

E.R.

Reay, P/A on P 208/83

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PS/SECRETARY OF STATE (L&B)

- cc PS/Mr Scott (L&B)
- PS/PUS (L&B)
- PS/Sir Ewart Bell
- Mr Brennan
- Mr Angel
- Mr Merifield
- Mr Gilliland
- Mr Buxton
- Mr Boys Smith
- Mr Reeve
- Mr Coulson
- Mr Edis
- Mr Radcliffe ✓
- Mr Brown

Mr M. ~~Martin~~ Ma S/O
 Mr M. ~~Martin~~ To see A copy of this should go on the
 Mr. Vance P. copy as at *
 & P/A this on ~~P.208/83~~ P.208/83 * | Police Complaints file
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THE HANDLING OF CONTROVERSIAL SECURITY INCIDENTS INVOLVING THE SECURITY FORCES

Thank you for your minute of 18 August.

2. I am glad to see that you will be showing the Secretary of State again the PUS's two submissions of 16 and 25 February which fully covered the handling of security incidents. Copies are attached for ease of reference. As to the results of our monitoring serious security incidents, you will know that none of the really controversial ones has yet reached the stage of a public announcement of the decision by the DPP, the completion of any legal proceedings and the holding of the Coroner's inquest. The question of any scope for making ministerial statements of reassurance to the public at the conclusion of this process does not yet arise, though the inquest on one case - Mr Elliott (No 4 on the list)-is due for 2 September. We have, of course, established machinery to monitor the cases and to report upon them in accordance with the procedures described in PUS's minutes. The attached list of these controversial shootings involving the security forces shows the current state of play on them. The Secretary of State is already aware of the latest position on the first three incidents listed - and of the fact that it became public knowledge today that a policeman will be prosecuted in connection with the death of Mr Grew.

3. On the question of holding coroner's inquests sooner, the law in this area, for which the Lord Chancellor is responsible

provides that where there is a possibility of criminal proceedings, or actual proceedings, the inquest shall not be held until any possible criminal proceedings, or actual proceedings are completed. In advance of any actual or possible criminal proceedings being completed, the most the Coroner could do is formally to open and adjourn the inquest - a pretty meaningless exercise from the point of view of public reassurance. The law governing the holding of inquests therefore reflects the view, which obviously has a good deal of commonsense behind it, that the full inquest should follow, not precede, police enquiries and the DPP's considerations.

4. You also mention the question of the reform of the police complaints system. You have since received Mr McVeigh's minute of 23 August about the Police and Criminal Evidence Bill: Police Complaints Procedure. The changes which the Home Secretary proposes to make in the police complaints system would, if introduced in Northern Ireland, certainly provide some further reassurance to fair-minded people about the handling of complaints about police actions in security incidents of the kind referred to by the Worker's Party. The effectiveness of the new arrangements will of course depend on the extent to which they secure public acceptance and cooperation. Under the present arrangements anonymous complaints and those made by individuals who subsequently refuse to assist with the investigations - for example, complaints made through the media, generally for propaganda purposes - are usually not pursued (under a dispensation granted to the Chief Constable by the Police Complaints Board). The new scheme is unlikely to differ in this respect. However, the new arrangements, if introduced, will not reassure those people in Northern Ireland - and in the rest of the country - who argue that unless the police are entirely removed from the investigatory process there can be no confidence that it is really independent. Obviously, we could scarcely seek to do this in Ulster if the rest of the country is to have arrangements which provide a role for the police in the investigation of complaints.

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5. We all recognise the pressures that can develop following controversial incidents, and the value that can come from timely Government statements; and we hope that the arrangements we have made will work well when the need arises.

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1 September 1983

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