

POLICE OMBUDSMAN FOR NORTHERN IRELAND

**FIRST ANNUAL REPORT
NOVEMBER 2000 - MARCH 2002**

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FOREWORD

Dear Secretary of State,

I have pleasure in submitting to you the first Annual Report of the Police Ombudsman for Northern Ireland, as required by Section 61 of the Police (Northern Ireland) Act 1998. This Report covers the period from 06 November 2000 to 31 March 2002.

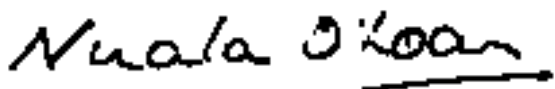
In submitting this Report to you I would like to acknowledge all those members of the community and the many public leaders and representatives from whom I have received tremendous help and support during my first seventeen months in Office.

I wish also to acknowledge the very significant help and co-operation which I received from the Chief Constable and Senior Officers in the Royal Ulster Constabulary/Police Service of Northern Ireland. (RUC/PSNI), and that which I have received from the new District Commanders and their staff. Establishing a completely new and independent police complaints system to give effect to the provisions of the Police (NI) Act 1998 as amended, has been an immense challenge for us. It has also required patience and understanding on the part of the police. In addition I wish to acknowledge the effective and constructive working relationship which has developed with the Chief Police Officers, the Superintendents Association and the Police Federation of Northern Ireland, and in particular with the Complaints and Discipline Committee of the Police Federation whom I meet at bi-monthly intervals.

I could not have established the Office without the support of a great many community organisations and public agencies in Northern Ireland. I have also valued the positive working relationship which I have been able to establish with the Policing Board of Northern Ireland, with your officials and you. Finally I want to acknowledge the commitment and support of my staff during the last seventeen months.

I commend to you this Report with my commitment that, at all times, we will strive to be effective, independent and impartial in the conduct of our affairs.

Yours sincerely

A handwritten signature in black ink, reading "Nuala O'Loan". The signature is written in a cursive style, with the first name "Nuala" and the surname "O'Loan" clearly distinguishable. A horizontal line is drawn under the surname.

Nuala O'Loan
Police Ombudsman for Northern Ireland

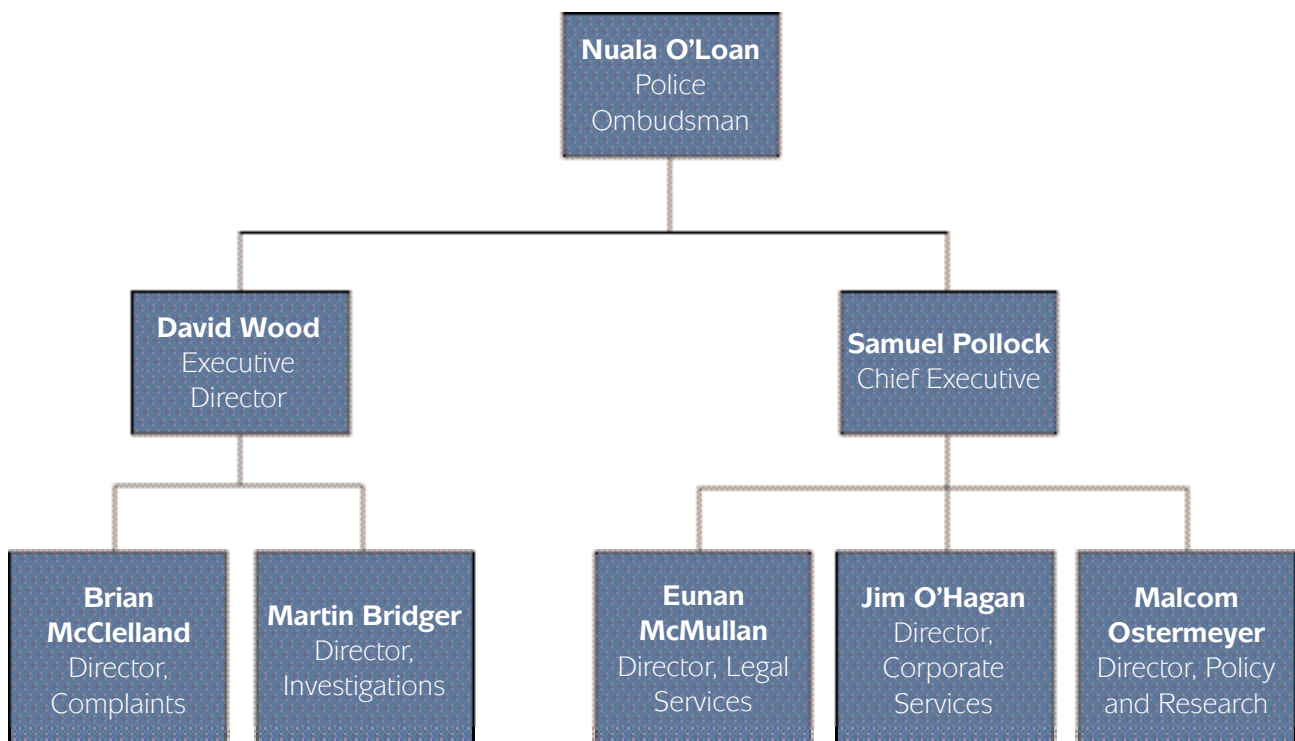
REPORT OF POLICE OMBUDSMAN

06 November 2000 - 31 March 2002



Nuala O'Loan Police Ombudsman

EXECUTIVE OVERSIGHT



A MONUMENTAL CHALLENGE

It has been a monumental challenge to create a new police complaints system in Northern Ireland which would independently, effectively and impartially investigate complaints against the police. The first seventeen months have demanded a very significant commitment from the staff in the Office. We had to establish the Office, its systems and mechanisms whilst simultaneously providing a complaints service to the public, and immediately commencing the investigation of complaints ranging from minor matters to allegations of serious crimes.

PLANNING A NEW SYSTEM

The foundations of the new system were laid during the period after my appointment as Police Ombudsman when I worked with the Project Implementation Team, identifying and equipping premises, recruiting and training as many staff as possible, negotiating a transfer of responsibilities from the Independent Commission of Police Complaints, procuring and commissioning an IT system and generally preparing for the opening of the Office on 06 November 2000.



Nuala O'Loan with the former Minister of State, Adam Ingram MP, who opened the Police Ombudsman's Office.

ASKING AND LISTENING

We have engaged in extensive consultation about what people and the police wanted of the new police complaints service. Consistently we were urged to build a system that would be accessible and easily understood, procedures which are open and transparent and a system which is fair and impartial. Consultation with a huge range of organisations has been enormously beneficial to us in the strategic development of the Office. We have maintained a strong focus on promoting awareness of the new system, and succeeded in producing and distributing 50,000 leaflets, approved by the Plain English Campaign for clarity. A Web site was established and has also been designed to be accessible for people with disabilities. We have posted our information on the site in Mandarin, Irish and Ulster Scots. Braille and audio cassette facilities are available.

WORKING FOR EQUALITY

We are now a listed authority under the Northern Ireland Act 1998 and we have prepared an Equality Scheme for approval by the Equality Commission. This has presented us with a further opportunity to consult with the public and the police. Our monitoring of key factors indicates already that the system of complaints is being used by all sections of the community. The profile of complaints from the 29 Police Districts would appear to match the population proportions within those districts. Other monitoring confirms that 49% of complaints come from Protestants, 41% from Catholics and 10% from others. The profile of complaints in relation to age and gender also appear representative. In the first 17 months we had 12 complaints in relation to racial issues and we are examining this aspect now in more detail with minority groups. My staffing represents 46% from the protestant community and 36 % from the catholic community. 18% of my staff are seconded from England and Wales.

A WIDE AND DEMANDING REMIT

The remit of the Office is wide and demanding. Primarily we receive complaints from the public. We may have cause to investigate a matter because it has been referred to us by the Secretary of State, the Chief Constable or the Policing Board. The Chief Constable agreed with us in February 2001 that he would refer all discharges of firearms to us to investigate in the public interest. The firing of baton rounds is also referred by the Chief Constable for independent investigation. In addition to this, all deaths in custody are referred automatically as required by the Police (NI) Act 1998. I also have a power to investigate a matter in the public interest, even if there has been no complaint, but it appears to me that a police officer may have committed a criminal offence or may have behaved in a way which would justify disciplinary proceedings.

A NEW RELATIONSHIP WITH THE POLICING BOARD

The Policing Board for Northern Ireland came into existence on 04 November 2001. This was an important and welcome development. The Policing Board has a duty to keep itself informed as to the working of the Police Complaints system, and of trends and patterns in complaints. I have welcomed the positive interactions which have taken place with the newly founded Board. Members have been given an open invitation to visit the Office at any time, and regular meetings have been established with the Complaints Monitoring Committee of the Policing Board. I look forward to creative and positive ongoing interactions with the Policing Board.

INDEPENDENCE - KEY TO SUCCESS

A key to the success of the Office is its independence and the public perception of the extent of its independence. If people genuinely believe that we are independent then this will enhance the levels of public trust in the Office. The independence of our investigations is crucial not just to the member of the public who may make a complaint but equally to the police officer who is the subject of a complaint. My staff are not employed by the Police Service or Policing Board and do not investigate under the control of the Chief Constable. There can be no question of pressure, collusion or influence being brought to bear on an investigation or a determination by me. We are not required to seek government approval in respect of our investigative processes. We are required to "have regard to" the Secretary of State's Guidance which may be given to the Chief Constable, the Policing Board and to me, but such guidance is on general policing issues and not in relation to the handling of a case. The independence of our investigative processes is therefore protected.

INDEPENDENT FEEDBACK

Since the opening of the Office there have been three independent household surveys of awareness of the Office, and the public perception of independence has been a central theme. The surveys indicate that the number of those aware of the existence of the Office has risen from 57% in November 2000 to 86% in March 2002. Belief in the independence of the Office has increased from 81% to 86%. In addition to this, 79% of those surveyed believe they would be treated fairly if they complained. I view this as an achievement in line with one of our core performance targets to build confidence of the public and the police around the independence of this Office. I am determined to strive to maintain this performance.

IMPARTIALITY AND FAIRNESS

Impartiality means that we will conduct our business in a way which is free of bias and influence. Key to this value is an understanding, by all members of staff, of the effect of their own experiences on the way in which they discharge their responsibilities. We have invested heavily in awareness training, and have established our Professional Standards Team with a remit to monitor compliance with good practice guidance and to ensure fairness in processes. We must ensure compliance with our obligations under section 75 of the Northern Ireland Act 1998, which requires screening of all existing policies and procedures.

FORGING WORKING LINKS WITH POLICE

There is ongoing work in relation to the processes through which my Office interacts with the police. We welcomed the establishment of District Command Units and have made arrangements with Criminal Justice Units, through whom much of the day-to-day provision of information is facilitated and expedited. The creation of mechanisms for access to the most sensitive information has necessarily been a robust process. There is a legal power for me to acquire and access information, evidence and material necessary to ensure a full independent investigation. I have a responsibility to ensure that information coming into my Office is kept safely and confidentially. This ability to gather material is an important power which has been utilised in the public interest in the Reporting Period.

STRONG CRIMINAL JUSTICE LINKS

It is important that there is a strong but independent relationship between the Director of Public Prosecutions and this Office. This has been a complex process to develop, given the separate responsibilities of the two Offices. Important progress has been made towards the creation of a modus operandi which recognises the needs of the Director and his staff, but still maintains the necessary confidentiality of our complaints files. It was important to establish, from the beginning, the fact that our complaints files are created for the purpose of the investigation of complaints. We have had good support from the Forensic Science Service Northern Ireland in relation to the forensic examination of exhibits. We have also made use of specialist forensic services as required for particular investigations – for example, accident reconstruction consultants from Merseyside.

BUILDING A COMMUNITY BASED NETWORK

Much work has been done to create working protocols with community organisations and agencies to enable us to discharge our responsibilities to the public and the police. We have constructive working relationships with Citizens Advice Bureaux, the Northern Ireland Women's Aid Federation, the Chinese Welfare Association and many others. We are able to use the community premises of some of these bodies to meet complainants in locations in which they are comfortable and which are accessible. You will see in this Report the range of contacts and meetings, presentations and events which we maintain with the community and policing or criminal justice organisations. This is vital in keeping the work of the Office rooted in the society we serve.

KNOWING THE DIFFERENCE

There is a huge interface between members of the public and our complaints team. In the first 17 months we received some 12,500 telephone calls from members of the public and 1558 people visiting the Office. The vast majority of these calls require a simple response or clarification about policing information or matters which are important to the caller but which do not directly involve this Office. In over 800 cases, however, there were issues in relation to complaints which required further examination and inquiry. We must treat every call as important and know the difference between a genuine complaint which we should record and handle, or a simple request for information, which we will attempt to provide.

MANY CAN BE CLOSED QUICKLY

Complaints also come to us from other sources: directly from the police, by letter, fax or e-mail, or from solicitors or representatives. We have handled 5129 complaints in the Reporting Period. Again the vast majority, over 60% of these, were resolved without the need for formal investigation. Many can be closed quickly because the complainant is satisfied that, while they may not be happy with the experience they have had with the police, the matter in question does not constitute a specific allegation of misconduct or a criminal allegation against a police officer. Sometimes there have been misunderstandings which have been resolved.

NOT ENOUGH DETAIL OR CO-OPERATION

In a large number of other cases there is insufficient information or detail to make it practical or possible to process the complaint, or investigate it to a satisfactory conclusion, and so the complaint has to be closed. People also change their minds about a complaint which perhaps, at the outset, appeared extremely important but a little later has ceased to be of significance. Some complainants simply fail or refuse to give us any further instructions regarding the matter. As people are more and more aware of the specific working of the complaints system and the powers and the remit of the Office, the level of complaints which are withdrawn or which cannot be progressed will reduce.

