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Opinion

The past will be hard to shake off

Police Ombudsman Al Hutchinson is in his first full day on the job. Chris Thornton looks at his in-tray and asks if investigations of the past will stay there

Tuesday, November 06, 2007

Settling behind his desk on the top floor of the Police Ombudsman's office today, Al Hutchinson won't have much time to enjoy the view over St Anne's Cathedral. With roughly 3,000 complaints a year arriving, and 90 investigators to handle them, the business of investigating complaints against the PSNI is not getting any lighter.

But the arrival of the former Royal Canadian Mountie may deliver a significant change in the office's tone - at least that's what critics of the departing Ombudsman, Nuala O'Loan, are hoping for.

Mrs O'Loan's high profile criticism of police action in two notable cases - her reports on the Omagh bomb investigation and police protection of a gang of UVF killers - placed her under routine attack. For unionists, the Police Federation and a cadre of former senior officers, her seven-year tenure amounted to an assault on the reputation of the RUC.

They expect Mr Hutchinson to introduce a lower key era. They may have good ground for believing that, given that his reports as Oversight Commissioner - he was in charge of ensuring Patten reforms were introduced as planned - tended to be gentle in their criticism. There is also a belief in some quarters that as a former police officer, Mr Hutchinson will be naturally more inclined to sympathy with the complained-against than the complaine.

Those expectations might be right, but they miss the point that the Oversight Commissioner's job was about quietly making sure change happened, rather than apportioning blame. Some senior police say behind the scenes, Mr Hutchinson has steel.

Mrs O'Loan's critics can be more sure of having a new ally on another point.

They say her investigations of past police actions - in her final week she issued reports on murders in 1984 and 1993 - could harm the PSNI. Trawling up past police wrongdoing, the argument goes, could damage public confidence in the police they have today.

Mr Hutchinson seems to have a similar view. In his final report as Oversight Commissioner - before he had been given the Ombudsman's job - he raised concerns about "a continual debilitating drip-feed of speculation, inquires and investigations into past police practice".

He described the Ombudsman's office and the Historical Enquires Team as "blunt instruments too narrowly focused to use in a search for truth and justice for societal challenges.

"While they are simply doing what is required by mandate and law, they raise expectations that cannot be met, and distract from the task of finding a societal resolution to the past," he said.

Mrs O'Loan, as she left, pointed out that there is a legal requirement for the Ombudsman to investigate any "grave or exceptional allegation".

She said she was sure Mr Hutchinson would "comply with the law. If he doesn't, he'll be judicially reviewed".

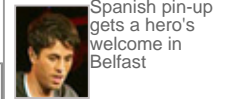
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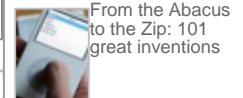
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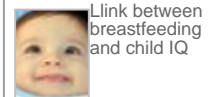
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But Mr Hutchinson's statement appears to have prompted a rush in complaints about the past, many from solicitors keen to get them accepted by Mrs O'Loan so there would be an investigation on the books before she left.

From that perspective alone, Mr Hutchinson won't be able to immediately shake off the past. One of the first reports in his name is like to concern the Claudy bomb, which killed nine people in 1972. He will also be expected to issue reports on complaints about IRA collusion linked to the Stakeknife affair.

Those can be regarded as hangovers from the O'Loan era, giving Mr Hutchinson space to build relations with the Federation in the short term.

It's only when Mr Hutchinson starts issuing reports that are entirely his own, right from the point of accepting the complaint, that we will a full picture.

Proof of his attitude to the past is still some months in the future.

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