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Prime Minister

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Yes - a very interesting contribution to note

Content for the Policy Unit to follow this up with the Northern Ireland Office?

GOVERNMENT POLICIES TO COMBAT CRIME

I was interested to read the Policy Unit's note, enclosed with your letter of 13 February to Leon Brittan, on the problems of combatting crime, and Leon's own commentary dated 14 March. You invited comments on our own position, which I am glad to make.

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Criminal justice and strategy and objectives

Our approach to criminal justice in Northern Ireland is dominated by the prevalence of terrorist criminal activities. This puts a particular gloss - absent elsewhere in the country - on many aspects of the Government's response, even while we remain determined to treat terrorists purely as criminals. The contrast is clearest in respect of public attitudes to lawlessness: there is in Northern Ireland an ambivalence about the criminality of terrorists - and thus about active support for Government action against them - which is absent from public attitudes to crime (and indeed to terrorism itself) elsewhere in the country. Moreover, the lawabiding public has an expectation that terrorism will be eliminated in a finite space of time (as, conversely, its supporters expect to achieve victory), it applies less total standards to the control of ordinary crime. These characteristics at the same time apply sharper pressure to the Government to achieve results and make it more difficult to do so; plainly they put the criminal justice system under greater pressure than elsewhere.

Aside from this, we have to operate the system within a framework of emergency law (courts without juries, Army in support of the civil power, and so forth), which puts the acceptability of the system at further risk. The pervasive terrorist influence makes

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Northern Ireland's prisons harder to manage; the number of high-risk prisoners, and of lifeters, is out of all proportion to that in the rest of the country. For similar reasons the problem of juvenile offenders is probably more intractable (though there may be a comparison with the ethnic minorities in other parts of the country).

Altogether therefore the system is more politicised, and under sharper attack. Our preoccupations are inevitably somewhat different from those dealt with in the Policy Unit's note and Leon Brittan's response. But our general objectives are those of the rest of the United Kingdom: we work under roughly the same common and statute law as England, our prison standards and rules are the same, the RUC is subject to the same conditions, terms of service etc as mainland forces, and subject to inspection by HM Inspectors of Constabulary. Northern Ireland's judges, while under political attack as well as lethal threat, conduct criminal cases under the same rules as other courts of justice.

Resource and other implications

The relative costs of fulfilling the objectives of criminal justice in Northern Ireland are evidently higher than in Great Britain. The police force is more than twice the size of that in a roughly comparable area there, and still needs support (gradually decreasing) from the Army. The prison population is comparably greater too, and prison officer:prisoner ratios are necessarily higher. The incidence of the most serious crime is also higher, though that of less serious crime is noticeably lower (see notes attached). Recompense to persons injured or losing property through terrorist action is a further burden on resource. These calls on resources create a greater obligation to ensure maximum economy and efficiency in their use. But political imperatives often complicate this. For instance, the security forces need to operate in a manner which conveys reassurance to the public, although it may be operationally ineffective and wasteful of manpower. But not to do so would provoke a public outcry which would cause pressure to engage in yet more unproductive activity. A balance has continually to be struck. Similarly,

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prisons policy is an amalgam of expediency and principle. Public confidence remains a volatile factor, easily moved by events such as the Darkley assassinations, the murder of the Prison Governor McConnell, or a policeman's acquittal of the murder of a terrorist.

The Government's response is thus costly in manpower terms. For example, much of the activity of the RUC's Divisional Mobile Support Units - with a strength of some 1,000 men - is devoted to these measures of reassurance, and - during the "marching season" - to a similarly cosmetic objective: that of enabling the communities to demonstrate their respective allegiances, and thus let off steam, without a breakdown of public order which would prove more expensive to control.

A heavy burden also falls upon the courts. Known indictable crime rose threefold between 1969 and 1982. The clear-up rate did not keep pace with this: it dropped in that period from 43% to 19%. However in 1983 it was up again to 27.8% (due in part to a redefinition of recording procedures). Recently the courts have had to deal with large-scale "supergrass" cases, against two or three dozen defendants, lasting several months. These cases - quite a few in number but relatively large in the total body of defendants and in the public imagination - take much beyond the average time to bring to trial, and have significantly distorted an otherwise improving picture of the time spent awaiting trial. In other ways too, they have tested the integrity of the judicial system.