LEARNING FROM MISTAKES

Recording, classifying and making initial inquiries in relation to complaints is a major task and function of the Office, and this service to the public cannot be underestimated in terms of maintaining an open and accountable system through which the public can raise concerns however serious or minor they may appear. Very often the most important outcome to a complaint is that the person making it knows that where there is a legitimate concern about the conduct or practice of a police officer, the matter has been considered and steps have been taken to deal with the specific issue, to learn from it and prevent any such mistake happening again. We work very hard with police supervisors and managers to ensure information from the complaints is fed back constructively to those who can prevent mistakes recurring.

MAKING A DIFFERENCE

The information and case illustrations in this report demonstrate the wide range of work undertaken by our investigators under the direction of Mr David Wood and Mr Martin Bridger. Where there are specific allegations of criminal behaviour or misconduct by a police officer, the investigation teams are developing effective and robust investigative methods to ensure that all files will stand up to the necessary scrutiny. The investigative function is clearly the most resource intensive, given the number of cases involved, but it is critical to the integrity of a system designed to hold police officers to account for their behaviour. It is also extremely important to complainants and police officers to know that serious allegations, which are not substantiated by fact or evidence, have been investigated with full and independent rigour.

SEEING THE DIFFERENCE

A further measure of our effectiveness on a wider front is the contribution which we make to the improvement of policing policies and practices. Our ability to make recommendations leading to improvements in policing policy and practice was identified as one of our key performance indicators in our first Corporate Statement and Annual Business Plan. In conjunction with the Police Service I have established a working practice by which draft police policies are referred to me as part of the consultative process and I have responded at length to such policies and orders relating, for example, to the Use of Force by a Police Officer, the Neutral Working Environment, Vehicle Pursuit Policy, the Transparency Policy and the Code of Ethics. This arrangement enables my Office and the PSNI to work together in learning from the outcomes of investigations, and to contribute to the ongoing development of best practice in policing policy.

RECOMMENDING IMPROVEMENTS

Over the past 17 months I have made a number of recommendations for amendment to existing policies and procedures, including the following:-

- On 06 June 2001 I drew to the attention of the Chief Constable my concerns about a lack of understanding by officers about the use of firearms, articulating my concern that death or injury might occur as a consequence of the inappropriate use of a firearm. These concerns derived from matters coming to my attention in the course of investigations into the use of firearms. On 02 July 2001 a new policy direction was issued followed by an amended Force Order.
- On 02 August 2001 I drew to the attention of the RUC concerns about the manner in which Police Landrovers were being driven in some residential areas in which there was public unrest. I had observed on video a number of incidents which gave rise to concern and I had received numerous criticisms and complaints in public meetings which I had been requested to attend by residents. Again I was encouraged that the matter was responded to positively and a notice was issued about this matter.
- In the course of investigations into the discharge of baton rounds at the request of the Chief Constable, my investigators were concerned at some inadequate and tardy completion of logs and reports in relation to the incidents being investigated. This matter was raised formally and this has resulted in a definite improvement in the timeliness and content of completion of such documents.

- It came to my attention that the police do not prohibit in any way the consumption of alcohol on police premises. A situation arose in which an officer drove out of a police station when his blood alcohol levels were far in excess of the permitted levels and had a road traffic accident which resulted in his death. I made representations to the PSNI that there should be some control of, and direction in relation to, the consumption of alcohol on police premises. I was advised that no controls were deemed to be necessary. I did not seek a ban on the consumption of alcohol on police premises but I remain of the opinion that there should be some controls which might prevent a recurrence of such a tragic incident.
- I was concerned about the practice of locking solicitors in consulting rooms at Gough Barracks Armagh and drew this to the attention of the Police. This practice was discontinued.
- An investigation revealed that the supervision and assessment of disturbed or mentally ill prisoners in custody required more detailed attention in the initial processing of a committal. Again, a suggested amendment of a Custody Form for recording the risk assessment on a prisoner was acted on immediately.
- Death in custody is always a situation of the utmost gravity. In the course of the Reporting Period there were four deaths in custody, or of persons recently released from custody. One investigation involved a custody suite in which a detainee hanged himself from a concertinaed gate when he had been allowed out of a cell for a cigarette. I advised the police of the obvious risk attaching to this gate, and as a consequence, orders were issued that the gate should be immobilised in a way which would prevent any recurrence.

OMAGH - A DIFFICULT TASK

It would be inappropriate to conclude a review of this first seventeen months without a reference to the Omagh Investigation, which occupied a significant amount of time and resources. A police complaints system must take seriously any allegation from a member of the public that not enough had been done to prevent the commission of a serious crime, or that not enough had been done to use available information or evidence in the pursuit of those who may have committed a serious crime. Where such allegations relate to the killing of 31 people by terrorists in a town in Northern Ireland, the worst single terrorist atrocity in this part of the world, it would have been reckless of my Office to ignore such allegations or treat them with indifference. It would also have been cruel to the victims and relatives of those killed and injured in Omagh on the 15 August 1998 to allow such matters to be subject of examination and speculation in national newspapers, without an attempt to investigate them.

The investigation was carried out under Section 55 of the Police (NI) Act 1998. It commenced in August 2001 and finished in December 2001 and was undoubtedly a major challenge to the Office in all its functions. A full and detailed confidential (Regulation 20) report was issued in draft to the Chief Constable and the Northern Ireland Office on 28 November 2001, and then in final form to the Chief Constable, Secretary of State and the Policing Board on 12 December 2001. A Statement of the findings and relevant recommendations was also shared with the victims and relatives of the bombing on 12 December 2001. The recommendations which I made in the Omagh Report have been acted upon by the Policing Board of Northern Ireland. It is my continuing hope that those guilty of the atrocity will eventually be brought to justice.

ISSUES OF CONCERN

As we look forward three issues are of concern to me, which I consider are fundamental to the effectiveness of my functions.

INFORMAL RESOLUTION NOT GOOD ENOUGH

Informal Resolution as currently provided for under the law is a process by which the police meet with the complainant, establish what the complaint is and then meet with the officer and seek to establish the officer's position. However, there is no requirement to mediate between the officer and the complainant, and there are indications that the current process is ineffective. Officers are not trained to carry out this function. Only a small percentage of complaints are informally resolved. In the absence of successful informal resolution I must then, under the Police (NI) Act 1998, formally investigate the matter.

The system needs to be replaced by a more flexible mediation system which would enable my Office to deal with less serious complaints in a timely and cost-effective manner. This would better meet the needs of the complainant and of the police officer.

ORGANISING FOR MEDIATION

Under the Police (NI) Act 2000 there is a power to mediate but as yet no implementing regulations have been issued to give effect to the power. As it stands, mediation is only possible after formal investigation of a criminal or conduct complaint against an individual officer has been carried out. This is a very significant weakness in the legislation. There is a significant number of complaints where the complainant does not wish to pursue a specific allegation against an officer but has grounds to feel aggrieved because of the experience they have had. In meeting directly with an officer, supervisor or representative of the police and the complainant, issues could be easily, quickly and cost effectively resolved and confidence restored. There would be great advantages in such a process which has been piloted in some other policing and criminal justice situations and is widely used in other disciplines. A power to mediate before the completion of full investigation would undoubtedly assist in the resolution of many matters which currently cannot be resolved.

PROBLEMS WITH JOINT INVESTIGATIONS

The third matter which has caused me serious concern over the Reporting Period involves circumstances in which there is alleged wrongdoing involving a police officer and a non-police officer. This can be, for example, in a situation where police officers and soldiers are in a landrover, in which a person alleges that they have been assaulted. They are not sure whether it was a soldier, a police officer, or both, who may have assaulted them. In those circumstances all officers are suspects, but my ability to investigate is limited to police officers. Whilst we can investigate and make determinations in respect of police officers, it is the Police Service of Northern Ireland who must investigate the matter in relation to the soldiers.

In public order situations in which soldiers and police officers have fired baton rounds, the Chief Constable asks me to investigate the actions of the police but the army discharges are not routinely investigated under the same procedures.

Another example might involve the situation in which a police officer is alleged to be “turning a blind eye” to drug crime involving informants, because that officer is benefiting financially from the crime, or because the police want to preserve the usefulness of the informant. Again we can investigate the police officer, but we cannot investigate and make recommendations in relation to the other parties who may be involved.

In the event of an allegation of collusion between police officers and terrorists involving serious crime, my ability to investigate would be limited to the activities of the police officers. Such an investigation would not be effective as it would not encompass all aspects of the allegation. The only viable option at the present time would be a joint investigation with the police which would not be independent and which would therefore fail to secure the confidence of aggrieved parties.

I believe this impacts adversely on my independence. The creation of a power to make recommendations for the prosecution of persons engaged in joint criminal activity with police officers on duty, or off duty where their membership of the police service is relevant, would copper fasten the independence of the Office.

MUCH REMAINS TO BE DONE

Much work has been done to establish this Office which will help support the new policing arrangements in Northern Ireland. It has been a difficult task, but well worth the effort when I see the extent to which we can provide a meaningful and helpful service to the public and the police.

The information, detail, illustrations and accounts provided in this Report are to help the public and the police see the extent and the nature of the work of the Office and it is my hope that it will assist us to build confidence in the impartiality and independence of our system.

Nuala O’Loan
Police Ombudsman

FIRST ANNIVERSARY



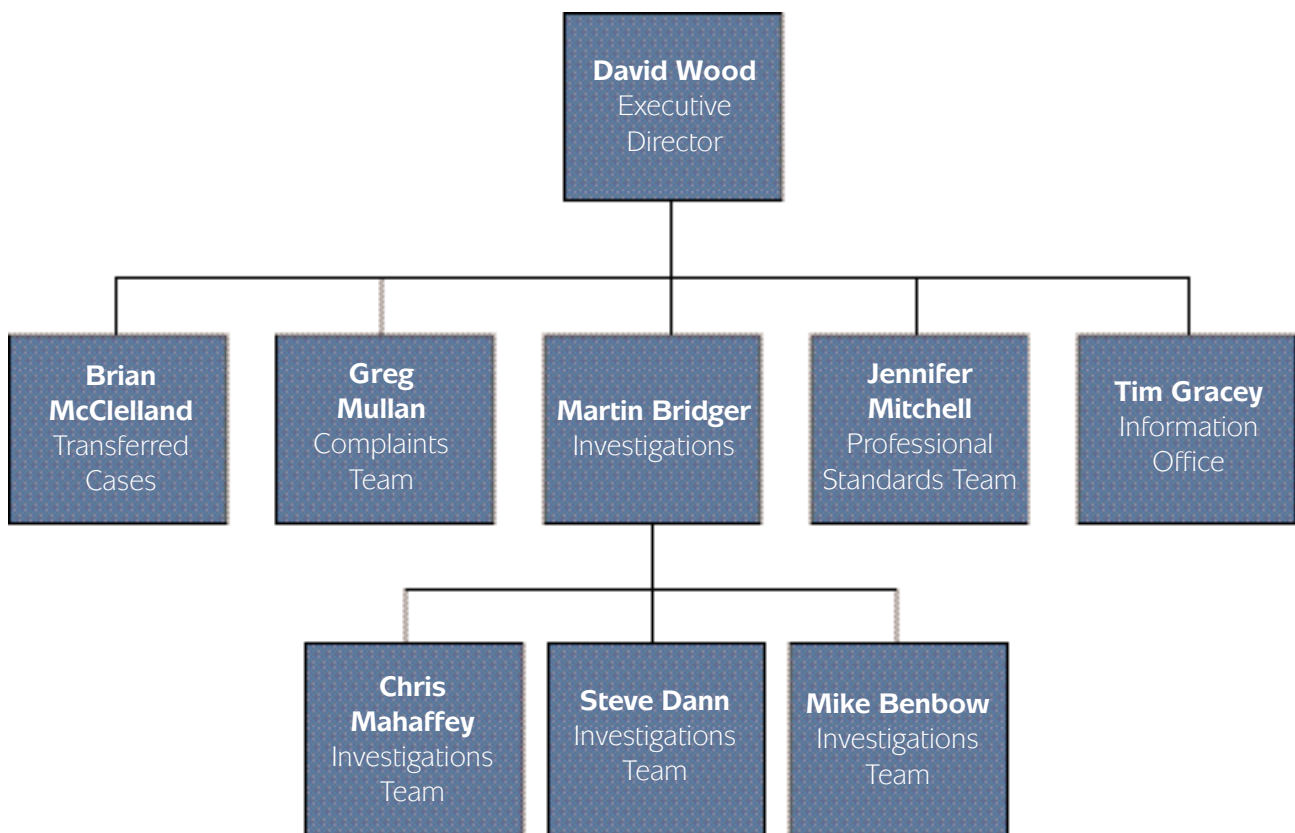
Minister of State, Jane Kennedy MP was the guest speaker at a reception held to mark the first anniversary of the Office of the Police Ombudsman. With her are, from left, Director of Legal Services Eunan McMullan, Chief Executive Sam Pollock, Nuala O’Loan and Executive Director David Wood.

REPORT OF EXECUTIVE DIRECTOR COMPLAINTS AND INVESTIGATIONS



David Wood Executive Director

Management Oversight



COMPLAINTS AND INVESTIGATIONS

The Complaints and Investigation Directorate has three core functions: handling of all complaints, investigation of specific allegations, and maintaining quality and professional standards within the Directorate.

COMPLAINTS OFFICE

Greg Mullan and his staff in the Complaints Office receive all allegations against the police from a variety of sources, and assess those complaints to establish that they meet the legal criteria for a complaint against the police.

5129 NEW COMPLAINTS RECEIVED

The Complaints Team has dealt with 5129 complaints (6390 allegations) over the last 17 months. (one complaint may contain more than one allegation)

394 COMPLAINTS INFORMALLY RESOLVED

Each complaint is assessed as to whether Informal Resolution is appropriate, and 394 of these complaints were resolved to the satisfaction of the complainant through the Informal Resolution process.

