the English model of policing, where there was a long history of Police Watch Committees and Police Authorities. The responsibilities of the new Authority were closely modelled on those given to police authorities in England and Wales in the Police Act 1964, despite the fact that Northern Ireland circumstances were not closely comparable to English ones and that the funding arrangements of the Authority were to be very different.

Policing in Northern Ireland is wholly funded by central Government; by way of a grant to the Police Authority. Overall expenditure on the police service for 1993/94 is estimated at [£ 440 million]. There is no history of local government involvement or local provision for police funding, at the county or borough level usual in England and Wales.

The history of Northern Ireland and the experience of violence has created an environment in which sections of the community have felt unable to give unqualified support to the police service or even to participate fully in the work of the Authority. The Government would welcome the involvement of all sections of the community in the structures for policing in Northern Ireland.

## 3. THE PRESENT SYSTEM

The three elements of the current structure are as follows.

Secretary of State

? security

The Secretary of State is responsible, and accountable to Parliament, for the good governance of Northern Ireland, and for security policy in Northern Ireland. He has a general duty to exercise his powers under the Police Act in such a way as to promote the efficiency of the police service, and has specific, and limited powers under the Prevention of Terrorism Act and Emergency Provisions Act. He cannot give the Chief Constable directions about RUC operations. One of the recommendations of the Hunt Report was that the Minister for Home Affairs (now the Secretary of State) should be empowered to require that the force should be inspected by HM Inspector of Constabulary (HMIC). This power was established by the Police Act (Northern Ireland) 1970, and has been in practice ever since. HMIC provides an annual report to the Secretary of State which identifies good practices and any areas of concern within the RUC as well as making recommendations for improvements. In order to provide greater public awareness, as from 1993 the report will be published. The inspection provides an independent, professional and comprehensive examination of the efficiency of the service provided to the public and of the organisation and management of the force. The Secretary of State approves the level of expenditure on policing, and provides the requisite funds. His approval (and that of Treasury) is required for any increase in



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numbers of police officers. In addition, the Secretary of State makes regulations which govern the pay and conditions of service of police officers. His approval is required for the appointment, by the Police Authority, of senior police officers. The Secretary of State can call for a report from the Chief Constable on any matter.

Police Authority

The main duty of the Police Authority is to secure the maintenance of an adequate and efficient police force. It is responsible for providing the Chief Constable with the necessary resources to achieve this in manpower, buildings, vehicles and equipment. It is the employer of civilian staff for the force, and is responsible for consulting the community about policing matters (a reform introduced by the Police and Criminal Evidence Order, in 1988). It appoints the Chief Constable and other senior officers, subject to the approval of the Secretary of State. It has a power to call for reports from the Chief Constable on certain matters; and the Chief Constable is obliged to provide the Authority with an annual report which is passed on to the Secretary of State, who lays a copy in Parliament. The Police Authority is not responsible for RUC operations.

Members of the Police Authority are appointed by the Secretary of State. The Authority consists of a Chairman, a Vice Chairman and between 14 and 20 persons representative of the community in

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Northern Ireland including the interests of local authorities and other public bodies, the legal profession, trade unions, commerce and voluntary organisations.

Chief Constable

The Chief Constable is charged with the direction and control of his force and has responsibility for the even-handed enforcement of the criminal law. He has a duty to uphold the law - as does every police officer - and is answerable in law for the discharge of that duty. He is operationally independent, and cannot be given instructions - either by the Police Authority or by the Secretary of State - about police operations. Because of the security situation, at present the police require military support in certain areas, but they retain the primary responsibility for the prevention and investigation of all crime, including terrorist crime. The Chief Constable advises the Secretary of State on security policy and he can be required by the Secretary of State to provide a report on any matter and by the Police Authority to provide a report on any matter needed to discharge its functions.

4. THE NEED FOR CHANGE TO POLICING STRUCTURES

The Police Authority has the tasks of holding the Chief Constable in Increasingly, the present arrangements enshrined in the Police Act have been proving defective, to a range of responsible and qualified opinion. The Home Secretary has also found that the operation of the similar arrangements in England and Wales has not been

*These  
you need  
to challenge*

*Need  
to examine  
7 composition of roles  
& the protection  
advisory role  
of rank etc*

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satisfactory. He is bringing forward legislation to give new, clear responsibilities to the three sets of participants in the tripartite structures in England and Wales.

The structure in Northern Ireland is deficient in a number of ways. Some of these deficiencies have also been experienced in England and Wales. But many are unique to Northern Ireland either because of the particular funding arrangements for the RUC, the absence of a history of real local involvement in policing, the nature of the community and terrorism or the unique responsibilities of the Secretary of State linked with the security situation. Some particular problems are set out below.

The Police Authority has responsibilities without the power to discharge them. The Police Authority has a duty to secure the maintenance of "an adequate and efficient police force". Neither of these key responsibilities is in PANI's direct gift. The Police Authority has responsibility for making arrangements to obtain the views of local people about policing but has little ability to ensure that those views are reflected in the strategic direction of the force.

