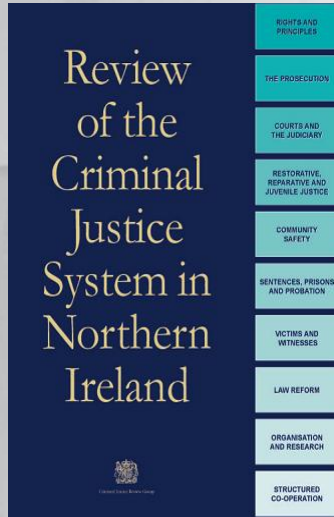


**Criminal Justice Inspection
Northern Ireland**
a better justice system for all



Building confidence through police oversight – the Northern Ireland (NI) context



Establishing an Oversight Framework

Comprehensive review of the entire Criminal Justice System

- Rights and principles - The prosecution - Courts and the Judiciary
- Restorative, reparative and juvenile justice - Community safety
- Sentences prisons and probation - Victims and witnesses
- Law reform - Organisation and research - Structured co-operation



Independent Commission on Policing for Northern Ireland

- Human rights – Accountability: a new beginning
- Policing with the community – Culture, ethos and symbols
- Composition of the police service - Public order policing
- Recruitment - Overseeing change to a new service – The Police Service of Northern Ireland (PSNI)



Building confidence through police oversight – the Northern Ireland (NI) context

Enabling an Oversight framework

Police Ombudsman – independent, having authority to investigate all complaints against the police – officials have all the powers of police officers

Oversight Commission – to oversee the implementation of police reforms outlined in the report of the Independent Commission on Policing

Policing Board – comprised of 10 democratically elected members and 9 independent members appointed by the state – retains appointment and complaints functions for senior police staff – holds police accountable for performance

Independent Public Prosecution service – all prosecution decisions made by a body acting independently of the police

Criminal Justice Inspection – independent inspection of all criminal justice organisations (including the police) except the judiciary



Building confidence through police oversight – the Northern Ireland (NI) context

Linking confidence to independent oversight

Together with the other mechanisms for police oversight in Northern Ireland the Office of the Police Ombudsman has been a critical enabler of public confidence in policing

Between 2001 and 2008 the first Police Ombudsman established the robustness and independence of the office by delivering several critical and controversial reports into how police handled incidents during 'The Troubles'

In 2007 Sinn Fein – the largest Republican party in Northern Ireland signed up to support policing and took their places as members of the Policing Board thereby widening the base for independent monitoring of policing



Building confidence through police oversight – the Northern Ireland (NI) context

Linking confidence to independent oversight

Mechanisms for dealing independently and impartially with complaints

Establishment and independent operation of the Police Ombudsman

Comprehensive, independent and inclusive oversight framework

Oversight completely independent of political control or interference

Dealing robustly and fairly with complaints against the police impacts on confidence across the whole justice system



Building confidence through police oversight – the Northern Ireland (NI) context

The big picture



Making Northern Ireland Safer For Everyone Through Professional, Progressive Policing



Accountability
Transparency
Independent, impartial complaints investigation
Effectiveness
Fairness
Human Rights



Criminal Justice Inspection
Northern Ireland
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Enabling effective civilian oversight of complaints against the police

Scope

Police Ombudsman:

Investigate complaints about officers who are on-duty

Investigate complaints about off-duty officers where their employment as a police officer is relevant to the complaint

Investigate current police policy and practice

Investigate complaints made more than 1 year after the incident if they are considered exceptional or grave

Investigate incidents by calling himself/herself in without a public complaint being made



Enabling effective civilian oversight of complaints against the police

Scope

Refer a complaint to the internal police discipline unit (professional standards department) when it is suitable for informal resolution

Make recommendations to the police as to discipline proceedings

Direct the Chief Constable to take disciplinary proceedings if he/she is unwilling to act on the Ombudsman's recommendation

Accept referrals from the Chief Constable and the Policing Board

Mediate where the complaint is not a criminal or serious disciplinary matter

Forward completed investigations to the Director of Public Prosecutions



Enabling effective civilian oversight of complaints against the police

Restrictions

Police Ombudsman –**cannot**:

Investigate complaints against civilian employees of the police

Investigate complaints made by serving members of the police against other serving members

Use mediation to try to resolve complaints before investigation

Compel officers to attend for the purposes of interview

Investigate retired officers for breaches of discipline during their service



Enabling effective civilian oversight of complaints against the police

Restrictions

Police Ombudsman –**cannot**:

Compel retired officers to co-operate as witnesses to criminal or serious disciplinary matters

Extend the statute of limitations where a case may potentially become statute barred

Arrest citizens who have been acting jointly with police officers in criminal acts

Pursue a course of conciliation between complainant and police where an individual officer cannot be identified

Attend disciplinary hearings administered by the police following Ombudsman's investigations and recommendations



Enabling effective civilian oversight of complaints against the police

Avoiding capture

The composition of staff of oversight bodies is critical to enabling proper civilian oversight and to the perception of impartiality, independence and fairness

Staff expertise and experience to enable proper investigation of complex matters is important to the perception of quality of oversight

Use of former police officers as complaint investigators requires close monitoring and supervision and a robust framework of checks and balances

The overriding considerations are to ensure that Human Rights obligations are fulfilled and that investigations are fair, thorough and impartial



Enabling effective civilian oversight of complaints against the police

Supporting mechanisms

Legal powers are required to enable proper and thorough investigation of complaints – including statutory access to sensitive and intelligence material

Development of protocols with holders of further intelligence material relevant to investigation of complaints

Powers of arrest, search and detention need to be available to oversight body investigators

Power to recommend payment of restitution by Chief Officers to complainants

Regular review of operation of oversight bodies and public reporting on effectiveness

Effective relationships with internal police complaints departments essential to deliver outcomes



Enabling effective civilian oversight of complaints against the police

Delivering outcomes

Oversight body should publicly report on operation of police policies on a regular basis and make recommendations for change

Public reporting of complaints statistics and provision of tracking statistics to police to enable early intervention where required

Public reporting on the level and type of substantiated complaints to the public

Measurement, monitoring and reporting of confidence rates (public and police) for oversight bodies and police service



Possible developments in police oversight mechanisms in Northern Ireland

Revision of governance structures and revised relationship with sponsoring department to strengthen operational independence whilst providing appropriate support

Strengthening of civilian oversight regarding the provision, analysis and use of sensitive and intelligence material in the investigation of complaints

Exclusion of former police officers from the role of Police Ombudsman

Operational developments:

- whistleblowing arrangements
- mediation prior to full investigation
- power to investigate complaints against civilian employees
- full adoption of local resolution
- conciliation powers where individual officer not identified
- extending arrest powers to include civilians
- involvement in discipline hearings administered by the police