2331 COMPLAINTS REFERRED FOR FORMAL INVESTIGATION

Complaints of a serious nature and involving specific allegations against police officers are referred immediately to one of the three Investigation Teams.

2404 COMPLAINTS HANDLED IN OTHER WAYS

A large number of complaints are subject of further inquiries and are closed following those

inquiries. Some are closed because they are outside the remit of the Office, some are withdrawn following inquiries and some are incapable of investigation because of the lack of detail or co-operation.

2124 CASES TRANSFERRED FROM INDEPENDENT COMMISSION FOR POLICE COMPLAINTS (ICPC)

Upon the opening of the Office on 06 November 2000, the Police Ombudsman immediately became responsible for over 2000 investigations which were currently being investigated by the Royal Ulster Constabulary. A legislative decision was made to allow those investigations to progress under the old procedures, but to require all reports relating to those investigations to be submitted to the Police Ombudsman. Once these reports are received they are scrutinised by Brian McClelland, the Director responsible for transferred complaints, to ensure the investigation has been thorough. The majority of those investigations have now been completed, with only 330 outstanding.

INVESTIGATIONS

The Investigation Directorate is led by Martin Bridger, who has overall responsibility for three Investigation Teams who investigate the full range of disciplinary and criminal allegations, from incivility to possible police involvement in the death of members of the public.

24 HOUR, 365 DAY RESPONSE

The Investigation Teams provide a 24-hour, 365 days a year service, and will respond immediately to allegations of an urgent or serious nature. The independent investigation provided thereby is central to the effectiveness of the Police Ombudsman. Investigators progress and complete their investigations, and where

appropriate recommendations are made to the Police Service of Northern Ireland through the Chief Constable, or to the Policing Board in respect of misconduct matters. In matters involving allegations of criminal behaviour the Police Ombudsman makes recommendations independently to the Director of Public Prosecutions.

IMPROVING STANDARDS

The standard and integrity of our investigations are crucial to our impartiality, effectiveness and independence. The Directorate has been restructured to ensure quality in investigations and decision-making. Deputy Senior Investigating Officers have been introduced to enhance supervision of investigations, and a Professional Standards Team under the leadership of Jennifer Mitchell was introduced to carry out thematic inspections and to ensure that the quality of Misconduct files which are sent to the Police Service of Northern Ireland is high.

BUILDING CONFIDENCE WITH POLICE

It is important to the success of the Office that the police have confidence that the investigations are fair. In seeking to secure a professional understanding of our role, we have provided many talks and presentations to audiences representing all senior detectives in the PSNI, to groups of officers from various District Commands and specialised units including the MSUs. We have participated in many of the training courses, including all recruit training courses. I have also met frequently with Chief Officers from the Police Service to ensure mutual understanding at a strategic level. In addition to this I have met the Police Federation of Northern Ireland on a number of occasions with the Police Ombudsman. I ensure that every invitation to speak or meet with police officers is responded to positively. The PSNI is a large organisation

(over 10,000 officers) covering a large geographical region, compared to the Office of the Ombudsman. Inevitably there are many officers who have not met directly with us so communication and confidence-building continues to be a major priority for us over the next 12 months.

PERFORMANCE IMPROVING

The Directorate suffered from a slow build up in the recruitment of staff during the Reporting Period. Recruitment of investigators and assistant investigators took place in 3 phases and we will only meet the agreed establishment on 17 June 2002 when the latest recruits complete their training. This has resulted at times in investigations taking longer than desirable. The year ended with significant improvements in this area - with an overall average investigation completion down to 105 days, the national target being 120 days. The Directorate draws its staff from a diverse range of investigative backgrounds, and so the extensive training and induction of all new staff is critical to building a professional and cohesive investigative capability.

David Wood
Executive Director

TRANSFERRED COMPLAINTS



Brian McClelland
Director of Complaints

2124 CASES TRANSFERRED FROM ICPC

On 06 November 2000, 2124 cases were transferred from the Independent Commission for Police Complaints for Northern Ireland to the Police Ombudsman. These cases continued to be investigated by the police. A number of the investigations were supervised by the Police Ombudsman.

When the investigation into a transferred case is completed, whether supervised or not, the Deputy Chief Constable submits a memorandum to the Police Ombudsman setting out the action he proposes to take. It is the function of the Police Ombudsman to study the report and related documentation, and to decide whether a police officer should face disciplinary action if that is not already the Deputy Chief Constable's intention.

During the review of the investigation papers, the Police Ombudsman, if not satisfied with any aspect of the enquiry, can request the Deputy Chief Constable to provide such further information as is considered necessary to enable a decision to be made. In certain cases involving

minor offences informal disciplinary action is considered appropriate. This may take the form of constructive discussion, advice or an admonishment. Where the Police Ombudsman disagrees with the Deputy Chief Constable's decision not to initiate formal disciplinary proceedings, she can recommend or, after consultation with him, direct that disciplinary charges be preferred.

TRANSFERRED INVESTIGATION - DRIVING OFFENCE

The complainant was struck and injured by a police vehicle on a traffic light controlled pedestrian crossing. The investigation of the accident was supervised by the Independent Commission for Police Complaints and, latterly, by the Police Ombudsman. It transpired that the police officer driving the vehicle had been tasked to an urgent operation and had failed to notice the traffic signals. He subsequently pleaded guilty to the offence of driving without due care and attention, was fined and had his licence endorsed.

TRANSFERRED INVESTIGATION - ASSAULT CHARGE

Police arrived in response to a fracas outside a city centre night club. The two complainants alleged that they had been assaulted by a police officer wielding a baton. The events of that evening were captured on closed - circuit television. Following an investigation, the accused police officer was prosecuted for the offence of common assault and was found not guilty by the Resident Magistrate. Notwithstanding, the Police Ombudsman was concerned about the use of the baton in the particular circumstances of the incident. The Deputy Chief Constable accepted the Police Ombudsman's recommendation that the police officer in question should receive appropriate advice from a senior officer regarding his actions.

1794 CASES COMPLETED AND CLOSED

In the 17 months to 31 March 2002, the Police Ombudsman completed consideration of 1794 reports from the Deputy Chief Constable. Of these cases, 168 were withdrawn; 414 were treated by way of dispensation; 40 were subsequently informally resolved; the legislation did not apply to 22; and the Police Ombudsman considered the disciplinary aspects of the remaining 1150 cases. Of these, there were 68 informal disciplinary actions in 48 cases, 11 formal charges in 8 cases, and 8 criminal charges directed by the Director of Public Prosecutions in 8 cases.

CASES CLOSED

Withdrawn	168
Dispensation granted due to non-cooperation	414
Informally resolved	40
Outside remit	22
Completed and closed by Ombudsman	1086
Referred for informal disciplinary action	48
Referred for formal disciplinary action	8
Criminal charges directed by Director of Public Prosecutions	8
TOTAL CLOSED	1794

At 31 March 2002, 294 cases were under police investigation, including 48 cases that were being supervised by the Police Ombudsman. A further 36 investigated cases were under review by the Police Ombudsman.

CASES IN ACTION

Under consideration by Ombudsman	25
Awaiting further information	11
Under supervision	48
Under investigation by PSNI	246
TOTAL CASES IN ACTION	330

TRANSFERRED INVESTIGATION - NEGLECT OF DUTY

Following a road traffic accident in which they were involved, the complainants alleged that the offending driver had been permitted by police to leave the scene of the accident. This driver was subsequently convicted of driving without due care and attention, while a charge of being drunk in charge of a motor vehicle was dismissed. Upon reviewing the investigation papers the Police Ombudsman found that the driver responsible for the accident may have been able to escape the full rigours of the law in respect of a drink driving offence because a police officer had failed to carry out his duties promptly and diligently. A disciplinary charge of neglect of duty, in relation to the failure of the officer either to require the driver to provide a preliminary breath test or to arrest him for driving whilst unfit, was recommended by the Police Ombudsman and accepted by the Deputy Chief Constable.

TRANSFERRED INVESTIGATION - ADMINISTRATION ERRORS

The complainant was being pestered by malicious telephone calls. The allegations were investigated by police and the culprit identified. Unfortunately, due to a series of administration errors, the report of the investigation was overlooked for a number of months. This resulted in the matter becoming statute barred, ie no criminal action could be taken due to the time lapse. The Police Ombudsman agreed with the Deputy Chief Constable's recommendation that the police officers concerned and the civilian clerical staff should be spoken to by the local District Command Unit Commander and their shortcomings addressed. The Commander was also requested to ensure that measures were put in place as necessary to prevent a similar situation arising in the future.

NEW COMPLAINTS



Greg Mullan, Senior Officer Complaints,

RECEIVING A COMPLAINT

It is the role of the Police Ombudsman to decide what constitutes a complaint against a police officer, having regard to Section 52 of the Police (N.I.) Act 1998 and Regulation 5 of the R.U.C. (Complaints etc) Regulations 2000. Complaints must be about the specific conduct of a police officer and may be made by, or on behalf of, a member of the public.

AT THE CUTTING EDGE!

The Complaints Office is the engine room of the system, where the first interface between Police Ombudsman staff and the public takes place. First impressions are important. As the receptacle for all complaints, the Team has a vital role in ensuring that the vision of the Police Ombudsman becomes a reality: providing an efficient, independent and impartial complaints system which enjoys the confidence of the public and the police. Being at the cutting edge of the organization creates its own pressures and stresses. The staff often deal with very frustrated and angry people, but at all times they strive to provide a first-class service to the public.

STRIVING FOR EXCELLENCE

The Police Ombudsman expects that Complaints Office staff and all other staff, must, at all times:

- be independent from outside influences;
- be open-minded;
- be impartial and fair;
- be non-judgemental and understanding in their dealings with the public;
- be responsive and transparent in their dealings with the public;
- be respectful of human rights;
- be clear and confident in the advice they give;
- be aware of the need for appropriate confidentiality;
- be courteous and professional in receiving people;
- be committed to excellence.

"Thank you for your help. It was first-class service."

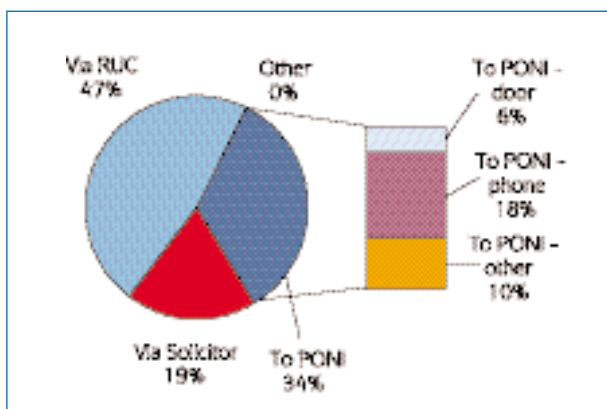
Belfast

CLASSIFICATION OF COMPLAINTS

Upon receiving a complaint against the police from a member of the public, staff in the Complaints Office have the responsibility of determining how the complaint should be processed. Options include: referring the complaint for Formal Investigation; referring the complaint for Informal Resolution; inquiring into the matter and closing it under the appropriate Regulations dependent on the response of the complainant.

SOURCE OF COMPLAINTS

Between 06 November 2000 and 31 March 2002, it is estimated that approximately 12,500 calls were made to the Complaints Office by way of the telephone contact numbers provided in the Police Ombudsman's Information Leaflet. Many of the callers merely sought advice or information, however, 831 callers lodged complaints which were duly processed by the Complaints Office. 298 complaints were recorded from members of the public who called personally at the offices of the Police Ombudsman. 500 complaints were made directly to the Police Ombudsman by other means such as letter, e-mail or fax.



**5129 Complaints (6390 allegations)
recorded in 17 months**

NATURE OF COMPLAINTS

Almost half (49%) of 6385 allegations against the police related to oppressive conduct (mainly assault). Failure of duty (23%) was the second highest cause for complaint, followed by incivility (14%).

"I would like to thank you for .. (your) promptness and also for the time and patience taken by your staff.."

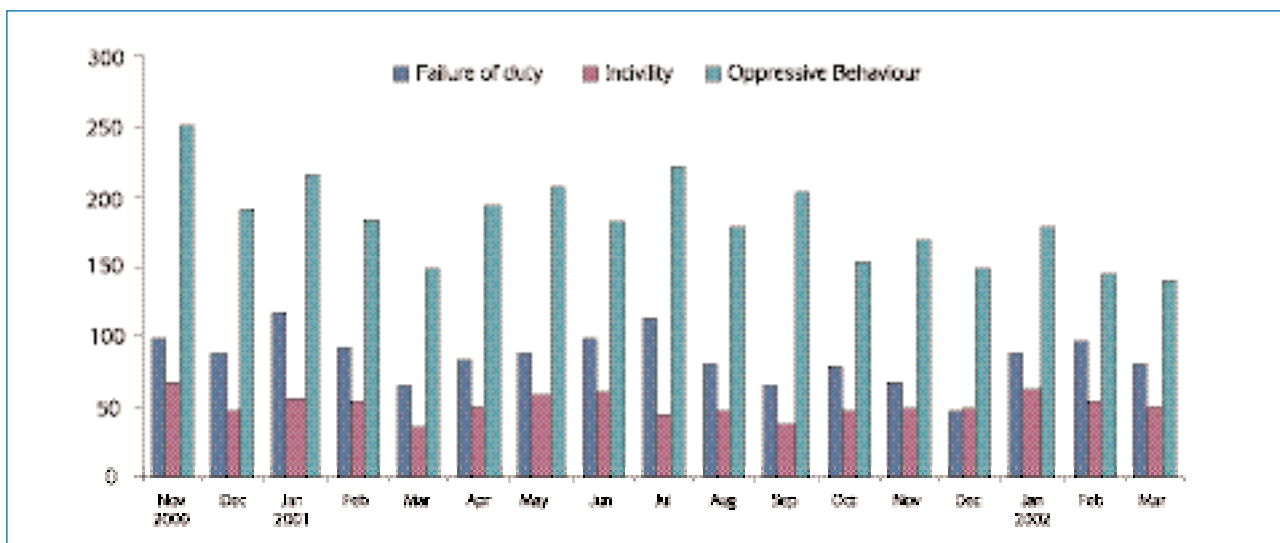
Co Antrim



Katrina McLaverty, Supervisor Informal Resolutions, Jane Graham and Sandra Cook, Complaints Supervisors

"I was very distressed at the time you spoke to me and you were a good listener and your advice was a solace to me at a time of stress."