Government action

You are familiar with the gradually reducing trend of terrorist violence. We are not satisfied with that, and shall in the next few months be conducting an overall review of security policy, to see whether we can make further, more drastic inroads - without of course a further significant drain on resources. The strength of the RUC and its Full-time Reserve (now 8,000 and 2,350

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respectively) has grown by 40% over the past five years; an increase of a further 500 has just been authorised. There have been substantial increases in the employment of civilians on non-operational administrative work, and much effort has been put into the provision of the best equipment and necessary new buildings. HM Inspectorate of Constabulary will play an increasingly important role henceforth in monitoring efficiency and enhancing the effectiveness of the force. They will undertake annual inspections aimed at assessing the RUC's performance in attaining its policing objectives and identifying the scope for civilianisation and generally for more effective use of resources. This process will begin with a force inspection this Spring. The Force has made considerable strides in the application of computers (see attached notes on police technology).

The Chief Constable has devoted much attention to the improvement of police relations with all sections of the community. Last year he drastically reorganised the structure of the Force so that police divisions should more closely match the district council areas, so facilitating organic links with the community. At the middle levels, the RUC are still somewhat shy of engaging actively in measures to extend the Force's contacts with the community and particularly its leaders in different fields: church, local government education, business and so forth. But the Chief Constable is working hard on a system of local police/ community committees to further this.

You are aware of recent problems in the prisons, and measures that we have taken to contain them, including the work of the Hennessy Action Team consequent on the breakout from the Maze. Some more details of what we are doing in this area are given in the notes attached.

In the courts, our main problem is that in a few instances, as mentioned above, the delay before cases are brought to trial (and especially where defendants spend the time on remand, not having been granted bail) is undesirably long, and exposes the administration to criticism. There is no simple solution to this

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and Government agencies are by no means responsible for the whole delay; the counsel of a defendant's choice may not be available for a long period, and the defendant often seems content to wait but authority tends to be blamed for the whole delay. We are tackling each of the various elements of the problem.

Sir George Baker's Report on the Northern Ireland (Emergency Provisions) Act 1978, shortly to be published, will give us an opportunity to give a fresh Government view on the working of the jury-less courts and other aspects of the treatment of terrorist crime. We shall also be considering how much of the Police and Criminal Evidence Bill, once enacted, should be brought into effect in the Province. Certainly we shall want to revise the police complaints system on the lines provided for there.

Sentencing policy has not recently been a cause of controversy in Northern Ireland (except among those who consider virtually every sentence passed on a terrorist as too mild). Some details of trends and developments are given in the notes attached.

I was interested in the Policy Unit's remarks, and Leon Brittan's on support for victims of crime. While our scheme for dealing with criminal injury is already statutory, and that for dealing with criminal damage beyond anything available in Great Britain, we certainly have not reached the heart of the matter. Perhaps the close-knit community (or communities) of Northern Ireland do more to fill the gap than is likely in the more "advanced" mainland society, but we must consider further whether there is a role for Government too. Sir George Baker's Report will suggest that victims should be enabled to sue organisations such as Sinn Fein for injuries caused by their paramilitary arms (the IRA), but - attractive as it sounds - this may not be practicable.

It will be clear that our approach to criminal justice remains distorted, necessarily, by the fact of terrorist violence. But increasingly we and the other responsible agencies are narrowing and refining our response to that, and normalcy is taking over from

