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Home > Features > Daily Features

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Ombudsman's task to deal with present and the past

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In his first interview since coming to office, new Police Ombudsman Al Hutchinson tells CHRIS THORNTON about the workload that is pushing his office towards tipping point

Friday, March 07, 2008

After seven years of Nuala O'Loan, some police officers may have started breathing easier when Al Hutchinson, a former police officer himself, took over as Police Ombudsman four months ago. That might be a mistake.

Mrs O'Loan left office last November with a reputation for tough, even aggressive, pursuit of wrongdoers in the police.

To a lot of officers, she was too tough and aggressive, to the point where they'd accuse her of not taking account of the special circumstances they worked in. That may be unfair to her - she repeatedly cleared officers over the use of plastic bullets, for example - and many victims would disagree, but the Police Federation publicly broke off contact with her because they said she was damaging confidence.

Enter Mr Hutchinson, a man with four decades of experience in policing, most of it spent in the Royal Canadian Mounted Police, but a significant portion more recently as the Oversight Commissioner for Patten reforms in Northern Ireland.

So he knows the place. He and his wife Diane have settled in Co Down: "Work wise, community wise, we know the context, so when you jump in you don't sink. It's good."

And as Oversight Commissioner, Mr Hutchinson established a reputation for gently steering police towards results in the Patten reforms, without making a big public fuss.

So he also knows the job. The Federation, representing thousands of rank and file officers, has already re-established contact. A cop investigating cops might make a more relaxing figure for police in general.

"I suspect it's a kind of Achilles heel," Mr Hutchinson concedes. "While it may engender some confidence from the police, it may be misplaced if they expected I would be soft on the police."

"But in fact I think they should have the highest levels of integrity. So I could be a harder taskmaster in that sense than others."

"Nevertheless, what I have to do then is establish my credibility in the nationalist/republican community as well. And really each one of those are a case at a time."

What he calls the "building block approach" - "It doesn't matter where they're coming from. I have to, one case at a time, establish that credibility" - starts now. His first report today may be a fair example of addressing the two interests, police and the public confidence, in one package.

In the report, Mr Hutchinson's investigators exonerate police officers from a specific complaint about the handling of the case of Harry Jack, a missing person. But in the course of their investigation, they found significant shortfalls in the way the PSNI has handled similar cases.


"I would like to think that an output I will have over this seven year period is positive policy changes that will make a difference in people's lives," the new Ombudsman says.

"Mr Jack's case illustrates that although the police really handled their part of this tragic story well, out of it when we started looking at other missing persons cases - I think our people did some good work on this - there were a number of cases that were not handled well."

"So I'd like to think the recommendations coming in that sense will lead to better handling of missing persons cases. There's satisfaction and reward in that, and I've full confidence police will pay attention to


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that."

What's of direct concern to Mr Hutchinson at the moment is the workload facing his office. Mrs O'Loan battled to make sure her office handled investigation in historic cases involving police officers. Mr Hutchinson says he's committed to seeing them through - "As of now we're the only game in town" - but is worried the burden may be too much.

"I find myself running two businesses really: one is dealing with historic cases, the other is dealing with cases we have in the present," he says.

"We're managing, but what I've said is that we're reaching the tipping point. That's my concern, so I'm looking at it strategically and saying we're coming to the point where more is coming in from the past and we're a fixed size shop, and one or the other will have to suffer.

"At the moment we're trying to juggle both the present and the past. I think the quality of our investigations will come to be at risk - and may already have. It's important that we're adequately resourced."

THE Government handed over almost £1 million extra at the end of Mrs O'Loan's term in office, but Mr Hutchinson says he's going to have to ask for more.

"There are in excess of 50 historic cases, and of course they're very serious and take a long time to investigate. That involves some of our talented investigators, former police officers, and that detracts from the current business as well. We estimate we have about 21% of our caseload dealing with pure historic cases.

"And of course the issue, as I told the Northern Ireland Affairs Committee recently, is that past is bleeding into the present workload.

"Of course I also made the point that between the Historic Enquiries Team and the Ombudsman's office, we're the only ones available to investigate at least a portion of that tragic past. So unless there's an alternative we have to continue to do it. In that sense we can't draw a line under the past, but certainly there have to be other solutions."

He says the main challenge during the next six years and 8 months of his job "is for society to find a mechanism to deal with the past."

"Investigating the past, focussing on the police, I don't think we can ignore that. But I'd like to see a positive result coming out of Eames-Bradley that can allow a mechanism to do that. But in the absence of that we will continue to do it.

"Focussing only on the police misses all the other state actors, misses the paramilitaries, so what you get is a distorted picture of what happened.

"And that bleeds horribly into confidence. And of course today it is a different organisation and a different time. I'm not sure how I can deal with it directly, but the big issue is dealing with that bleed over from the past.

"It's fair to say that the more we investigate the past, become known as the collusion investigators against the police, the more the confidence of police in our impartiality dips as well. So that's a big strategic issue."

His office has over 900 cases pending at the moment. "Some are routine, some are at the beginning and could turn out to be lengthy investigations," he says.

"They range from shootings by police to the more routine. But you can't minimise one at the expense of the other. If someone makes a complaint, our office here is established to receive a complaint and build confidence, both in the police and the public. So we have to take our time and do it fairly and appropriately."

In the early days of his office, Mr Hutchinson sounds as if he doesn't want to wind up with the kind of public profile Mrs O'Loan had when her term expired.

"I think it's who I am," he says. "I've never sought any public profile and I prefer to work behind the scenes.

"In fairness to Nuala, I don't think she sought a public profile - the public sought her, much like a lightning rod.

"I'd like to think I'm accepted by both sides of the community as well as the policing institutions, so I'd like to think I can be effective behind the scenes. So far I'm not a target at least. That fits with my style. I like to work behind the scenes and I think you can accomplish much more that way."

Although he adds: "When I have to something to say, I'll say it. That goes with the job."

He points out that people have thousands of contacts with police every day, and the "majority go well."

"There's a percentage that don't. But if you're one of that 5% where things aren't going well, you want an office where you'll get a fair, impartial hearing.

"In the scale of things, police transactions are generally good. Where they are not good, we're here as an institution to hold police to account and publicly report those."

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