Foyle



FUNCTIONS OF THE COMPLAINTS OFFICE

- To receive complaints made by or on behalf of members of the public;
- To meet the public so that they can make their complaints in person;
- To give advice on the complaints system to members of the public and police;
- To decide whether a complaint can be dealt with by the Police Ombudsman;
- To record complaints received by the Police Ombudsman;
- To record matters where the Police Ombudsman has decided to investigate in the public interest without a complaint;
- To record matters where the Police Ombudsman has attended at an incident which requires no further action;
- To record matters which the Secretary of State, the Policing Board or the Chief Constable has referred to the Police Ombudsman;
- To record complaints relating to the direction and control of police (i.e. policy or operational matters) by the Chief Constable. These complaints are referred for the attention of the Chief Constable;
- To carry out all preliminary enquiries which may be required to enable decision-making about the manner in which a complaint should be processed;
- To review all the available information very carefully and to make recommendations as to the future conduct of the complaint;
- To ensure that all materials received by the Complaints Office in relation to a particular complaint are entered into the Case Management System and to prepare a complaint for investigation;
- To answer general queries about the Office of the Police Ombudsman.

COMPLAINT - IMPROPER POLICE PROCEDURE

A complaint was received from a solicitor on behalf of a 16 year old with mild learning difficulties. The allegation was that she was questioned alone about an assault on her mother, and that no competent guardian was informed or present during the interview. The Complaints Officer wrote to the solicitor to establish the nature of the questions put to the complainant and to establish the date of the incident. When the solicitor failed to respond a follow up letter was issued. The solicitor replied to this letter indicating that the client did not wish to proceed with the matter. The complaint was subsequently withdrawn.

COMPLAINT - NOT KNOWN

While in custody, the complainant alleged that he was 'mistreated by police' at the time of his arrest, but declined to provide any further details or submit to a medical examination by the Forensic Medical Officer (doctor), prior to his release from custody. The complainant did not respond to letters and complaint was closed due to non-cooperation.

COMPLAINT - OPPRESSIVE CONDUCT

A complainant alleged he had been assaulted by a police officer during the course of his arrest. Following preliminary enquiries, it was established that the complainant had sustained facial injuries allegedly inflicted by a police officer. The complaint was referred for formal investigation by the Office.

COMPLAINT - FAILURE OF DUTY

A complainant telephoned the Police Ombudsman complaining that his son had been cautioned by police for drinking in a public place, yet the previous weekend the Police had taken no action when youths, following a band parade, had congregated in the same location and were drinking alcohol. The Police Ombudsman assured the caller that enquiries would be made into the matter and a report was subsequently sought from the DCU. Upon receipt, the report confirmed the complainant's version of events but explained that the police had adopted a common approach to followers of the parade fearing public disorder if they intervened. The Police Ombudsman subsequently contacted the complainant and informed him in detail of the police view. The response of the complainant was to state that, upon reflection, he could understand the rationale behind police actions and was content not to pursue the matter.



Minister of State, Jane Kennedy, MP visiting the Office, November 2001.

District Command Units (DCUs)	Number of Allegations	% (excluding unknown DCUs)
Antrim	138	3.0%
Ards	171	3.7%
Armagh	119	2.6%
Ballymena	181	4.0%
Ballymoney	17	0.4%
Banbridge	107	2.3%
Belfast East	154	3.4%
Belfast North	728	16.0%
Belfast South	357	7.8%
Belfast West	299	6.6%
Carrick	87	1.9%
Castlereagh	78	1.7%
Coleraine	145	3.2%
Cookstown	98	2.1%
Craigavon	211	4.6%
Down	219	4.8%
Dungannon	102	2.2%
Fermanagh	115	2.5%
Foyle	305	6.7%
Larne	73	1.6%
Limavady	55	1.2%
Lisburn	153	3.4%
Magherafelt	47	1.0%
Moyle	12	0.3%
Newry & Mourne	121	2.7%
Newtownabbey	112	2.5%
North Down	129	2.8%
Omagh	118	2.6%
Strabane	112	2.5%
Other (Airport and Harbour Police)	6	0.1%
Unknown Station	1773	N/A
Total	6342	100%

COMPLAINT - FAILURE OF DUTY

The complainant (who was seriously injured in a road traffic collision in December 2000) alleged that the late submission of a road traffic collision report had seriously delayed his compensation claim and indeed the prosecution of the other party responsible for the accident. After preliminary enquiries it emerged that the officer responsible for the submission of this case had been subject to a RUC investigation and had been given constructive advice. The Ombudsman could, therefore, take no further action in relation to this matter as it had already been subject to investigation.

COMPLAINT - IMPROPER POLICE PROCEDURE

The Complainant alleged that police officers searching his home proceeded to make detailed drawings of his reinforced front door, hinges and the internal lay-out of his house. The complainant felt the police had no right to note this information and the information could be used by this officer against him. It was explained to the complainant that the officer who was responsible for the diagrams had not committed an act of misconduct but rather was carrying out instructions. This meant the complaint did not fall within the Police Ombudsman's remit as it was a complaint against police procedures/operation. It was then referred to the Police Service for Northern Ireland, Internal Investigation Branch, for their consideration.

COMPLAINT - OPPRESSIVE CONDUCT

The complainant alleged that he was being constantly harassed by police officers - for example, searches of his home and car, being stopped in the street etc. The Police Ombudsman asked for further details such as times/dates, eye witnesses, officers' names etc. The complainant faxed a four-line document stating he had been stopped on four dates, but with no other detail which could have been corroborated. The Police Ombudsman wrote back stating the information was inadequate and that details needed to progress the complaint were not provided. The complainant did not supply any further information. Another letter was issued stating his complaint would be closed unless he supplied the required information, but still he made no reply. There was no alternative but to close the case under Regulation 25 due to non-cooperation by the complainant.

INFORMAL RESOLUTION - MINOR LEVEL - OPPRESSIVE BEHAVIOUR

The complainant alleged that a police officer, called to a disturbance at the DSS Office, applied handcuffs too tightly and was uncivil to her. During the informal resolution the complainant agreed that the Constable's actions were necessary because of her intoxicated state. The Constable took the complainant's protestations on board that the handcuffs were too tight and not released soon enough, and stated that he would bear it in mind for the future.

INFORMAL RESOLUTION

Informal Resolution is intended to provide a flexible and simple procedure for dealing with complaints of a less serious nature which would otherwise attract extensive and rigorous formal investigation. It is a legislative process that is governed by Regulations to protect both the complainant and the police officer.

SCOPE OF INFORMAL RESOLUTION

It is solely for the Police Ombudsman to determine which complaints are suitable for Informal Resolution. The complainant is suitable for Informal Resolution if:

- it is not serious
- the complainant agrees
- the conduct complained of, even if proved, would not justify criminal proceedings.

ADVANTAGES OF INFORMAL RESOLUTION

The Police Ombudsman is keen to resolve informally as many complaints as possible, because it may be ultimately in the best interests of both the complainant and the police officer.

- It avoids the stress and delay of a formal investigation
- The complaint is dealt with at a local level
- It provides the complainant(s) with an outcome which they would not necessarily get from a full investigation
- Outcomes can influence policy and practice
- Management advice can be given and monitored to ensure correct procedures adopted.

HOW AN INFORMAL RESOLUTION CAN BE ACHIEVED

- complying with the complainant's request to have details brought to the attention of the police officer concerned or his authorities
- if appropriate, the police officer being reminded of the professional standards required or particular procedures to be followed
- an expression of regret or apology being given by the officer
- an apology on behalf of the service where the identity of an officer is unknown
- providing details of administrative or investigative action taken
- correcting of factual errors
- arranging contact between parties.

INFORMAL RESOLUTION MAY BE DECLINED

- The complainant has the right to decline Informal Resolution and the complaint must then be investigated.

FAILED INFORMAL RESOLUTION

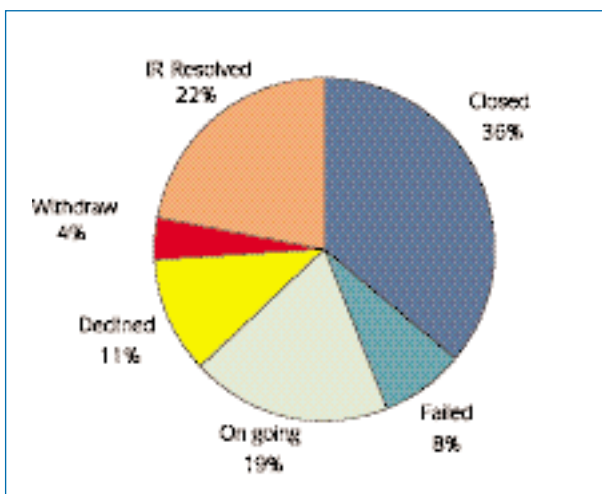
If at any stage the complainant is no longer happy with the Informal Resolution process, the complaint is returned to the Police Ombudsman for investigation. The following reasons have been recorded for the failure of an attempted informal resolution:

- complainant requests formal investigation
- non-cooperation by the officer
- no apology by officer
- officer denies allegations
- action taken deemed insufficient by complainant

CURRENT STATUS OF INFORMAL RESOLUTION COMPLAINTS REFERRED

Thirty-six per cent of complaints have been closed (e.g. because of non-cooperation), 22% have been resolved, and 19% of cases are currently ongoing.

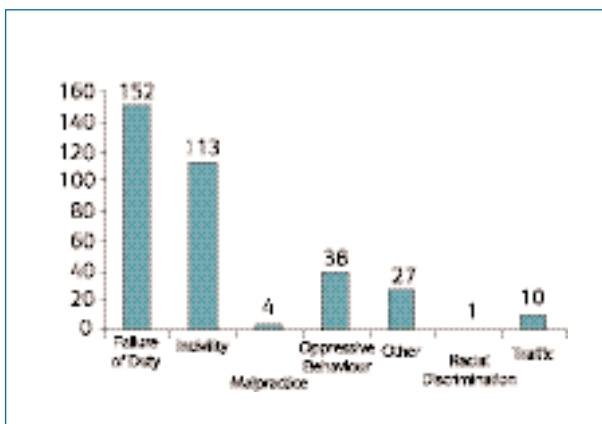
Current status of complaints suitable for Informal Resolution



OUTCOME OF INFORMAL RESOLUTION

345 allegations were informally resolved. The largest proportion of allegations informally resolved were in relation to failure of duty (44%).

Allegation type of closed Informal Resolution Complaints



INFORMAL RESOLUTION - FAILURE OF DUTY

The complainant lost her passport abroad and reported it to the police on her return. The police officer asked her a number of questions over the telephone that seemed to be both irrelevant and an invasion of her privacy. The complainant alleged that the officer was unhelpful, didn't appear to know what he was doing, and refused to identify himself. It transpired that no records were made and the officer could not be traced. As a direct result of the informal resolution process a report was issued by the police to all Inspectors providing advice and warning for future actions, so that the very important issues raised were brought to the attention of all officers, to prevent a recurrence. The complainant, however, remained unhappy that the officer was not identified and the matter was returned to the Police Ombudsman for further investigation.

INFORMAL RESOLUTION - FAILURE OF DUTY

The complainant and her young daughter were accosted by 5-6 youths who frightened them. The complainant rang the police for assistance and was told that someone would call to her home later. The complainant felt vulnerable and hoped that the police would have come to her aid immediately. It transpired that the police officer had not realised that the complainant was in an anxious state and afraid to walk home alone. Had he realised this he would have had a response made immediately. The officer wished to visit the complainant to see her and tender an apology for any distress or anxiety caused by this misunderstanding. The complainant agreed and accepted that perhaps she had not made it clear at the time that she did require immediate police assistance.

INVESTIGATIONS



Martin Bridger, Director, Investigations

On referral of a complaint to one of the three Investigation Teams the Senior Investigating Officer (whilst maintaining overall supervisory responsibility) will allocate the case to an Investigating Officer. The Investigator will ensure that the subsequent investigation is evidence based, and concentrates on establishing 'where the truth lies'. No two investigations are the same, but, in the investigative process the investigation is likely to take the following steps:-

- secure any alleged crime scenes to maximise forensic opportunities e.g. photographic work;
- early seizure of any CCTV footage;
- contact the complainant and obtain a witness statement;
- identify and take statements from any other witnesses;
- obtain all relevant documentation from PSNI;
- where there is a specific allegation against a named officer of the Police Service, to inform that member that he/she is under investigation;
- conduct criminal/misconduct interview of police officers;
- final assessment of evidence and discussion with supervisors and Director for determination;
- prepare a report for submission by the Police Ombudsman to the Director of Public Prosecutions giving a recommendation as to whether appropriate criminal proceedings should be commenced;
- where appropriate consider misconduct issues and prepare file for referral by the Police Ombudsman to the Chief Constable;
- close complaint informing complainant and police officer of outcome and determination.