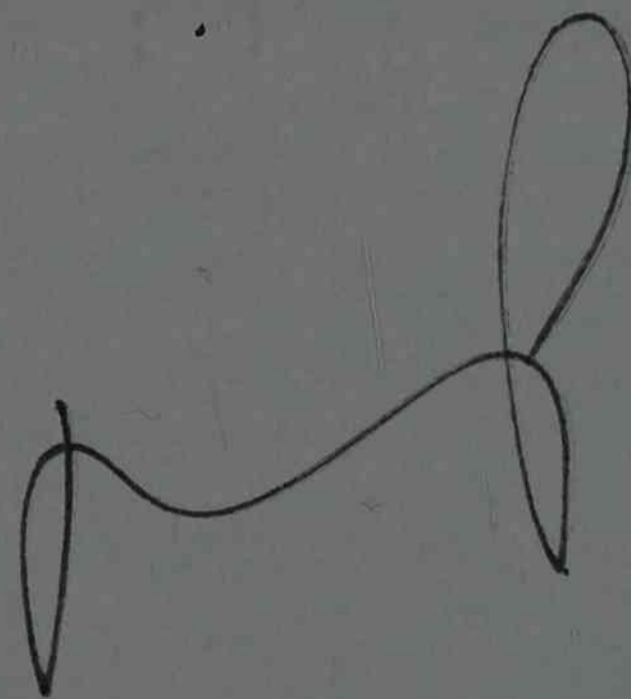
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emergency. The principles of the Financial Management initiative are applied across the board, and accepted by the Police Authority and the Prisons Department here as much as elsewhere. Operational imperatives may dictate urgent spending at a higher rate, but are not permitted to justify any slackness of analysis and appraisal. Our statisticians have been working on a comprehensive survey of crime statistics over the past 15 years, which when completed will provide another yardstick by which to assess the effectiveness of our policies and areas where further attention is required.

These are the main threads of our criminal justice policy, but if there are aspects of it that John Redwood would like to look into more thoroughly, we should be delighted to discuss them with him.

I am sending copies of this minute to Leon Brittan and George Younger.



J.P.

13 April 1984

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NOTES ON SOME POINTS ON PAPER PRODUCED BY NO 10 POLICY UNIT,
RELEVANT TO NORTHERN IRELAND SITUATION

Crime Rates

While the weight of terrorism gives higher rates in Northern Ireland for some very serious offences, other crimes are less prevalent than in England and Wales.

Reported crimes per 100,000 population 1981

<u>Offence</u>	<u>Northern Ireland</u>	<u>England and Wales</u>
Murder	7	1
Robbery (including hijacking)	182	41
Attempted murder/wounding/ assaults	167	202
Burglary	1367	1473
Larceny/ theft	1357	2592
Motor vehicle thefts	339	677

Police Technology

The RUC maintain a close liaison with other Forces concerning all aspects of information technology and are kept abreast of new developments through the ACPO Computer Committee and the Home Office Police Research Services Unit. Considerable progress has

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been achieved in the past 4 years with the introduction of three major computer applications:

- (a) The Computer Assisted Policing (CAP) System is used to record up-to-date information concerning the police resources available and the police response to them. Information is also held concerning alarm systems and major incident plans. Plans are being made to extend this system to the whole of Northern Ireland.
- (b) The Crime Information Retrieval System (CIRS) contains details of all vehicles owned, stolen or licensed in Northern Ireland together with records of persons convicted, wanted, missing or excluded under the Prevention of Terrorism Act.
- (c) Personnel records of all members of the Force have been computerised in a format which is capable of providing a current and historical global picture of the composition of the Force.

In addition computers are used to record statistics and to hold details of firearms used in terrorist incidents. Future applications will include a dedicated system for Special Branch records, the computerisation of fingerprint records and a pilot scheme for the installation of mobile data terminals in patrol vehicles. These will allow direct access to the information held centrally on the Crime Information Retrieval System.

Special Difficulties facing prisons in Northern Ireland

The difficulties which have continually beset the Northern Ireland Prison system since 1972 arise primarily from the large numbers of prisoners who retain their commitment to the paramilitary group with which they were associated outside. These prisoners were aptly described in the Hennessy Report which said of the Maze Prison "it (the prison population) consists almost entirely of prisoners convicted of offences connected with terrorist activities, united

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in their determination to be treated as political prisoners, resisting prison discipline, even if it means starving themselves to death, and retaining their paramilitary structure and allegiances even when inside."

The fact that these men are in civilian prisons, controlled by unarmed Prison Officers and subject to normal Prison Rules and Regulations seems from the policy of successive administrations since 1976 of treating alike all persons who break the law, irrespective of the nature of their crimes or the alleged motive for them. That remains the Government's policy. It follows however that the Northern Ireland Prison system will continue for the foreseeable future to be the subject of conflict and confrontation with a majority of prisoners.

In addition to their commitment to paramilitary groups the great majority of Northern Ireland prisoners are young men serving long sentences. Some 5% of the English prison population consists of men serving life or terms of 10 years or more, the equivalent percentage in Northern Ireland is 48%.

