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~~Mr. Mr. Martin~~
~~Mr. Mr. Vugh~~

cc PS/Lord Gowrie (B&L)
PS/Sir Ewart Bell
Mr Bourn
Mr Brennan
Mr Buxton
Mr Doyne-Ditmas
Mr Merifield
Mr Gilliland
Mr Coulson
Mr Radcliffe ✓
Mr Boys Smith
PS/PUS (L)

SECRETARY OF STATE (B&L)

THE HANDLING OF SECURITY INCIDENTS

In my minute of 21 January about shooting incidents involving police and civilians, I undertook to let you have further advice in the light of the discussion at SPM on 24 January, and further analysis of the issues. I have since discussed them with the officials concerned.

Reports to Ministers

2. Whenever a serious politically sensitive incident occurs, Ministers and senior officials are swiftly alerted. This brief summary of the incident is followed, when necessary, by a fuller written report of the incident by the Head of LOB Division. This 'follow-up' report takes the form of an outline of the known facts, together with a preliminary assessment of the case when possible. As a rule, these procedures operate satisfactorily, as in the recent incident in Londonderry when McMonagle was shot and Duffy wounded by a soldier. However, the instructions to duty officers have been redrafted to ensure that they inform you about such incidents immediately.

Speed of Police Investigation

3. In any serious incident, including those where the security forces have caused injury or death, the Chief Constable will institute an investigation. He is well aware of the need to

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give high priority to such investigations in order to curtail speculation and rumour. However, in each particular case we will need to decide whether and when you should issue a statement and whether to call for further reports from the Chief Constable during the course of or at the close of the investigation.

4. No close parallel can be drawn between recent events in Northern Ireland and the Kensington incident. In the latter there was no shortage of disinterested eye-witnesses, whose statements, with those of the policemen involved, enabled the investigating officers to conclude rapidly that there was sufficient evidence to suggest that the policemen involved in the shooting had used unreasonable force. It was the quality of this evidence, rather than the admittedly heavy pressure from the Home Office upon the police, that enabled an interim report to be put to the DPP within four days of the incident, to charges being laid against two policemen and to the suspension of three policemen from duties.

5. It seems to me unlikely, though not impossible, that the evidence in a similar Northern Ireland incident could be so clear-cut and overwhelming that charges could be preferred against members of the security forces with the same alacrity. The closest recent parallel is the shooting of Bradley in Londonderry on 25 August 1982. The RUC carried out a full but rapid investigation and the two soldiers involved in the incident were charged with murder on 4 October 1982. However, in most cases the circumstances are not so clear-cut. Witnesses may be far from unbiased and disinterested, they may be reluctant to cooperate, and detailed forensic and pathological reports may be required. Thus the full facts may only emerge after a wealth of evidence has been painstakingly collected and examined.

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Only then can the police report to the Director of Public Prosecutions, and the matter of charging or otherwise be disposed of by his directions.

Statements by Ministers

6. In the meantime there may be a strong political interest in calming public unease, by some Ministerial indication of awareness of it. It should be noted that the RUC invariably issue a limited statement, intended to inform the public about the facts of the case briefly but without prejudicing the investigation or the course of justice. Although Ministers may be given considerably more information in the follow-up report, much of this consists of preliminary assessments of the incident by the security forces. Hence, Ministers must be careful to avoid divulging this information as this could give credence to what is inevitably a one-sided version of events. It is unlikely that they will be able to add substantially to the public's knowledge of the facts.

7. A statement might nevertheless serve as an indication of Ministerial concern. But this could easily be misconstrued. For example, unless Ministers publicly express equal concern about the killing of members of the security forces as about the death of civilians at the hands of the security forces, they may be accused of caring more for terrorists than policemen. Similarly, any expression of concern about killings by members of the security forces could be seen by many (including the security forces) as prejudging the case. Hence, any statement may have to be so neutral and 'balanced' as almost to defeat its purpose.

8. However, the balance of advantage may be weighted on occasion in favour of issuing a statement, merely in recognition

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of the immediate public concern. Each case will need to be examined carefully and a recommendation be made in the light of the individual circumstances.

Further Reports from the Chief Constable

9. The question whether or not to call formally for further reports from the Chief Constable would also depend on the particular circumstances of a case. Your relationship with the Chief Constable differs considerably from the Home Secretary's with the Chief Constables of England and Wales, in the wealth of opportunities that you and officials have for discussion of such issues with the RUC at all levels. It is difficult to envisage, therefore, the circumstances under which you would wish to exercise your powers to demand a formal report on a particular case, or what could be gained from it. There might be presentational advantages in letting it be known publicly that you have called for a formal report beyond those which you normally receive, but they could well be outweighed by the risk that the request could be taken as a signal of a breakdown in the existing trust, and close and continuous dialogue, between you and the Chief Constable.

Conclusions

10. Having re-examined, in the light of the Kensington incident, our procedures for informing Ministers about sensitive security incidents and for advising them on any necessary action, I conclude that:

- (a) the existing procedures for providing you with preliminary and follow-up reports on serious and politically sensitive security incidents can satisfy the practical and presentational requirements in most cases;

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- (b) while we can legitimately exercise pressure on the Chief Constable to accelerate his reports on such incidents to the DPP, we have to recognise the practical constraints upon him, and the importance of impartiality in the meantime;
- (c) you will, of course, wish to be kept informed of progress on the investigation of such serious incidents. This is probably best done informally whether at a meeting with the Chief Constable or through officials; a call for a formal report from the Chief Constable is an option to be kept in reserve;
- (d) although there are as many pitfalls as advantages in a policy of making Ministerial statements after serious security incidents, in some cases there may be an overriding need to allay public disquiet; officials should therefore rapidly examine each serious incident and make recommendations in the light of the circumstances; and
- (e) a report will be made to you on the scope for using material in police reports to the DPP for public presentation when the DPP's decision is known and any inquest has been held. This point came up at your meeting on 14 February with the Chairman of the Police Authority and the Chief Constable.

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P J WOODFIELD

16 February 1983