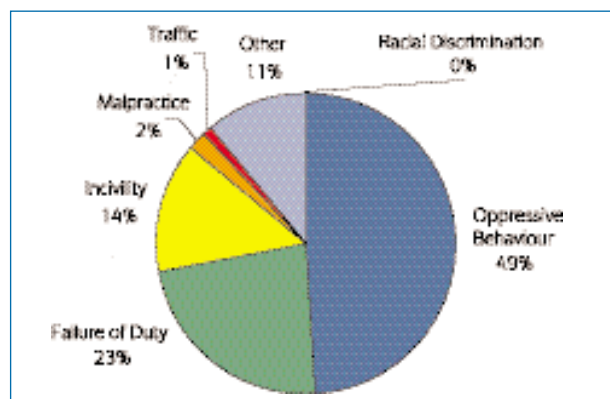
DECREASING TREND IN OPPRESSIVE BEHAVIOUR COMPLAINTS

Complaints and allegations received by the Office are classified under agreed categories. Oppressive behaviour complaints and allegations are the largest category of complaint.

In the years preceding the opening of the Office the percentage of oppressive behaviour complaints remained steadily over 50%. The decrease in this trend is being noted particularly over the previous 12 months. Currently the percentage of oppressive behaviour complaints being received is 43%. The percentage of oppressive behaviour complaints formally investigated has also matched this trend.

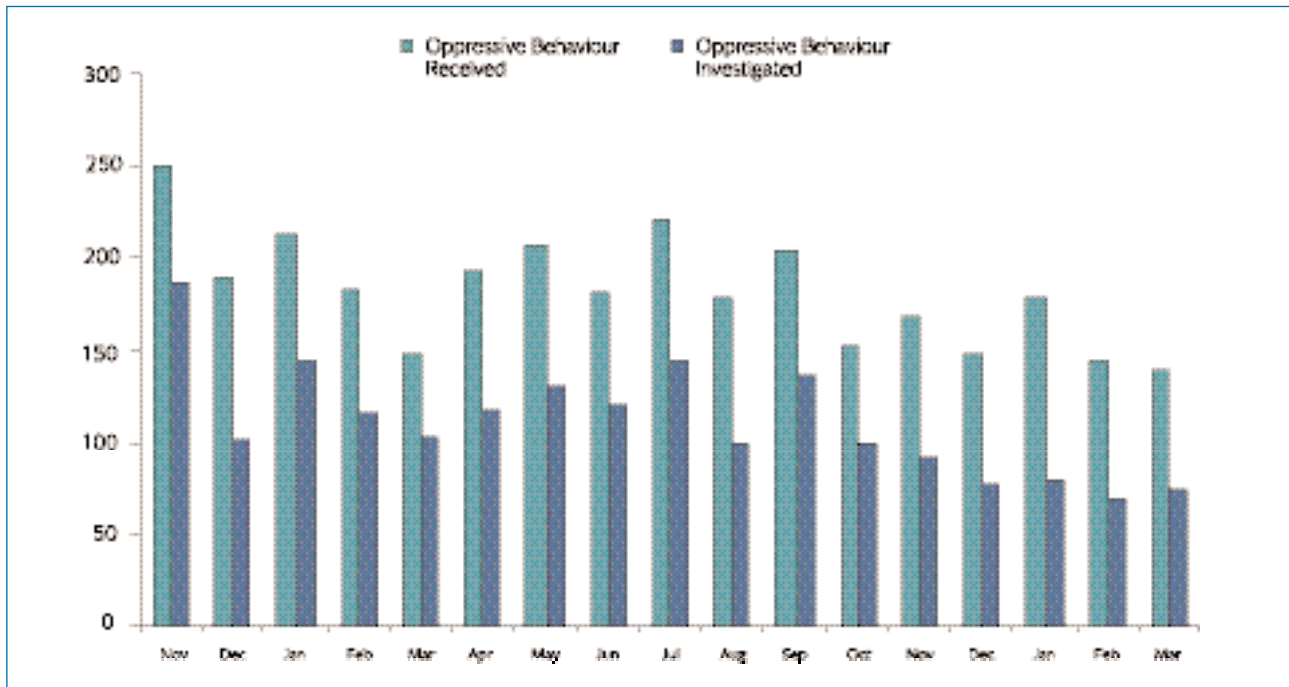
TYPES OF ALLEGATION AND SUB-ALLEGATION RECEIVED FROM 06:11:00 TO 31:03:02

ALLEGATION TYPE	ALLEGATION SUB-TYPE	NUMBER	PERCENT
Oppressive Behaviour	Assault	2328	37%
	Harassment	543	9%
	Unlawful Arrest	148	2%
	Serious Assault	61	1%
	Sexual Assault	19	0%
	Unspecified	3	0%
	Sub-total	3102	49%
Failure of Duty	Neglect of Duty	884	14%
	Premises/Property	152	2%
	Detention Irregularity	118	2%
	Irregular Procedure	151	2%
	Stop & Search	60	1%
	Identification	23	0%
	Breach of Code	20	0%
	Unspecified/Multiple	44	1%
	Sub-total	1452	23%
Incivility	Sub-total	879	14%
Malpractice	Corrupt Practice	53	1%
	Mishandling Property	51	1%
	Evidence Irregularity	40	1%
	Sub-total	144	2%
Traffic	Sub-total	89	1%
Racial Discrimination	Sub-total	14	0%
Other	Sub-total	636	10%
Unknown	Sub-total	25	0%
Total		6341	100%*

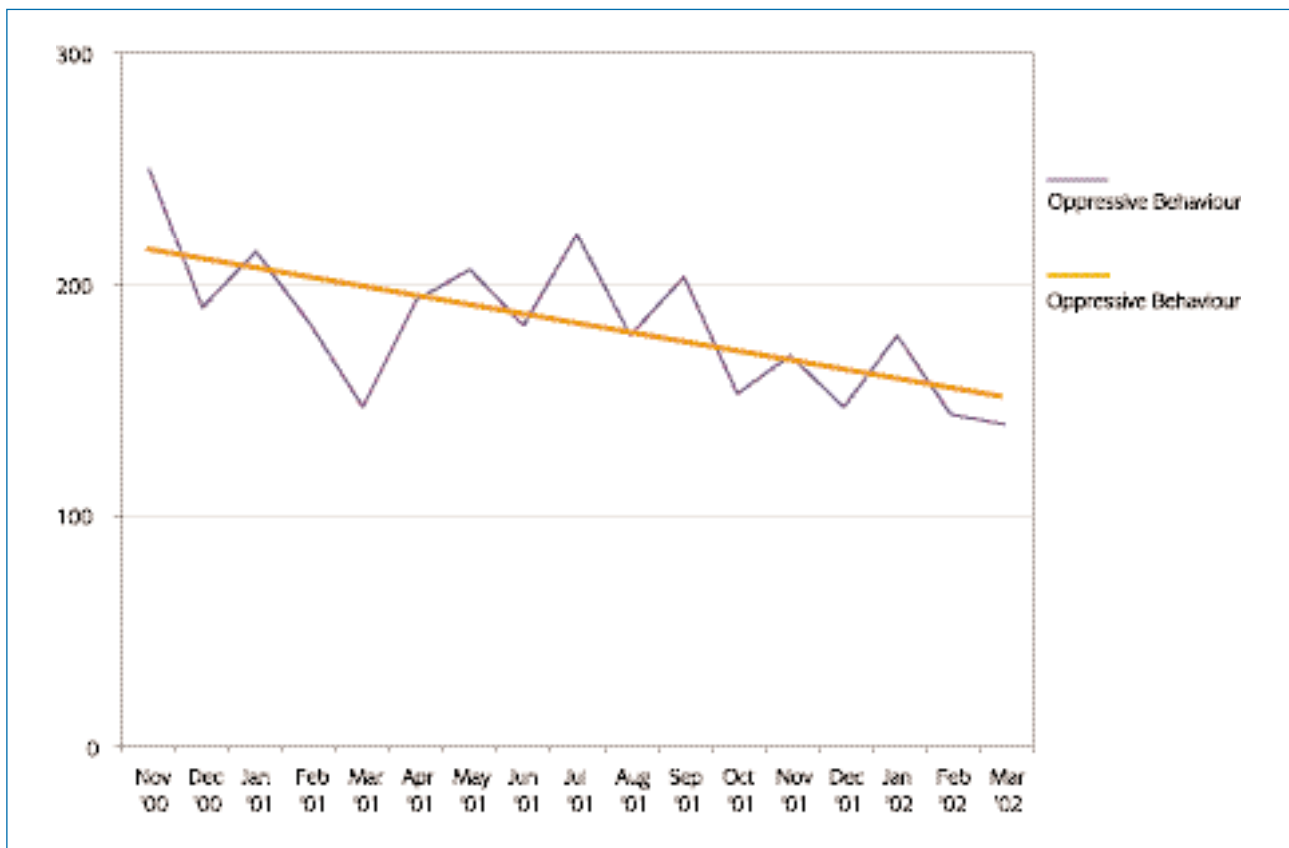


*Figures may not add up to 100%, because of rounding

Number of Allegations of Oppressive Behaviour Received and Number of those Allegations which were investigated. Percentages indicate the proportion of overall allegations constituted by Oppressive Behaviour



Graph showing downward trend in Oppressive Behaviour Complaints



INVESTIGATION - ASSAULT

A complainant alleged that whilst having a meal with friends in a restaurant, an argument started with staff and police officers were called to the scene. This argument developed into a fight which resulted in the complainant being arrested for various offences. During the course of the arrest he alleged that he was assaulted when he was taken to the local police station. The complainant received minor injuries. Upon receipt of the complaint the Investigating Officer commenced evidence gathering which included interviewing and obtaining a statement from the complainant and other persons in his party. Further evidence was obtained from the doctor who examined the complainant. Upon receipt of all the available evidence the Investigating Officer then interviewed all the officers involved in the incident. During the course of these interviews the officers stated that they believed that the force used to arrest and detain the complainant was reasonable considering his behaviour at the time. A file of evidence was submitted to the Director of Public Prosecutions who directed no prosecution due to insufficient evidence.



"..... at the outset I regarded the creation of a Police Ombudsman for Northern Ireland with some misgivings, regarding it essentially as an 'anti-police' measure. I have revised my judgement. I think the role which you have is vital in establishing confidence in the police."

Member of Parliament

INVESTIGATION - ASSAULT

Police received an emergency call to an address where they were confronted by the complainant. Following an argument with a relative, the man had apparently been locked out of the family home. The complainant was attempting to gain re-entry by forcing his way in via the back door. The complainant admitted to having consumed a quantity of alcohol, but denied this affected his recollection of events. His allegation against those officers who attended the scene, was that one of them struck him on the back of the head which caused him to fall to the ground. Thereafter he alleges that he was kicked and struck a number of times by the officers with their batons, before being handcuffed and taken to the police station. This amounted to an allegation of criminal assault. Police Ombudsman investigators carried out a forensic examination of the scene and conducted house-to-house enquiries in an effort to identify any independent witnesses to the incident. They also attempted to trace and locate two named individuals whose names were provided by the complainant, whom he believed might be able to assist. Medical evidence was gathered confirming the existence of bruising, consistent with the allegation. The complainant had also sustained a laceration to the top of his scalp. In interview, the police officers stated that due to the extremely aggressive nature of the complainant, they had had to resort to the use of their batons, both to restrain and arrest the complainant. It was the joint belief of the officers interviewed, that the force used was necessary and reasonable in the circumstances. The appointed Police Ombudsman Investigating Officer prepared and submitted all the evidence gathered, to the Director of Public Prosecutions. A direction from the Director is awaited.

INVESTIGATION - NEGLECT OF DUTY

A complainant alleged that following his involvement in an incident during which he had been assaulted by other youths and had received a head wound, the police had neglected their duty by failing to arrest the persons responsible. Investigators made enquiries with the complainant and a statement was obtained from him detailing the circumstances of the incident and the allegation which amounted to neglect of duty. As a result of enquiries the police officer who had originally attended the scene was identified. The officer stated she was unable to arrest the persons for attacking the complainant due to the poor description provided and the lack of information. During the interview irregularities in the way the officer had recorded the incident were identified as a result of which the officer was informally disciplined. There was insufficient evidence to warrant further action in respect of neglect of duty

INVESTIGATION - NEGLECT OF DUTY

A complaint was received from a member of the public, alleging that certain named police officers had deliberately attempted to protect a group of known drug dealers, who were responsible for the untimely death of the complainant's son. The complainant believed that his son had been murdered and that those responsible were known police "informers" who were being protected by certain police officers. Over a period of 15 months, Police Ombudsman investigators examined in detail relevant aspects of the original police investigation. This included an assessment of actions taken by the officers at the scene, where the deceased had been discovered, a review of all forensic material gathered and an in-depth evaluation of all intelligence held by the then RUC. Police Ombudsman Investigators spoke to those RUC officers responsible for supervising the conduct of the investigation into

this suspicious death. Discussions were also held with the State Pathologist and HM Coroner, both of whom provided their assessment as to the circumstances of the death. The outcome of the investigation was that there was no evidence to support the claims made by the complainant.

REFERRALS FROM CHIEF CONSTABLE

The Chief Constable may refer matters to the Police Ombudsman for investigation under Section 55 of the 1998 Act. Following investigation a report under Regulation 20 of the Royal Ulster Constabulary (Complaints etc) Regulations 2000 is provided to the Secretary of State, the Policing Board and the Chief Constable. During the period November 2000 to end of March 2002, 18 matters were referred and investigations completed.

- 8 Discharges of baton rounds
- 4 Discharges of firearms
- 2 Fatal road traffic collisions
- 4 Deaths in custody (or deaths of persons recently released from custody)

The investigation of these matters was not undertaken on the grounds that a complaint had been made, but to establish the circumstances of the incidents where possible allegations of misconduct or criminal action could have been made against a police officer or police officers.



CHIEF CONSTABLE'S REFERRAL - FATAL ROAD TRAFFIC ACCIDENT

The Police Ombudsman's Office was called by the Chief Constable to investigate the circumstances surrounding the death of a 27 year old man following a fatal road accident. Prior to the accident police officers had been following the vehicle. In this case the vehicle and its occupants had been checked by police officers in a car park who noticed it had been 'hot wired'. The driver was also recognised as being disqualified. He drove off when challenged by police who attempted to follow but did not continue to pursue the suspect vehicle because it was not safe to do so. The driver subsequently lost control of the vehicle crashing into a derelict building before finally turning on to its roof. The driver of the vehicle was killed. His two passengers needed first aid at the scene and had to be cut free. The investigation revealed that the driver had twice the legal limit of alcohol in his blood together with traces of cannabis. The investigation concluded that the police officers had acted correctly, no blame could be attributed to them for the fatality or for causing the accident.

