



# Investigating the Past



The Police Ombudsman's Office provides independent impartial investigation of complaints about the police in Northern Ireland. The Police Ombudsman is Dr Michael Maguire. In 2010, the Office established its Historical Investigations Directorate.

## Who and Where We Are

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The Police Ombudsman's Historical Investigations Directorate is based within the Police Ombudsman's Offices in Belfast city centre. (The term 'historical' was used to set this work apart from the Office's investigations into complaints about current policing). It has a staff of around 30 people, drawn from a variety of professional backgrounds, including those with an expertise of investigation, complaint handling and dealing with people affected by events during 'The Troubles' (the conflict in Northern Ireland between 1968 and the signing of the Good Friday Agreement in 1998).

## What We Do

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The law does not permit the police in Northern Ireland to investigate complaints made by members of the public about police officers. These must be referred to the Police Ombudsman's Office for independent investigation. The PSNI's Legacy Investigation Branch, which is examining all murders during 'The Troubles', therefore refers to the Police Ombudsman's Historical Investigations Directorate any matter arising from its work which raises a concern of possible police criminality.

The Directorate looks at matters in which members of the RUC may have been responsible for deaths or serious criminality in the past, and in particular between 1968 and 1998.

It also receives complaints of a grave or exceptional nature from members of the public about police conduct during this period, including allegations of police involvement in murder, attempted murder, as well as conspiracy and incitement to murder.

The Directorate has no legal power to investigate matters related to the conduct of the military or of the security services.

## Independence

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The main commitment of the Historical Investigations Directorate is to provide independent, impartial investigations which are free from police, governmental or community interest.

The Directorate may on occasion investigate incidents that are subject to simultaneous investigation by the PSNI's Major Crime Unit, its Legacy Investigation Branch or the State Coroner. Such investigations will be carried out independently.

It does on occasion discuss the service it provides with non-governmental organisations, the Commission for Victims and Survivors and solicitors representing victims and survivors of 'The Troubles'. Such discussions are not part of the investigative process.

The Directorate's investigations will comply with Article Two of the European Convention on Human Rights: none of the investigators will have any links to the matters they are investigating.

## Investigating the Past

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The Historical Investigations Directorate conducts enquiries which, like all investigations by the Office of the Police Ombudsman, seek to find information and evidence which would indicate whether there is any substance to an allegation.

When a person makes a complaint to us, we will talk with them to get as much specific detail and information about the issue as possible.

We will satisfy ourselves that the allegation is something we are legally empowered to deal with and is something capable of investigation.

## The Investigation Process

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When we have established that a matter should be investigated, we will set about gathering and reviewing all the available material about the incident in question. Some of that will be information which is publicly available, such as transcripts from official court or other legal hearings or from other 'open' sources. The Police Ombudsman's Office has access to all material held by the police and, as a first step, we will gather the documentation held within the relevant RUC files. We will also seek to gather any new material which has come to light in recent years.

Having looked at all this material, we will establish if there is enough information to provide answers to the questions which have been raised. If so, we will provide those answers. If not, the matter will be subject to further investigation.

The Historical Investigations Directorate is committed to providing as much information as we can about when and how we will deal with issues.

After consulting with the public and the police, we have developed a policy to help achieve a fair and equitable approach in deciding the order in which we carry out our investigations.

In the first instance we consider whether the alleged criminality in the case passed to us represents an ongoing and immediate threat to life or threat of serious injury or serious damage to property.

Having satisfied ourselves that such threats do not exist, we look again at the nature of the alleged police behaviour and establish if there is a direct causal link between police action and the death (such as the firing of a police weapon).

We consider in detail the gravity of the alleged offence. This includes establishing if the alleged conduct of the police represents potential criminal behaviour or misconduct. Alleged murder or criminal conspiracy would demand more immediate consideration than alleged police misconduct, for example.

We also consider whether there are related criminal or inquest proceedings.

Once these issues have been considered we may take into account other factors – for example, has there been a proven miscarriage of justice, as well as the age or infirmity of partners or immediate relatives of the deceased.

## Our Commitments to You

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Looking in detail at events which often happened decades ago is a specialised form of investigation, with its own demands and which requires a particular skills set. The work includes speaking to members of the bereaved families, members of the RUC and of the general public, to help gather as much factual evidence as possible and to get a better understanding of the time and place under investigation.

Whether a person has brought a complaint to us, or we are investigating matters related to the death of a member of their family, or they are a former police officer who is providing us with witness evidence, we make the following commitments:

- (a) We will deal with matters in an independent manner: none of our staff have any connection to the matters they investigate.
- (b) Our handling of the issue will be influenced only by relevant information and by evidence and will not be subject to any undue influence from the police, from the community or any sectional interest.

- (c) We will deal with all people in a manner which recognises that they may have been, and may still be, deeply affected by the events under investigation.
- (d) We will make and honour a ‘communication contract’ with them. We will appoint a member of staff to keep them updated on the progress of the investigation and take direction from them as to when and how they want to be kept informed. At a certain stage in the process we may appoint a Liaison Officer to support members of the bereaved families.
- (e) We will not discuss our investigation in public while it is ongoing, nor will we make public the names of any individuals who are involved in the case or who provide us with information.

**We Ask:**

- (i) that people cooperate with us and provide us with as much specific information and detail as they can throughout the investigation, and
- (ii) that they do not undermine the investigation. Investigations can be put at risk by discussing issues in public.

When an investigation has been completed we will decide if the available evidence is such that we should refer the matter to the Public Prosecution Service to consider whether someone should go before the courts to face criminal charges.



# Providing Answers

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At the end of an investigation, and following any court hearing which may have arisen from it, we will provide the bereaved families with a detailed statement of our findings. We would also intend to release a public statement.

As an independent, investigative body, the Police Ombudsman's Office cannot guarantee it will be able to provide answers to all the questions posed in an investigation, nor that those answers which it does provide will be welcomed by everyone.

It will guarantee, however, that its public statements will give as clear an understanding as possible of the events in question, given the available evidence.

Previous public statements about the investigation of events during 'The Troubles' are available on our website.

# How to Make a Complaint to the Police Ombudsman's Office

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You can make a complaint:

By phone on **0845 601 2931** (charged at local rate)

By e-mail to **complaints@policeombudsman.org**

Via our website: **www.policeombudsman.org**

By calling at our offices in Church Street, Belfast between 9am-5pm, Monday to Friday

By fax on **028 90 828 659**

By textphone, for people with hearing impairment, on **028 90 828 756**

## Help and Support

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The Victims and Survivors Service provides help and support for those who have been bereaved or traumatised as a result of 'The Troubles'. If you wish to contact them, you can do so by phone on 028 9027 9100 or email on **enquiries@vssni.org**. Further information is available online at **www.victimsservice.org**.

 **VICTIMS &  
SURVIVORS  
SERVICE**





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**Email:** [info@policeombudsman.org](mailto:info@policeombudsman.org)

Additional copies of this and other publications are available from the Information Directorate at the address above.

These publications and other information about the work of the Police Ombudsman for Northern Ireland are also available on the Internet at:

[www.policeombudsman.org](http://www.policeombudsman.org)



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