

8 Sept 2011

Police Ombudsman Response to Recommendations made in the Criminal Justice Inspection Report

Recommendation 1

The Police Ombudsman should suspend the consideration of historical cases through the Critical Review Panel and initiate an immediate review to consider the most effective way of managing those investigation reports which are awaiting publication.

Response: Agreed

This recommendation relates to seven cases which have been investigated but await critical review as part of a quality assurance process before publication.

I acknowledge that this Recommendation will have an impact on commitments given to some victims' families.

Actions Steps:

The Police Ombudsman is leading an internal process with the senior management team to ensure there is a consistent and sustainable review and quality assurance process. This must be capable of providing a robust challenge to investigative findings and ensure that public accountability needs and statutory requirements are met, while providing the Police Ombudsman with best advice.

This will be done by October 2011.

Responsibility: Police Ombudsman

Recommendation 2

The Police Ombudsman should suspend historical case investigations except those currently being pursued jointly with the PSNI until the Strategic Plan for the Historic Investigations Directorate has been adequately resourced and becomes fully operational.

Response: Agreed.

This recommendation is accepted however there is one case that is well advanced and any delay could compromise the investigation.

Action Steps:

It is anticipated that the Business Plan will be approved by DfP in September 2011, which will allow the recruitment and assignment of appropriate resources by the end of 2011.

New prioritised investigations will commence concurrent with the receipt of new financial resources and staff.

Responsibility: Senior Director of Investigations

Recommendation 3

The Police Ombudsman should commission a full review of the Confidential Unit and the protocol for dealing with sensitive information ensuring that the needs of the OPONI as a civilian oversight body, are fully represented in the review and integrated within the recommendations.

Response: Agreed.

The report identifies a need for assurance that our independent and impartial oversight is represented at all stages of the acquisition, management and reporting of sensitive information.

Action Steps:

The Acting Senior Director of Investigations has initiated an internal cross-functional review that will ensure that both the perception and reality of 'civilian oversight' are integrated into the intelligence functions and protocols.

It is expected that this can be finalised by the end of 2011.

Responsibility: Senior Director of Investigations

Recommendation 4

The OPONI policy for the investigation of State related deaths (Article 2 ECHR) should be reviewed and clarified. Clear and unambiguous guidance on the policy should be provided to all staff.

Response: Agreed.

The existing policy in relation to the application of Article 2 within the Office was developed in 2008 and was subject to equality assessment at that time. However it is accepted that now is an appropriate time to review its working.

Actions Steps:

The Acting Chief Executive will undertake a review in respect of the policy. Any change to the policy will be subject to equality screening and public consultation.

Staff will also be consulted to establish what further clarity or guidance is required regarding this policy and also on the identification of conflicts of interest. Interim guidance with respect to conflicts of interest will be shortly issued to staff in line with our Code of Ethics.

This will be accomplished by the end of 2011.

Responsibility: Chief Executive

Recommendation 5

The Police Ombudsman should carry out an immediate skills and competency audit of everyone having significant input into complex cases to ensure that staff is appropriately equipped to deal with such investigations.

Response: Agreed.

The investigation of complaints against police officers involves particular skills. As noted in the report, the Office has acquired a variety of investigative staff over the years. They include those without previous policing experience, those who were former police officers and seconded serving police officers.

Since its inception the Office has developed its own intensive programme of investigative training. This training is aligned to Level II of the Skills for Justice 'National Occupational Standards' for serious and complex investigations.

Action Steps:

We will compile a skills and competency list to demonstrate that staff involved in complex investigations has the requisite skills. Any deficiencies, if they exist, will be addressed.

This will be accomplished by the end of September 2011.

Responsibility: Chief Executive

Recommendation 6

The prioritisation regime contained in the Strategic Plan for the Historic Investigations Directorate should be reviewed and consulted on to reflect the needs of victims' families, the police and the wider public interest.

Response: Agreed

The Case Prioritisation Policy for Historic cases has been developed following initial targeted consultation. It has also been reviewed by the Police Ombudsman's Independent Advisory Group.

Although the policy, including a review process, is in the final stage of internal approval it is worth noting that prioritised investigations will not be an immediate issue due to the resourcing issues associated with the Business Case.

Action Steps:

The draft policy will be subject to appropriate equality screening and subsequent equality impact assessment/public consultation.

This will be finalised in early 2012.

Responsibility: Senior Director of Investigations