CHIEF CONSTABLE'S REFERRAL - FATAL ROAD TRAFFIC ACCIDENT

In August 2001 the RUC contacted the on call Senior Investigation Officer (SIO) in the early hours of the morning. Officers in an unmarked police vehicle had seen a Toyota motor vehicle being driven dangerously the wrong way round Twelfth Mile roundabout at Templepatrick. The vehicle took off at speed and the officers took the decision to follow it. The speed of the vehicle was such that the officers quickly lost sight of it and were circulating its description when they came upon a serious road traffic accident involving the Toyota and a Rover vehicle. Unfortunately 3 of the 4 passengers in the Rover

were killed and the fourth seriously injured. The two occupants of the Toyota were also injured, the driver seriously. Family liaison support was provided to relatives of the deceased by the Office. An investigation was undertaken by this Office to establish if the conduct of the officers revealed any criminal or disciplinary offence. The police driver was breathalysed, his vehicle forensically examined, house to house enquiries were carried out in the area and a number of statements were taken from witnesses, including members of the other emergency services. It was several months before the driver of the Toyota could be interviewed. The investigation established that the police had acted appropriately and in fact the driver of the Toyota was totally unaware that police were in the area at the time.

DEATH IN CUSTODY

Any death in police custody has the potential to create an air of suspicion or doubt amongst family members and the community. For that reason these investigations, as with all other investigations, must be seen to be thorough and transparent.

An Investigator has to remember that he/she only has one opportunity to get things right at the scene of the incident, and whatever he/she does the investigation is going to come under close scrutiny should there eventually be a hearing at a Coroner's Court or elsewhere.

The Investigator must remain alert at all times and use his/her skills, knowledge and experience to obtain the best possible evidence during the investigation.

Whilst investigations into such incidents are rare, and the circumstances are always different, the process to obtain evidence will follow specific lines of enquiry:-

- the securing of the various scenes (which would generally refer to the Custody Suite at a Police Station or possibly the place of arrest or vehicle used to convey the prisoner), in order to maximise the potential for obtaining evidence and control the movement into and out of the sterile area;
- consideration of staffing requirements to ensure the investigation is undertaken efficiently and effectively;
- identification of any forensic specialism required at the scene, securing the attendance of scientific support, mapping photography and where relevant the State Pathologist;
- early establishment of Family Liaison and maintaining contact throughout the investigation;
- consideration of the parameters of the investigation, identification of the movement of the deceased prior to his/her arrest to his/her death;
- identification of all possible witnesses to obtain statements which includes identifying all persons visiting the Custody Suite during the period of the deceased's detention;
- consideration of house-to-house enquiries at the scene where the deceased was arrested;
- early seizure of CCTV video;
- identification of all police officers who came into contact with the deceased and obtaining witness statements where relevant;
- criminal/misconduct interviews with police officers if evidence suggests impropriety or allegations are made;
- consideration of a press strategy;
- attendance at the post mortem of the deceased, maintaining close liaison with the State Pathologist obtaining from him/her the cause of death;
- early contact with H.M. Coroner, providing him/her with a factual account of the incident to enable him/her to decide upon the release of the body of the deceased back to the family for funeral arrangements;
- maintenance of contact with the Senior Officer in Charge of the Police Station where the death occurred;
- continued assessment of incoming evidence;
- submission of exhibits/samples to the Forensic Science Service of Northern Ireland for analysis;
- completion of the report and file of evidence for H.M. Coroner;
- consideration at all times as to whether any police officers committed criminal/ misconduct offences.
- the completion of the report for the Secretary of State, Northern Ireland Policing Board and Chief Constable.



INVESTIGATION - DEATH IN CUSTODY

The Police Ombudsman's Office was called to investigate the circumstances surrounding the death in custody of a 55 year old man. He had been arrested the preceding day on warrant issued by the Crown Court. Following arrest attempts to bring him before court the same day failed. He was subsequently examined by the Force Medical Officer on two occasions who gave directions in relation to the administration of medication already prescribed, whilst he remained in custody. During the night police conducted a routine check of the man and found him dead. Enquiries conducted by this Office found no evidence of any misconduct on the part of any police officer. The man had died of natural causes. The Office, however, recommended that the Police Service of Northern Ireland review its Form 16 PACE risk assessment for prisoners. The form was not easily distinguishable from other documentation. The Police Service of Northern Ireland have accepted this recommendation and all risk assessment forms for prisoners are now easily identifiable and should alert all persons responsible for the custody and welfare of vulnerable prisoners.



JOINT TRAINING INITIATIVES IN USE OF FIREARMS PROCEDURES

Over the past year there have been a number of joint training initiatives between PSNI and this Office. One such initiative has been involvement in the training of police use of firearms whereby Police Ombudsman staff have been able to have a direct role in the training of all PSNI recruits. This involves a role-play element, during PSNI firearms training instruction, as well as facilitating open discussion as to the operational response from Police Ombudsman staff when a firearm is discharged. This provides a platform for this Office to communicate and share expectations, as well as providing a degree of re-assurance to PSNI recruits as to what they should expect and how they will be treated by Police Ombudsman investigators, if involved in a police shooting incident.

Feedback from both PSNI recruits and Firearms Training Branch instructors has been extremely positive and complimentary. All Senior Investigating Officers and Deputy Senior Investigating Officers are involved in this training and further developments are being considered.



INVESTIGATION - DISCHARGE OF FIREARM - CHIEF CONSTABLE REFERRAL

Police officers came across two cars parked side by side in a deserted lane. Two men were seen to be transferring boxes from one vehicle to the other. The officers believed they had stumbled across terrorist activity. When challenged by the officers both men attempted to escape from the scene, one on foot running from the scene. The other suspect drove at speed toward the officers. When driven at by the vehicle, the officers were in fear for their lives and two of the four officers present each discharged a single warning shot into the air. The vehicle stopped and the driver was arrested. After a short foot chase the second suspect was also arrested. A subsequent police investigation established that both suspects were engaged with the smuggling of contraband.

Under Section 55(4) Police (Northern Ireland) Act 1998, the Chief Constable referred the matter to the Police Ombudsman for investigation. Police Ombudsman investigators attended the scene. A full and independent forensic examination was carried out on the officers' weapons. The suspect vehicles were examined for any trace of damage caused by the discharge of firearms. The scene of the incident was photographed and mapped. Investigators focused on any apparent breach of the then RUC Code of Conduct in respect of the discharge of firearms; whether the actions of the police officers amounted to the commission of a criminal offence, and whether there had been any breach of the law. During formal interviews the officers gave a full account of their actions which were corroborated by other statements and facts.

The outcome of the Police Ombudsman investigation established that the actions of the police officers concerned were justified, lawful and proportionate.

DISCHARGE OF BATON ROUNDS

A research report has been released covering 7 of the 8 baton round incidents referred by the Chief Constable. This paper describes the discharge by police officers of 36 baton rounds during seven incidents. The incidents typically involved attacks on the police by rioters using bricks, masonry, fireworks, petrol, paint, acid and blast bombs; the police were also shot at on at least one occasion.

At least 117 police officers were injured, some seriously, during these incidents. The incidents could have resulted in the police or civilians suffering fatal injuries. The baton rounds discharged during these incidents struck 26 persons, two of them twice; this represents a strike rate of 78%. Baton round strikes were observed on body areas: the great majority of rounds (24 out of 28, equivalent to 86%) hit people's legs. Five persons reported being injured by baton rounds.

The Police Ombudsman carried out thorough examinations of all seven incidents. Some minor criticisms of the police action emerged; for example, it was felt that the police's planning for dealing with the incident in Lurgan in April had been insufficient. In the earlier investigations the police had been slow to provide relevant documentation, but the prompt supply of documentation in relation to the incident on 09 January 2002 was noted.



In the incidents examined, the Police Ombudsman concluded that the discharge of the baton rounds was fully justified and proportionate, as were the authorisation and directions given. With the exception of one incident, the deployment and use of the baton rounds were in accordance with the relevant RUC/PSNI and ACPO guidance. No matters of police misconduct were found, and indeed the police were frequently found to have acted with considerable restraint.

USE OF VIDEOS IN INVESTIGATIONS OF PUBLIC ORDER COMPLAINTS

Over a period of days serious public disorder occurred in an area of North Belfast. Several complaints were received from members of the public relating to various allegations of police misconduct.

Due to the number and nature of the complaints a single Investigating Officer was appointed to investigate them, overseen by a Deputy Senior Investigating Officer.

A key feature of the investigations was the collection and viewing of a number of video tapes which had been recovered from the public, police and army. These tapes, which ran into many hours, were all viewed, the purpose being to seek evidence in relation to the complaints.

When examined several of the videos revealed serious discrepancies between the events as described in some original statements, and the reality as shown on the video tape. This evidence cast serious doubt upon the integrity of some of the complainants, as a result of which several complaints were closed as ill founded.

At the same time other videos came into the possession of the Investigators which tended to support the allegations made by some members of the public and proved to be of assistance in the ongoing enquiries.

Incidents which occur during serious public disorder and involve large groups of people are always difficult to investigate. On these, as on all occasions, the maximum co-operation is required from all those who witnessed an event or have any evidence to contribute.

The police and public can be assured that when complaints are received a thorough investigation will be undertaken to seek the truth.

BATON ROUND REPORT

Incident Location	Date
Lurgan	24 April 2001
Garvaghy Road, Portadown	26 May 2001
Ardoyne, North Belfast	20-21 June 2001
Corcrair Road, Portadown	26 June 2001
Corcrair Estate, Portadown	12 July 2001
Ardoyne, North Belfast	26 July 2001
Ardoyne, North Belfast	09 January 2002

Incident and Date	No of Police Officers injured During Incident	No of Baton Rounds Discharged	No of persons struck	Authorisation Given	Justified, Reasonable and Proportionate Use of force	Breach of RUC/PSNI or ACPO Guidelines
Lurgan, 24 April 2001	7	1	0	Yes	Yes	No
Garvaghy Road, Portadown, 26 May 2001	57	6	5	Yes	Yes	No
Ardoyne, North Belfast 20-21 June 2001	39	11	7	Yes	Yes	No
Corcrain Road, Portadown 26 June 2001	0	1	0	Yes	Yes	No
Corcrain Estate, Portadown 12 July 2001	Unknown	5	3	Yes	Yes	No
Ardoyne, North Belfast 26 July 2001	0	3	3	Yes	Yes	Qualification
Ardoyne, North Belfast 9 January 2002	14	9	8	Yes	Yes	No
TOTAL	117+	36	26	N/A	N/A	N/A

Body area struck	Number
Leg/thigh/hip	24
Arm/shoulder	0
Torso	3
Unknown	1
TOTAL	28

RETROSPECTIVE COMPLAINT - MR SAMUEL DEVENNY (DECEASED)

It is only in grave and exceptional circumstances that the Police Ombudsman will look into an issue which occurred more than a year before the complaint was made.

For over thirty years there had been continuing concern over an incident, which took place in the home of Samuel Devenny in Derry on 19 April 1969, when RUC officers entered the family home in pursuit of individuals who were alleged to be involved in rioting in the vicinity. The allegations in relation to the conduct of the RUC had been the subject of an internal RUC investigation, and then an external enquiry by a senior officer of the Metropolitan Police. However, the family of Samuel Devenny complained that:

- they had never been told the results of the inquiry;
- they had never received an official acknowledgement that the police were in their home on the night of 19 April 1969;
- their father died on 17 July 1969 as a result of what happened to him and his family on the night in question.

30 years on Devenny family learn the truth



PLACING THE FACTS ON RECORD

The Police Ombudsman decided to inquire into these matters and reached the following conclusions:

- On 21 October 1970, the Metropolitan Police Investigating Officer reported to the RUC Chief Constable, and provided copies to the Prime Minister for Northern Ireland, and to the then Attorney General for Northern Ireland.
- There was no evidence that the police communicated with the Devenny family in relation to the findings of the Report or the earlier RUC investigation.
- On 19 April 1969 RUC officers entered the Devenny home at 69 William Street sometime between 8.30pm and 9.06pm.
- That officers beat Mr Devenny about the head and kicked and batoned him in front of his younger children; that he cried out repeatedly for the police to leave his children alone; that he was left lying on the floor with blood pouring from a number of head wounds, and with his dentures and spectacles broken.
- That RUC Officers attacked 16-year-old Catherine Devenny, who was lying on a sofa while recovering from surgery.
- That 18-year-old Ann Devenny was assaulted while trying to protect her father.
- Harry Devenny, aged 21, came into the room and he was hit by a baton.
- A family friend was assaulted by police and was left unconscious in the hallway. Another man in the house was also assaulted.
- Four officers were identified who knew what happened but who 'were in fear of retribution from colleagues' if they told the truth.

- That a General Amnesty, announced by the Prime Minister for Northern Ireland in respect of all criminal offences committed between 05 October 1968 and 06 May 1969, meant there could be no prosecution in relation to the Devenny case.
- That the Metropolitan Police Investigating Officer concluded that "Whilst it is appreciated that the officers....on duty in the riot area on the day in question were under extreme provocation, being constantly attacked and sorely tried, there is no evidence that their actions could be justified in any way and this code of conduct can never be condoned in any force responsible for the preservation of law and order".
- That taking into consideration the various opinions and medical evidence available, it was only possible to record that the cause of death noted by the Coroner was natural causes.
- That it was not possible to reopen an examination or investigation of this particular medical issue. The Police Ombudsman acknowledged, in the light of the medical material present in this report, that the Devenny family will, understandably, continue to hold the view that there was an indisputable link between the circumstances and events in their home on 19 April 1969, the subsequent deterioration of their father's health four days later when returned to hospital, and his death on 17 July 1969.