The Police Authority has the tasks of holding the Chief Constable to account, and of acting as the provider of services for the police. These two tasks are not always compatible - nor readily comprehensible to the community at large. In Northern Ireland the accountability role is particularly necessary.

hand to explain why

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because of reservations about structures for policing in Northern Ireland, at present neither the Trade Union movement nor representatives of the Social Democratic and Labour Party are willing to accept appointment to the Authority.

*Nationalists Generally (by school kept)*

The Secretary of State is directly accountable to Parliament for all aspects of policing and security in Northern Ireland but he can only set the strategic framework for policing and pursue his security policy through informal means.

*- disaster phrase! "Collusion"!!*

The Chief Constable directs police officers within the force; but is not the employer or manager of the civilian staff who work alongside them. He has to make a case to, and rely on the Police Authority, to provide him with equipment and other resources. This creates bureaucracy and duplication and inhibits the most effective management of resources.

Responsibilities for police finance, for security and for community issues are shared between the three bodies. This entanglement of responsibilities leads to uncertain lines of accountability.

Sir Patrick Sheehy, whose team visited Northern Ireland several times in their inquiry into Police Responsibilities and Rewards, said in his report that he wondered whether under the present arrangements the Police Authority for Northern Ireland could become the effective monitoring body for the police which is required. He recommended that the Secretary of State should determine whether change is necessary.

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THE WAY FORWARD

The Secretary of State has considered the matter carefully and believes that the current system needs to be changed; both to ensure that the RUC is best placed to tackle terrorism and crime and to be more sensitive to the wishes and desires of the community on policing.

The Government is committed to the continuance of the Tripartite Structure of policing.

Good.

The overall responsibility of the Secretary of State for the policing framework and particular responsibilities for security policy and the efficient use of policing resources, should be augmented by a strong [Police Body] widely representative of local opinion. This would have responsibility for holding the Chief Constable to account for the delivery of policing and for expressing the concerns and wishes of the community. The Chief Constable would be responsible for the operational control and management of his force, the management of civilian staff, and for the buildings, equipment, vehicles and services utilised by the RUC.

The Government intends to bring forward legislation to improve the present structure of policing in Northern Ireland by

Clarifying the respective roles of the Secretary of State and the Chief Constable.

POLICY IN CONFIDENCE

Setting up a new local [Police Body] to represent the views of the community and to improve local accountability for the police in Northern Ireland.

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Defining lines of accountability between all three parts of the tripartite structure.

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The structure will ensure that the new [Police Body] has a clear and unambiguous role and its ability to act on behalf of the community is not constrained by a direct police support function. The Chief Constable will have more control over police resources to ensure their most effective deployment in the delivery of policing services.

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The main elements would be as follows:

Secretary of State - to be responsible for establishing the overall objectives and priorities of policing in Northern Ireland; to be responsible for the provision of an efficient and effective police force;

including  
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New [Police Body] - to be responsible for the provision of an adequate and acceptable police service, to establish objectives and priorities for the provision of police services to the community and to hold the Chief Constable (and the Secretary of State) to account for the quality and delivery of policing services to the community in Northern Ireland.

overstated

POLICY IN CONFIDENCE

Chief Constable - to be responsible for the operational management of his force; for the management of civilian staff, and for the buildings, equipment, vehicles and services employed by the RUC; he will continue to have complete operational independence in relation to his responsibilities for law enforcement;

Both the Secretary of State and the [Police Body] will set objectives and priorities for the Chief Constable.

*Confusing where does he follow*

The Secretary of State will set objectives and priorities relating to the effectiveness and efficiency of the police service. These are appropriately set by the Secretary of State because of his responsibilities for the good governance of Northern Ireland, for security policy, and for providing policing resources.

The new [Police Body] will set objectives and priorities relating to the adequacy and acceptability of the provision of policing to the community. The fairness of the police and quality of the service which is provided are of the greatest interest to the people of Northern Ireland and it is on these aspects of policing that the contribution of a strong and widely representative local body is most helpful and necessary. The [Police Body] will be required to take account of resource availability in putting forward objectives, to ensure that objectives are realistic. To avoid any contradictions between the Secretary of State's objectives and those of the [Police Body], the Secretary of State will approve the

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Complex & conspiracy

[Police Body's] objectives before they are included in the costed police plan. But he will have to explain why if he rejects some of the Police [Body's] recommendations.

The Chief Constable will be responsible for the preparation of a costed police plan, and will have to work to implement the objectives set for him through his decisions on policing operations. He will be responsible for providing explanations of his decisions to the [Police Body] (in relation to the adequacy and acceptability of the policing service to the local community) and on any aspect of policing to the Secretary of State. He will also have to report on progress towards meeting the objectives.

MAKING THE CHANGE

The Government is very aware that a change of this significance to policing structures in Northern Ireland is of great importance to the entire community. It cannot be implemented without new legislation. The Government has therefore decided that when legislation is introduced in Parliament to implement these changes, it will be by means of a Bill rather than an Order in Council. This will enable the fullest possible public and Parliamentary scrutiny and debate.

