

E. R.

13

APW/247/JT

From Austin Wilson
US (Law and Order Division)
15 March 1989

Mr Patterson
APS/Secretary of State



cc PS/SofS (B&L)
PS/MofS (B&L)
PS/PUS (B&L)
PS/Sir K Bloomfield
Mr Burns
Mr A Stephens
Mr Miles
Mr Spence
Mr Thomas
Mr Wood
Mr Blackwell
Mr McConnell
Mr Masefield
Mr Bell
Mr Shannon
Mr Beckett
Mr Hannigan

COMPLAINTS MONITORING COMMITTEE - FIRST SIX MONTHS

When we spoke yesterday, I agreed that I would speak to Mr Bell and Mr Shannon about the letter's minute of 13 March to the former. I said also that I would offer you a revised text of the draft paper for the Irish which was attached to Mr Bell's submission on 10 March.

2. I have spoken to my colleagues and they would both be content for the Irish to be offered a paper in the form of the revised text attached.

3. I understand, however, that the PUS had some comments to offer on the original draft, and it might, therefore, be worth checking with his office whether he wishes to comment also on the revised text before putting it to the Secretary of State for approval.

[signed APW]

A P WILSON
(ext SH 218)

10170

DRAFT

ANNEX A

COMMITTEE FOR MONITORING COMPLAINTS AGAINST THE SECURITY FORCES
(CMC)
PAPER BY THE BRITISH SIDE

Introduction

1. The Irish side is aware of the strong and continuing commitment of the British Government to promoting and sustaining the confidence of all sections of the community in Northern Ireland in the criminal justice system. In this context, the British side accept that there is a need to improve relations between the Security Forces and the Nationalist community.

2. The Irish side is already aware, in general terms, of the programme of work which addresses those issues which are known to matter most to that community. The Government will continue to attach a high priority to this work. The purpose of this paper is to draw particular attention to machinery established last year to monitor more closely the nature, extent and handling of complaints by the public about alleged improper, but non-criminal, behaviour by members of the Security Forces.

The Complaints Monitoring Committee (CME)

3. A Committee to monitor complaints against the Security Forces (in practice, the Army, - see paragraph 4) was

C O N F I D E N T I A L

-2-

established under NIO Chairmanship in July 1988. Its terms of reference were to provide Ministers and senior officials with regular information about complaints against members of the Security Forces. Inter alia, the Committee also ensures that complaints registered with Ministers are processed by the NIO as quickly as possible. It is not, however, the function of the Committee to consider the policy which underlies complaints procedures systems; or to examine individual incidents. Instead, its principal task is to assemble factual information about the nature and type of complaints, and the areas from which they arise. An important part of this work has been to try and identify ways in which the relationships between the Nationalist community and the Army can be improved. In addition to the chairman who is the Head of the Law and Order Division, Belfast, the other regular members are senior officials from the Political Affairs Division, Belfast, the Security and International Division, London, the Civil Adviser (HQNI), Civil Representatives, and a member of the British side of the Anglo-Irish Secretariat. The Committee meets at, approximately, monthly intervals.

4. Because a separate statutory body, with a range of new and important powers (the Independent Commission for Police Complaints), had already been established inter alia to monitor the investigation of complaints against police officers, the Committee has so far concentrated on monitoring complaints against the Army (including the UDR). Nevertheless, a number

C O N F I D E N T I A L

of complaints involving the RUC have also been received, via the Secretariat and the Civil Representatives. To enable the Committee to take a balanced view of relations between the community and the Security Forces as a whole, consideration is now being given to the best way of ensuring that the Committee is able to obtain regular information about the nature of complaints against the police and the ways in which they can be pursued.

Preliminary findings of the Committee

5. Although the Committee did not start business until July 1988, HQNI had begun keeping detailed records of complaints from 1 June. Between then and the end of January this year, HQNI had received 185 complaints, of which 39 (20%) were of allegations of conduct which could amount to a criminal offence. They were accordingly, passed to the RUC for investigation. The balance was 146. Investigations into 119 of these had been completed by early February with the following results:

<u>Numbers of Complaints</u>			<u>Outcome</u>
		<u>%</u>	
11	7		Substantiated
6	4		Faults found on both sides
38	26		Neither substantiated nor rejected
64	43		Rejected
<u>27</u>	<u>18</u>		Still under investigation
Total	146	100 (rounded)	

Comment

6. At this comparatively early stage in the existence of the new monitoring arrangements, it would be premature to draw firm conclusions from the data so far available. But it is noteworthy, and encouraging, that so few complaints have been received directly, or indirectly, against the Army (including the UDR), especially when this figure is set against the thousands of operations mounted by them over the same period. The low figure may, in part, represent a misguided belief in parts of the community that it is pointless, or counterproductive to complain. But, it deserves to be seen also as a reflection of the importance which the Army (including the UDR) attach to operating in a sensitive manner.