The Consequences for Resources

The nature of the Prison population and the adverse affect on public confidence of prison escapes has inevitably meant that the resources which have had to be put into prisons in Northern Ireland in terms of both manpower and buildings and other physical measures are relatively much greater than in Great Britain.

Two new prisons (Maze and Magilligan) and one Young Offenders Centre have been built over the last 10 years. Two other prisons (at Maghaberry) are under construction and when they are completed in 1985 there will be virtually as many cells as prisoners if the current slow decline in the prison population is maintained. In the light of the Hennessy Report significant additional physical security measures are being taken at the Maze and other prisons in Northern Ireland.

Staff numbers have also grown dramatically in recent years and are now around 3,200 for some 2,500 prisoners. This represents a very high staff/

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prisoner ratio but is a direct reflection of the unique nature of the NI Prison population.

Despite severe operational problems in the system the Prison Department of the NIO is seeking to apply the principles set out in the White Paper on Efficiency and Effectiveness and the Financial Management Initiative to the NI Prison Service to ensure better management of resources.

Control of Manpower is of central importance and there is a regular programme of manpower inspection and review of all Northern Ireland prisons by a Manpower Team from Prison headquarters.

Despite the present staff/prisoners ratio additional recruitment to the Northern Ireland Prison Service is planned to meet the additional security requirements identified in the Hennessy Report: to achieve some reduction in the present high level of overtime working (15 hours average per week); and to enable the introduction of a new Common Working System on lines recommended by the May Committee and presently being negotiated in Great Britain to replace the largely obsolete and inconsistent system now in use.

Other measures to improve management efficiency in the Prison Service include -

- (1) The introduction of a system of operational assessment by Headquarters of each prison and specific activities within them.
- (2) Improved financial procedures have been introduced including the wider use of investment appraisal.
- (3) A computerised activity costing system is being set up to provide better management information.
- (4) Introduction of new technology including computerisation of pay.

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Sentencing policy

Between 1975 and 1982 sentencing of adults convicted of indictable offences in the High Court has become less severe in terms of the proportion of persons found guilty who were imprisoned and the proportion of this group who were given sentences of greater than 4 years. Indeed if High Court Judges had used 1975 sentencing policy during 1982, the effect would have been to increase the average daily prison population by approximately 1,000 persons (about 40%).

In the sentencing of juveniles found guilty in both the lower and higher courts, there is evidence of an increased preference for non custodial sentences.

Borstal was abolished in Northern Ireland somewhat ahead of England and Wales. Current areas of study include the use and effectiveness of the Young Offenders' Centre; and the cost effectiveness of various penalties for juvenile offenders, in terms of their deterrent effect. Urgent thought is being given to the possibility of "sea-training" as a condition of probation for juveniles, on the lines of the activities of the Associated Marine Institutes of Florida, USA. The role of Training Schools is under review in the light of the Report of the Children's and Young Persons Review Group (the Black Report). A draft Order in Council is about to be laid before Parliament to bring fines in Northern Ireland into line with Great Britain. The law in relation to conspiracy and attempts was similarly harmonised last year.

Victim Support

The statutory compensation schemes for criminal injuries and damage to property in Northern Ireland have the object of assisting, in the financial sense, victims of crime. Their central aim is to compensate the individual, so far as money can achieve it, for his loss. There is good public awareness of the schemes and they have gained a high level of credibility.

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Most criminal damage claims are related to terrorism, and the past year has shown a marked decrease, happily, in expenditure on property compensation from £31.0m in 1982-83 to £19.5m in 1983/84. On the other hand, compensation for criminal injuries continues to rise and more applications are being made, though 75% of claims are not connected with terrorist activities. A disquieting feature is the growing number of claims arising from brawls in public places: but this trend is by no means peculiar to Northern Ireland.

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cf Mr Redwood.

10 DOWNING STREET

From the Private Secretary

16 April 1984

GOVERNMENT POLICY TO COMBAT CRIME

The Prime Minister was grateful for your Secretary of State's minute of 13 April about policies to combat crime. She thought it a most interesting contribution to the debate.

The Prime Minister agrees that it would be helpful for the Policy Unit now to follow up with officials the various points in your Secretary of State's minute.

I am sending a copy of this letter to Nigel Pantling (Home Office) and John Graham (Scottish Office).

David Barclay

John Lyon, Esq.,
Northern Ireland Office.

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