The Government's aim is that the new arrangements should create a vibrant partnership between the police, the community and the



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Government, which will work with commitment and efficiency to combat crime and make Northern Ireland a safe, and stable place.

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Comments

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Comments on the contents of this paper are welcome, and should be submitted by [date]. They should be sent to

the

Police Division  
Northern Ireland Office  
Stormont  
Belfast BT4

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approve the objectives and priorities for the provision of adequate and acceptable policing in Northern Ireland after consultation with the [Police Body];

establish objectives for effective and efficient policing in NI  
appoint the [Police Body], as far as possible to represent the whole community;

appoint senior RUC officers (after consultation with the [Police Body] and the Chief Constable)

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**THE NEW SYSTEM: A DETAILED OUTLINE**

**THE SECRETARY OF STATE**

In addition to his overall responsibilities for policing in Northern Ireland and security policy, the Secretary of State would be responsible for securing an effective and efficient police service.

He would

approve the objectives and priorities for the provision of adequate and acceptable policing in Northern Ireland (after consultation with the [Police Body])

establish objectives for effective and efficient policing in NI  
initiated in establishing Community and Police Liaison  
appoint the [Police Body], as far as possible to represent the whole community  
considerably extend the role of obtaining and representing the  
appoint senior RUC officers (after consultation with the [Police Body] and the Chief Constable)

*Advise*

Establish objectives and priorities for the provision of police services to the community; and after approval by the Secretary of State, these objectives and priorities would be published.

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he Secretary of State would be responsible to [the Police Body] for explaining his decisions if he does not accept some of their objectives and priorities for the provision of police services to the community

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providing at least every six months reports on the resources available to the RUC for achieving the objectives and priorities.

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THE POLICE BODY

The new [Police Body] will be responsible for building links between the police service and the community, and providing channels through which community wishes and fears can be expressed at all levels. It will secure the maintenance of an acceptable and adequate police service. The new [Police Body] will:

Build on the excellent work which the Police Authority has initiated in establishing Community and Police Liaison Committees, and in its programme of lay visitors. Unencumbered by a provider role, the new [Police Body] will focus on and considerably extend the role of obtaining and representing the views of the community on policing.

Adverse ?

Establish objectives and priorities for the provision of police services to the community; and after approval by the Secretary of State, these objectives and priorities would be published.

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The Chief Constable would be required in law to implement them and would have to report regularly on progress to the [Police Body].

Monitor the handling of complaints.

Publish an annual report.

The new [Police Body] will advise the Secretary of State on the quality of the delivery of the policing service.

its views on any aspect of policing.

The new [Police Body] will advise the Chief Constable on

community concerns

major building works

**THE CHIEF CONSTABLE**

As at present, the Chief Constable will be solely responsible for directing and controlling the operations of the RUC. The operational independence of the police service in relation to its responsibilities for law enforcement is central to our tradition of

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policing. Neither the Secretary of State nor the new [Police Body] will be able to tell the Chief Constable who to arrest or how to enforce the law.

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The management of police resources will be enhanced. The police service needs to use the best techniques of modern management commonplace in other walks of life and provide freedom for managers to deploy their resources to achieve objectives in the most effective way. The establishment of a new tripartite structure will provide a clear framework within which the Chief Constable can carry out his responsibilities.

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The civilian staff working alongside police officers, largely providing support and clerical responsibilities, are either civil servants or are directly employed by the Police Authority. They carry responsibilities which are as important to the delivery of a good service as their police officer colleagues. The Government considers that in the interests of greater efficiency there should be more streamlining of support services within the police force and that civilian staff employed for police purposes should be under the management of the Chief Constable.

The Government believes there is a strong case for transferring to the Chief Constable more direct responsibility for police force buildings, land, vehicles and equipment to strengthen the police management of its resources.

required by the Secretary of State.

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The Chief Constable would

prepare annually a costed police plan;

publish an annual report;

direct and manage his force including overall responsibility for civilian staff;

maintain and provide buildings and equipment deployed by the RUC.

The Chief Constable would be responsible to the Secretary of State for

implementing the objectives and priorities established by the Secretary of State for policing in Northern Ireland;

providing on request an explanation of his force's decisions in respect of RUC operations;

the effective and efficient use of all resources provided to the RUC;

regular reporting to the Secretary of State on the achievements of all objectives and priorities and on any other matters required by the Secretary of State.

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The Chief Constable would be responsible to the [Police Body] for

implementing through RUC operations the objectives and priorities of the [Police Body], in relation to the adequacy and acceptability provision of police services to the community;

providing on request a report on any matter relating to these objectives and priorities;

monthly reports on the achievement of the objectives and priorities set by the [Police Body].

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... the Secretary of State had one clear objective in opening the police offices and that is to defend this country against an ever increasing horde of people who do not understand the quality of the operation of the offices. Sir ... the march of technology and how video recording operated ... and ask "why does it not apply to ... the Minister illustrated the point by saying that ... Commissioner of the Metropolitan Police ... video recording in Paddington Green. In short, the ... decision to fight in the ditch in support of ... video recording but it had to ask the ... help us to win the argument?"