7. Many complaints were submitted by members of the SDLP and local Parish Priests; others came direct from individuals or through their solicitor. For the most part, they concern incidents involving the Nationalist community. Only a very small number of complaints have been received from the Protestant community. To some extent, this may reflect the differing degree of attention from the Security Forces to different areas in the province. But this is itself a reflection of the perceived level of the terrorist threat and activity in local areas. It may also reflect differing attitudes towards the Security Forces in the two communities.

8. A significant number of the complaints related to incidents in the East Tyrone and South East Fermanagh areas.

In both areas there is necessarily intensive Security Force activity in response to the intensity of terrorist activity there. (Moreover, both are areas from which trouble-making complaints from Republican sympathisers might be expected.) On the other hand, comparatively few complaints were received from both the Londonderry and Belfast areas, especially given the degree of Security Force activity in both cities.

(Unfortunately, however, these complaints included one in Londonderry from a DFA official, who while visiting relatives in the area, was justifiably upset by obscene remarks directed at her and her baby by a soldier in a passing vehicle. The local Commanding Officer apologised about the incident). Another complaint which also gave cause for concern was submitted by Mr Eddie McGrady MP. This concerned a constituent from a family well known to the security forces who had to be admitted to hospital after an incident outside his home involving a UDR patrol. Although there seems to have been a certain amount of provocation in this case from the constituent who had been drinking, the incident was most regrettable. The papers in this case were referred to the DPP who has since directed that a soldier should face assault charges.

9. Matters which it is accepted now need greater attention, which emerge from a study of these complaints include -

- (a) the need for greater sensitivity when siting VCPs near Catholic churches, especially before and during Mass;

(b) the attitude of the Security Forces when carrying out house searches (a point to which Lord Colville* has also drawn attention);

(c) the lack of information currently available to community representatives when operations are being carried out in their local areas.

10. In addition, complaints were also received alleging that members of the Security Forces had been giving excessive attention to particular individuals (another source of grievance identified by Lord Colville). It would seem that, in most cases, frequent and prolonged attention by the security forces is a reflection of the fact that the target is believed to be a member of an illegal organisation or to associate regularly with such members. The Committee also took note of a group of complaints which appeared to be the result of an organised campaign of complaints against the Security Forces.

11. In addition, the Secretariat passed on to the Committee a number of allegations of collusion between the Security Forces and Loyalists which the RUC are currently investigating. The Irish side were concerned, in particular, about recent complaints they had received from a small number of families in Aughnacloy, including the Muldoons, the Cuddys and the McAnespies. The RUC are currently investigating complaints from the Muldoons and the Cuddys.

* Report on the operation in 1988 of the NI (Emergency Provisions) Acts 1978 and 1987.

New Army Complaints Procedures

12. The new Independent Commission for Police Complaints had been established in February 1988 before the inception of the new monitoring arrangements in relation to complaints against the police. By contrast, HQNI introduced a new dimension into the handling of complaints against military personnel after the Committee was established. In November 1988, HQNI issued revised instructions for dealing with complaints not alleging criminal behaviour. The Committee noted and welcomed this new development (as did Lord Colville). The aim of the new procedures was to ensure the speedy, sensitive and effective investigation of complaints against the Army, recognising that this might on occasions require some detailed explanation and justification of the actions of the Armed Forces.

13. Following this initiative, HQNI now aims to complete its investigation into non-criminal complaints, on average, within 3-4 weeks. Inevitably the investigation of complex cases will take longer, as it often will in those where the unit against which the complaint has been lodged has been posted outside Northern Ireland.

The Next Steps

14. Over the coming months, the Committee's aim will be to pursue even more effectively the purposes for which it was originally established. In particular, it will examine, with the help of professional statisticians, ways of improving the data base on which it can draw. The Committee will also seek

C O N F I D E N T I A L

-8-

to ensure that, in future, more consideration is given to issues arising from a study of the nature and type of complaints against the RUC, and of the geographical areas from which they come.

15. The Committee will continue to meet regularly at, approximately monthly intervals. It is now proposed to provide the Irish side with a short report of its conclusions after each meeting.

USSEC/10126

C O N F I D E N T I A L