

RESEARCH PROPOSALS ON POLICING AND JUSTICE

FIONA O'CONNELL AND TIM MOORE

OCTOBER 2008

INTRODUCTION

This paper aims to facilitate discussion on possible research proposals to assist the work of the Assembly and Executive Review Committee.

The Report of the Assembly and Executive Review Committee, published in March 2008, has indicated in its issues, finding and recommendations, matters requiring resolution pre and post devolution. The proposals outlined in this briefing note relate to matters requiring resolution pre-devolution and include:

- Relationships within the field of criminal justice and policing;
- Appointments to the Office of the Police Ombudsman;
- Criminal Justice Inspection Reports; and
- The Independence and Accountability of the Public Prosecution Service IN Northern Ireland (PPSNI).

The following sections will discuss the relevant issues and recommendations and will outline research proposals which aim to assist the Committee in its consideration of policing and justice issues.

1.0 RELATIONSHIPS WITHIN THE FIELD OF CRIMINAL JUSTICE AND POLICING.

1.1 Paragraph 42 of the Committee's report states "The Committee considered it essential that there should be clarity of relationships within the field of policing and justice with clearly defined roles for the Minister/s, the Department and the entire range of organisations administering policing and justice, including the relationship with the Assembly and relevant Statutory Committee."¹

1.2 Research Proposal: The Committee may wish to consider the work of Statutory Justice Committees, for example their membership, roles and functions. This would involve considering the work of Justice Committees in other jurisdictions such as the rest of the United Kingdom, Republic of Ireland and in particular the role of the Northern Ireland Affairs Committee in Westminster. The Committee may also wish to consider the relationship between a devolved Department of Justice and UK Departments such as the Home Office. However the Committee may wish to focus specifically on the work of Justice Committees.

¹ Assembly and Executive Review Committee "Report on the Inquiry into the devolution of Policing and Justice Matters", March 2008, Pg 21.

2.0 APPOINTMENTS TO THE OFFICE OF THE POLICE OMBUDSMAN FOR NORTHERN IRELAND

2.1 Recommendation 30 the Committee's Report recommends that "the matters relating to appointments to the Office of the Police Ombudsman should be examined by political parties, initially before the devolution of policing and justice matters."²

2.2 Research Proposal: The Committee may wish to consider the current arrangements for appointments to the Office of the Police Ombudsman, and how these arrangements may change after the devolution of policing and justice matters. The Committee may wish to consider appointments to bodies in other jurisdictions with functions to deal with complaints against the police, such as the Independent Police Complaints Commission (IPCC) in England and Wales and the Garda Síochána Ombudsman Commission (GSOC) in the Republic of Ireland.

3.0 CRIMINAL JUSTICE INSPECTION REPORTS

3.1 Recommendation 32 recommends "that the NIO should make arrangements to have draft reports from the Criminal Justice Inspection Northern Ireland submitted to the Northern Ireland Assembly, and that the other matters raised by the Criminal Justice Inspection Northern Ireland should be examined initially before the devolution of policing and justice matters."³

3.2 Research Proposal: The Committee may wish to consider the nature and function of the Criminal Justice Inspection reports. The Committee may also wish to consider the "other matters" or recommendations raised in the written submission to the Committee from Criminal Justice Inspection Northern Ireland.

4.0 INDEPENDENCE AND ACCOUNTABILITY OF THE PUBLIC PROSECUTION SERVICE

4.1 Recommendation 27 of the Committee's report recommends that "the independence of the PPS and its accountability to the Assembly should be examined before, and following, the devolution of policing and justice matters, to produce recommendations which would be considered by the Assembly."⁴

4.2 Research Services prepared a paper for the Assembly and Executive Review Committee on Court Service and Public Prosecution Service Models in England, Wales and Northern Ireland in November 2007. This included the legislative basis, accountability, organisational and governance arrangements of these organisations. This paper highlighted some issues in relation to the PPSNI such as appointment and role of a new Attorney General for NI, the potential relationship between the PPSNI and the Assembly and the role of an Advocate General in relation to non devolved matters.

4.3 The Committee may wish to have a refresher on this paper or may wish to consider this recommendation in more detail.

² Ibid, Pg 23.

³ Ibid.

⁴ Ibid Pg 22.