On 04 October 2001, the Police Ombudsman met with the immediate members of the Devenny family and shared her findings and conclusion, acknowledging that the agony that they had endured in 1969 in their home had been compounded by the lack of information and acknowledgement of their circumstances.

COMPLAINT - THE HANDLING BY THE RUC OF INFORMATION AVAILABLE PRIOR TO THE DEATH OF MRS ROSEMARY NELSON

Mrs Rosemary Nelson was a solicitor who was murdered by loyalists on 15 March 1999. Before her death she had expressed significant fears about her safety. A number of her clients had said that she had been the subject of threats to her life by the RUC during the course of their interrogations. She had received an anonymous threatening letter and had been the subject of other threats. Her death is now being investigated by Deputy Chief Constable Colin Port of Norfolk. The Police Ombudsman received a complaint about the handling of information by the RUC, and particularly by the Chief Constable, prior to Mrs Nelson's death. This complaint has been investigated and a report was prepared. In March 2002 the Committee for the Administration of Justice (CAJ) sought disclosure of certain papers relevant to the investigation which was refused by the Chief Constable, and also by the Police Ombudsman. An application for judicial review was made by the CAJ and the case will be heard on 06 November 2002. The Report will be published following the outcome of these proceedings.

POLICE OMBUDSMAN CALL-IN - OMAGH



In July 2001 an article in a national newspaper contained information from a police informant making serious allegations against the RUC in relation to the possible prevention of the Omagh bombing. These and previous allegations and speculation in the public domain were deeply disturbing to the victims and relatives who were approaching the third anniversary of the atrocity. The allegations and speculation were also, if any part of them was substantiated, a serious attack on the integrity of the RUC in relation to the conduct of the investigation. The Police Ombudsman decided, in the public interest, to investigate without a complaint under Section 55(6) of the Police (N.I.) Act 1998. The investigation was to focus on the nature and the extent of the information which was available to the RUC prior to the Omagh bomb explosion on 15 August 1998 and the way in which that information was handled. The decision to investigate the matter was welcomed by the Chief Constable.

The Police Ombudsman established that certain information which had been provided by Informant "Kevin Fulton" would not, in itself, have prevented the Omagh bomb, but that that information had not been properly dealt with by the RUC. It also emerged that, inter alia, a warning had been received by the RUC on 04 August 1998 that there would be "an attack on police in Omagh on 15 August 1998". The Police Ombudsman concluded that it was not possible without further investigation to determine

whether the Omagh bomb could have been prevented. Whilst the bombing did not result in the death of police officers on 15 August, tragically 31 other lives were lost.

The Police Ombudsman's investigation found that proper systems for the management and dissemination of information/intelligence by Special Branch to other elements of the RUC did not exist. The absence of such systems had resulted in a failure by Special Branch to provide the Omagh Senior Investigating Officer (the SIO) with a large amount of highly significant intelligence which would have assisted the SIO in his hunt for the Omagh Bombers.

Between March and November 2000, a Review of the Omagh Bomb Investigation, quality assured by Her Majesty's Inspector of Constabulary, had been carried out by the RUC. The Police Ombudsman obtained access to this Review Report in the course of her investigation. The Review Report contained 278 Recommendations for the future investigation of the Omagh Bomb. Investigation by the Police Ombudsman, established that there had not been effective and appropriate implementation of the Review Report (which had been submitted in November 2000) by December 2001.

The findings and conclusions of the Police Ombudsman led her to make the following recommendations on 12 December 2001:-

1. That a Senior Investigating Officer, independent of the Police Service of Northern Ireland, should be asked to lead the Omagh Bomb Investigation.
2. That an Officer in Overall Command from an outside Police Force be appointed to carry out the investigation of the potentially linked terrorist incidents identified in the Omagh Bomb Review Report.

3. That Senior Investigating Officers in the Omagh Bomb Investigation, and all other investigations, must be given appropriate access to all relevant intelligence. (The "relevance" test being determined by the Senior Investigating Officer).
4. That Her Majesty's Inspector of Constabulary should be invited to carry out a review of terrorist linked murder enquiries with a view to reporting on structure, resources, strategies, policies, practices and processes. This should address lines of communications and sharing of intelligence between Special Branch and CID generally and also with the Senior Investigating Officer in charge of any murder enquiry.
5. That a review take place into the role and function of Special Branch with a view to ensuring that, in future, there are clear structures and procedures for the management and dissemination of intelligence between Special Branch and other parts of the Police Service of Northern Ireland, and that Special Branch will be fully and professionally integrated into the Police Service of Northern Ireland.
6. That the Police Service of Northern Ireland adopt the policy of the Association of Chief Police Officers with regard to murder reviews.

The Report and recommendations were considered by the Policing Board on 07 February 2002 which made the following decisions:-

1. That a Deputy Chief Constable be appointed to carry out a range of functions on the Omagh Bomb Investigation and report to the Policing Board (Recs. 1, 2, and 3 refer).
2. That an External Senior Officer should be appointed inter alia, to scrutinise the Omagh enquiry and explore any linked incidents (Recs. 1, 2 and 3 refer)
3. That Her Majesty's Inspector of Constabulary should carry out a review of terrorist linked murders (Rec. 4).
4. That the Board would monitor the implementation of the Association of Chief Police Officers Policy with regard to murder reviews (Rec. 6).
5. That Her Majesty's Inspector of Constabulary should carry out a focused review into Special Branch (Recs. 4 and 5).

A Deputy Chief Constable and External Senior Officer have been appointed from Merseyside Police to carry out the functions described in 1 and 2 above. Subsequently an application was made for Judicial Review by the Police Association seeking to quash the Police Ombudsman's Report. It is currently awaiting hearing before the High Court.

SUPERVISED INVESTIGATION - MR ROBERT HAMILL DECEASED

Mr Robert Hamill, a young Catholic, was attacked by a group of men in Portadown. He sustained injuries from which he died 11 days later. At the time of his death an RUC landrover containing four officers was parked some 25 yards from the scene of the incident. Mr Hamill's family complained that RUC officers failed to intervene to protect Mr Hamill, and that there was no proper investigation of the scene of the incident. They also complained that the investigation into Mr Hamill's death was not properly conducted. The investigation of this complaint was supervised by the ICPC, until the establishment of the Police Ombudsman's Office, when the Police Ombudsman assumed responsibility for the supervision of the case. A number of arrests were then made and subsequently two people pleaded guilty to conspiracy to pervert the course of justice. The investigation continues.

PROFESSIONAL STANDARDS



Jennifer Mitchell, Senior Professional Standards Officer

The Professional Standards Team was established on 06 August 2001 with a duty to develop quality assurance mechanisms to ensure high standards and consistency in the Investigation and Complaints Directorate. The Team will also act as the focal point for policy related recommendations to PSNI. The Team was staffed by a Senior Professional Standards Officer and three other staff. One member of staff is a practising solicitor; the other two officers have police investigation experience in internal investigations.

In October 2001 the Professional Standards Team assumed responsibility for processing all investigation reports containing Discipline recommendations or directions. The Team established the component requirements for a computerised discipline management system and developed an interim manual case management system for processing Discipline cases.

QUALITY ASSURANCE

The quality assurance function of the Professional Standards Team is being developed and will involve thematic inspections to sample consistency in the handling and investigation of complaints, share good practice and identify bad practice. The Team have developed a proposal for an IT based quality assurance systems.

DISCIPLINARY RECOMMENDATION

Following an investigation, the Police Ombudsman has recommended formal disciplinary proceedings arising out of a complaint regarding an assault. The proposed disciplinary action is in respect of two breaches of the Code of Conduct – General Conduct.

DISCIPLINARY RECOMMENDATION

Arising out of a complaint regarding a road traffic collision, an officer received Admonishment with Record under the Royal Ulster Constabulary (Discipline and Disciplinary Appeals) Regulations 1988 (as amended).

DISCIPLINARY RECOMMENDATION

The Police Ombudsman considered that an officer should be the subject of Informal Disciplinary action – Advice and Guidance – in relation to the manner in which he dealt with confidential information. That recommendation was accepted.

POLICY RECOMMENDATION

Following an investigation into a death in police custody, the Police Ombudsman identified unrelated irregularities in administrative procedures, and made suggestions for a modification to police documentation. A service-wide reminder has been issued in relation to the completion of this documentation.

IMPROVING STANDARDS AND DISCIPLINE

It is the responsibility of the Professional Standards Team to ensure consistency across all cases involving misconduct recommendations and to work with PSNI in relation to such recommendations. That function has identified training requirements and has contributed to staff training programmes. It is a primary role of the Senior Professional Standards Officer to foster and maintain effective working relationships with outside agencies and to instil confidence in the expertise and knowledge of the Professional Standards Team.

POLICY AND PROCEDURAL DEVELOPMENT

In March 2002 the Team formally assumed the role of maintaining policy documentation and promulgating policy compliance. The Team acts as an interface with PSNI staff, through the Communication Strategy Group, in the establishment and development of operational policies and procedures.

POLICY RECOMMENDATION

Arising out of an investigation following a road traffic accident the Police Ombudsman raised concerns about the administration of the Traffic Advice and Warning Book. The Police Ombudsman highlighted the potential public misconception regarding the legal status of such advice and warnings. A proposal was put forward that a new record be introduced which would formalise the cautions and be centrally recorded.

VOLUNTARY SEVERANCE ASSOCIATED WITH INVESTIGATIONS

The Police Ombudsman has worked closely with PSNI in drawing up agreed guidelines and policy in relation to outstanding investigations of those officers seeking Voluntary Severance, transfer, or to resign or retire. The policy is designed to ensure that police officers seeking severance are not unduly delayed and has also ensured that officers subject to serious allegations have not been allowed to leave the PSNI without consideration being given to the appropriateness of their intended move.



Sue Middleditch Professional Standards Officer and Angela Bell, Assistant Professional Standards Officer

SUMMARY OF WORKLOAD

WORKLOAD

06 NOV 2000 - 31 MARCH 2002

New complaints received

06 November 2000 to 31 March 2002

5129

New Complaints

Section 52

Referrals by Chief Constable

31

Call in by Police Ombudsman

3

Section 55

Cases transferred from Independent
Commission of Police Complaints (ICPC)

–

06 November 2000

2124

processed under 17(3) of the Police
(Northern Ireland) Order 1987

Miscellaneous Matters received
by the Office.

889

- Civil claim files against police opened and held for cross reference (396)
- Compensation Agency files opened and held for cross reference (149)
- Miscellaneous files on other related matters held for cross reference (344)

WORKLOAD PROGRESS

Complaints Team

Complaints classified and processed
under Section 54 without referral to
investigations.

2242

Complaints referred for Informal
Resolution to PSNI

556

Section 53

Investigation Teams

Complaints referred for formal
investigation

2331

Referrals and call ins investigated

34

Section 56

ICPC Cases

2124

1987 Order, Section 17

WORKLOAD CLOSURES

Complaints Team

Complaints outside Remit	385
Complaints withdrawn following inquiries (Regs 23 and 24)	448
Complaints closed following inquiries (Reg 25) (eg : abuse of procedure, anonymous, vexatious, incapable of investigation etc)	1155
Complaints informally resolved (Reg 5)	394

Investigation Teams

Complaints outside Remit	29
Complaints withdrawn following investigation (Regs 23 & 24)	360
Complaints closed following investigation (Reg 25)	697
Complaints involving allegations of criminal conduct referred to DPP for direction (Section 58)	74
Complaints involving allegations of misconduct investigated and closed (Section 59)	329

Investigations completed with Regulation

20 report and recommendations	18
Policy and Procedural recommendations	25

ICPC Transferred Cases

Complaints outside of remit	22
Complaints withdrawn	168
Complaints closed incapable of investigation and non-cooperation	414
Complaints informally resolved	40
Complaints closed without further action	1086
Complaints closed following informal disciplinary action	48
Complaints closed following formal disciplinary action	8
Complaints closed following DPP charges and prosecutions	8

CURRENT WORKLOAD

Complaints subject of inquiry or awaiting instructions

327

Complaints referred for informal Resolution

89

Current Investigations

819

Awaiting DPP Direction

17

Subject of Disciplinary Procedures

6

Current Section 55 Investigations

16

ICPC Cases in action

Under consideration by	
Ombudsman	25
Awaiting further information	11
Under Supervision	48
Under investigation by PSNI	246
Total cases in action	330

LEGAL SERVICES



Eunan McMullan, Director of Legal Services

The Legal Services Directorate came into being on 01 June 2001 with the appointment of Eunan McMullan, Barrister, as Director of Legal Services. Una McClean, Solicitor, took up her position as Legal Officer in January 2002. The aim of the Directorate is to provide value-for-money legal services to the Police Ombudsman and staff.

LEGAL REPRESENTATION

During the period covered by this Annual Report a number of cases involving the Police Ombudsman have come before the Courts or Tribunals. Only two of these cases came to a final conclusion by way of a judicial pronouncement. One concerned an application for judicial review by a complainant, the second related to an application before the Fair Employment Tribunal. Leave to apply for judicial review in respect of three applications has been granted by the High Court.

CORPORATE MATTERS

Legal Services also plays a central role in respect of corporate and policy matters, liaising with legal advisers from the NIO, the PSNI, DPP, Coroners' Office and others, on matters of common interest. The Director of Legal Services also leads the cross-functional policy unit responsible for the Police Ombudsman's Equality Scheme, which was issued in draft form for consultation on 18 February 2002.

JUDICIAL REVIEW - DISCLOSURE

The Police Ombudsman has made application in regard to the decision by a Magistrates Court to order the production of the Police Ombudsman's files in relation to two complaints, pursuant to an application for third party disclosure by the Defendant in a particular criminal case. No rules of court govern this particular procedure and clarification has been sought from the High Court by the Police Ombudsman. An application for leave to apply for judicial review was made on 04 March 2002, and leave was granted without recourse to an oral hearing on 06 March 2002. The case is listed for hearing on 22 November 2002.

