

## **ARTICLE 2 POLICY**

### **INVESTIGATION OF STATE RELATED DEATHS BY THE OFFICE OF THE POLICE OMBUDSMAN**

#### **Policy**

1. The Office of the Police Ombudsman deals with all complaints against the PSNI and is set up legally to ensure that there is independence, impartial and effective investigation for all such matters.
2. The Police Ombudsman is empowered to exercise his powers under the Act in such a manner and to such extent as appears to him to be best calculated to secure:
  - a) the efficiency, effectiveness and independence of police complaints;  
and
  - b) the confidence of the public and members of the police in that system.
3. The Police Ombudsman may employ such persons as he thinks fit to enable him to carry out his functions and there is no limit or restrictions set on this power. The operation of this Policy will be subject at all times to this provision.
4. The Police Ombudsman must also act in such manner, which is consistent with other relevant legislation within the jurisdiction such as employment law, the European Convention of Human Rights as well as Regulations, Guidance or good practice set down by Parliament.
5. The Police Ombudsman requires every member of staff to declare any conflict of interest in relation to any matter which would be perceived to impair or influence the independence of the Office in dealing with a complaint. Managers of the Police Ombudsman will have the right to take appropriate action to safeguard the Office from any conflict of interest in any such matters.
6. The investigation of serious matters, but in particular, the death of any member of the public while in the custody of the PSNI or as a consequence of actions or operations taken to maintain the rule of law or to prevent a crime must be independent of the PSNI or other associated parties.
7. The Historic Investigations Directorate has been established in the Office in order to deal with matters where death as a consequence of State action during the period defined as the Troubles (between 1968 and the signing of the Good Friday Agreement on 10 April 1998) requires to be reviewed or investigated.
8. Investigators of such matters will be required to be Article 2 compliant; that investigators have no connection in terms of previous working experience

with the organisation or organisations involved in the death, (specifically previous working experience in the RUC or in a military regiment in support of the RUC at the time of death).

9. Unless in exceptional circumstances the Police Ombudsman will not deploy or delegate any member of staff in the investigation of a death during the period of the Troubles if that person was employed as a member of the RUC or served in a regiment in support of the RUC during the period of the Troubles.
10. In the investigation of any death after 1998 to this date, the Police Ombudsman will ensure all investigators or those directing or managing investigations are fit to carry out those investigations and present no conflict of interest in terms of independence by virtue of previous working experience or connections to the matter through the Conflict of Interest Policy.
11. In the investigation of any death as a consequence of State action from this date forward, the Police Ombudsman will ensure that the deployment of investigators either to the scene, the immediate management of the scene and the following investigation is open to all staff employed by the Office since its conception unless a member of staff raises a concern as to a conflict of interest on their part.
12. In the operation of this Policy any member of staff affected, or impacted, by the Policy has a right to ask for their circumstances to be reviewed by the Chief Executive of the Office and the final decision on the deployment of any person fit to carry out the function of the Office is for the Police Ombudsman, with no other internal appeal process.
13. The family of a deceased person subject of this Policy has the right to ask if investigators or managers connected with their case are Article 2 compliant and has a right to raise an objection. The objection will be considered by the Chief Executive who will advise the Ombudsman and the final decision on the deployment of the staff to the case is for the Police Ombudsman.
14. Outside the provisions of this Policy, the Police Ombudsman is committed to a staff recruitment, development and promotion policy for all jobs and positions in the Office which is based on merit alone.

**December 2016**