JUDICIAL REVIEW - QUESTIONING POLICE OFFICERS

Leave to apply for judicial review was granted to a police officer in respect of a claim that the right to a solicitor of his choice had been infringed by a decision to conduct simultaneous interviews, in circumstances where the same solicitor represented the applicant and another of the police officers being questioned. Leave was granted in this matter on 11 March 2002, following a hearing. The case has been listed for hearing on 23 September 2002.

JUDICIAL REVIEW - OMAGH REPORT

Leave was granted to an application to judicially review the decision of the Police Ombudsman in regard to the issue of her report on the Omagh Bomb Investigation. Dates for the substantive hearing is awaited. The next date for mention of this case is 06 September 2002.

NEW ARRANGEMENTS

During the year, the Police Ombudsman made provisional agreements with three other constabularies in respect of a police complaints system, pursuant to s.60 of the Police (Northern Ireland) Act 1998. These agreements were with the Belfast International Airport Police, the Belfast Harbour Police, and the Larne Harbour Police. These have now been approved by the Secretary of State and arrangements are being made for their formal signature. Arrangements in relation to the Ministry of Defence Police are under consideration.

TRAINING

Presentations have been made in respect of the Northern Ireland Legal System and Anti-Discrimination legislation as part of induction training for new staff. The Police Complaints System has been the subject of seminars for each intake of new PSNI recruits. Legal staff have also been involved in the delivery of talks to Citizens Advice Bureaux, and in a lecture to the Auditors' Society.

TRIBUNAL DECISION - DISCIPLINARY HEARINGS

Legal Services were also involved in directly briefing counsel in respect of two disciplinary hearings which followed upon directions, by the Police Ombudsman's predecessor, the Independent Commission for Police Complaints, that charges should be brought against certain officers. In one instance, however, the complainant withdrew the complaint just prior to the hearing, whilst in the other counsel advised that there was no longer a reasonable prospect of success following upon a change of circumstances in respect of a civilian witness.

JUDICIAL DECISION - FAIR EMPLOYMENT

There were two judicial decisions, concluding proceedings, made during the course of the reporting year. The first of these concerned an application to the Fair Employment Tribunal by an applicant in respect of his failure to be appointed to the position of Investigation Officer with the Police Ombudsman. The applicant did not attend the preliminary hearing despite being aware of the case and the Tribunal ruled that in the absence of the applicant there were no grounds for a just and equitable extension of the time limit and the case should be dismissed. Costs were awarded to the Police Ombudsman.

JUDICIAL DECISION - INTERPRETATION OF LAW

The second judicial decision involved an application for judicial review by a complainant of a decision of the Police Ombudsman to close a complaint as not constituting an allegation of misconduct against a police officer. A complainant had made an allegation of theft against an individual in relation to some tapes. The police investigating the matter had considered that the material concerned did not amount to property for the purpose of the Theft Act (NI) 1969 and took no further action when they had obtained their own legal advice to that effect. The complainant complained to the Police Ombudsman, who after investigating the matter came to the conclusion that whatever the rights and wrongs of the legal advice obtained, no misconduct had been established against any police officer. The Police Ombudsman therefore dispensed with further investigation. The complainant applied to the High Court seeking a declaration that the tapes did indeed constitute 'property' and seeking an Order directing the Police Ombudsman to direct the police to prosecute the allegation of theft. The Judge decided that notwithstanding that the complainant had an arguable case in regard to his contention that the tapes were property, the Police Ombudsman had correctly interpreted the legislation and properly carried out her duty. She had no power to direct the police to prosecute. The case was dismissed with no order as to costs.

MEDIA, INFORMATION AND RESEARCH



Dr Malcolm Ostermeyer, Director

RESEARCHING INPUT AND OUTPUT

The Office Case Management System represents a unique database of details of over 5100 complaints and 6300 allegations. The accumulation of data enables meaningful trend and time-period analysis, so that reports can be produced on any trends and patterns that become apparent – for example, in the nature of complaints or in complainant demographics.

SURVEY AND STUDIES

Research during the period of this report has included the commissioning of three surveys carried out independently by the Northern Ireland Statistics and Research Agency (NISRA) into the public's awareness of, and views on, the Police Ombudsman's Office and its experience of policing. The results of the three surveys from 2000 to 2002 are available and referred to in this Report.

USE OF BATON ROUNDS REPORT ISSUED

A study was undertaken on the use of baton rounds from April 2001 to March 2002. Detail and information on this study is included in this Report.

OTHER RESEARCH PROJECTS

A survey of all solicitors and barristers in Northern Ireland, asking whether they had experienced any harassment or intimidation by police was also carried out in 2001. The report of this is currently in preparation.

Other studies relating to the use of batons and handcuffs are being prepared.

STATISTICS

The Police Ombudsman's Office is required by law to supply statistical information on complaints to the Police Service and to the Policing Board. The scope of the information supplied is extensive and has been continually reviewed. The Police Ombudsman is aware of the importance of timely and accurate management information for the PSNI. Reports are now produced on a monthly and a quarterly basis.

Improvements in the reporting mechanisms have been made and some modifications have been made at the request of Police Commanders, who see the data as useful to them in the management of the staff and operations in their Districts. In addition to hard copies of these reports, a disc of anonymised data is provided to the Police Service and Policing Board.

Providing information is a major priority in ensuring that there is openness regarding the complaints system, but it assists the Office in many other ways such as:

- information supplied to senior investigation staff facilitates the management of workload in the Investigation Teams;
- caseload data is used in the formulation of bids for the funding of the Office;
- statistical information is provided to the Northern Ireland Office on a quarterly basis;
- information is supplied to Ministers in response to Parliamentary Questions;
- responses are made to queries by individuals, the media, public bodies and academic institutions;
- presentations are made by staff to the public.

PRESENTATIONS, SEMINARS AND LECTURES

The Directorate has participated in a number of outreach activities – for example, developing and delivering presentations on the work of the Office to classes of PSNI recruits and post-graduate students. Research staff maintain close professional links with colleagues in other policing and policing-related agencies – for example, the Police Complaints Authority in England, the Garda Síochána Research Unit, human rights agencies and academic institutions.

A programme of guest seminars and lectures at the Office of the Police Ombudsman was initiated. Most of this work was carried out in relation to consultation for last year and this year's Corporate Plan but other events have been organised. During the year, for example, the Directorate facilitated guest lectures from Professor Maurice Punch (University of Cambridge/LSE), Dr Peter Kennison (Middlesex University) and Dr Satoshi Mishima (Osaka City University, Japan) when these people were visiting Belfast on associated business. A wide range of people were invited to these lectures.

MEDIA, INFORMATION AND LIBRARY

The Police Ombudsman is as committed to listening to the community she serves as she is to informing it. The Office has devoted a lot of time and resources to hearing the views of as many groups as possible. Staff have visited and been visited by many groups in the community and by their representatives. These meetings have ranged from formal presentations to invitations to 'come and listen'.

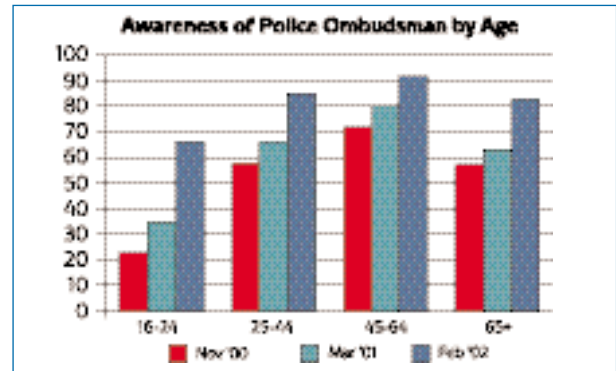
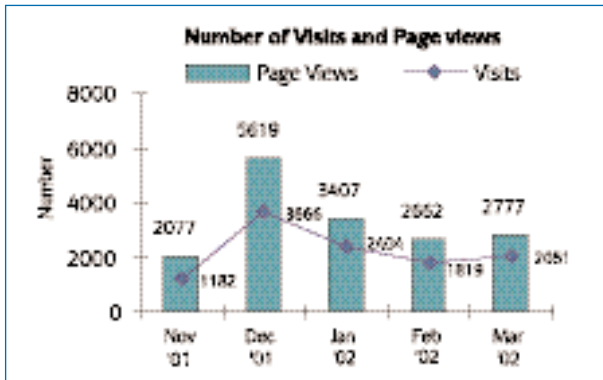
MEETING AND LISTENING

The Police Ombudsman and her staff have undertaken a series of interviews in the regional, national and international press, radio and television to inform the public of the new Police Complaints System and how it works. She and her staff have participated in over 140 meetings with members of the public from all sections of the community during the reporting period. She has also made available to the media, to the public and to the police, information and outcomes of investigations.

<http://www.policeombudsman.org>

The Police Ombudsman's Web site was established in the early days of the Office's operations. The site contains details of the Office and how it operates, publications, details of any job vacancies, press releases, etc. Translations into Chinese, Irish and Ulster-Scots are also available, and the site also has special provision for visually impaired access.

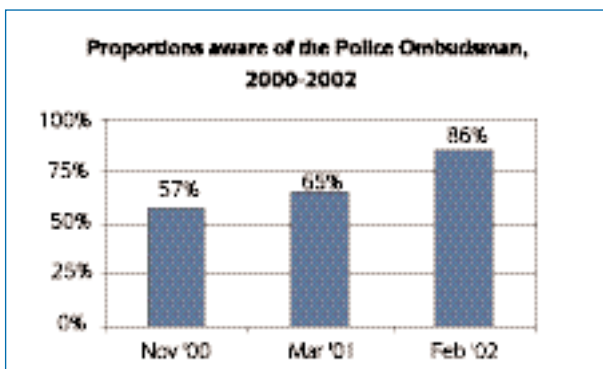
In recent months detailed statistical information has been collected about the frequency of visitor access to the website. The chart shows the number of visits and the number of individual pages viewed since November 2001. It can be seen that over the last five months of the period 2001/2002 the site averaged over 2060 visits per month, with over 3300 pages viewed per month.



PUBLIC AWARENESS

The public's awareness of the Police Ombudsman is tested regularly by means of surveys. The Office commissions questions in the Omnibus Surveys run periodically by the Northern Ireland Statistics and Research Agency (NISRA); the fieldwork period for these surveys is a month, during which a representative sample of about 1100 people throughout Northern Ireland are interviewed.

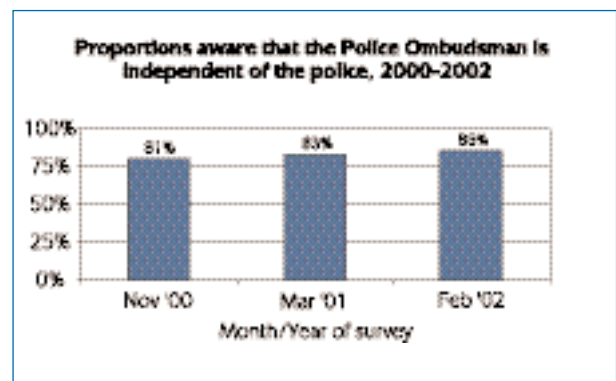
The awareness of the work of the Police Ombudsman has increased from 57% of respondents in November 2000 to 86% in February 2002.



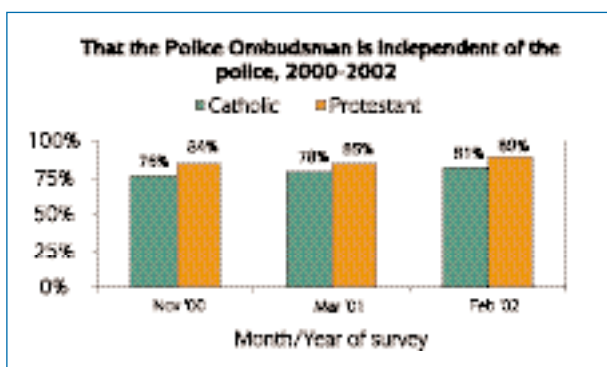
Generally, younger people were less aware of the Police Ombudsman than older people.

Maximum awareness was usually seen in respondents aged between 45 and 64. However, even in the 16 to 24 age group, awareness has risen from 23% in November 2000 to 66% in February 2002.

When those respondents who were aware of the Police Ombudsman were asked whether they thought the Office was independent of the police or not, the great majority said that they thought it was. The proportion has risen from 81% in November 2000 to 86% in February 2002.



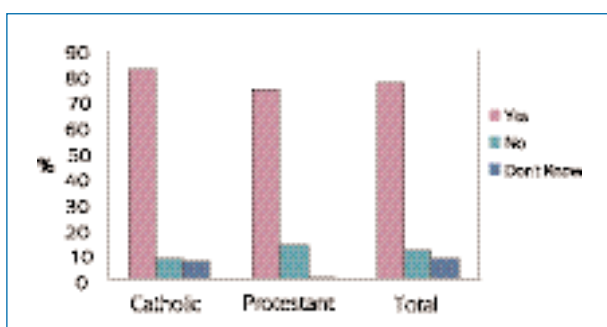
Protestants are more likely to be aware of the independence of the Office than are Catholics. Although these groups' awareness of the independence of the Office have both risen from November 2000 to February 2002, this consistent small difference (about 8%) has not decreased.



FAIRLY TREATED

Respondents were asked whether they thought that they would be treated fairly if they were to make a complaint against a police officer to the Police Ombudsman. 79% of respondents said that they thought they would be treated fairly; 12% considered that they wouldn't meet with fair treatment, and 9% said they didn't know either way.

Catholic respondents were slightly more likely than Protestants to think that they would be treated fairly when making a complaint (83% and 75% respectively).

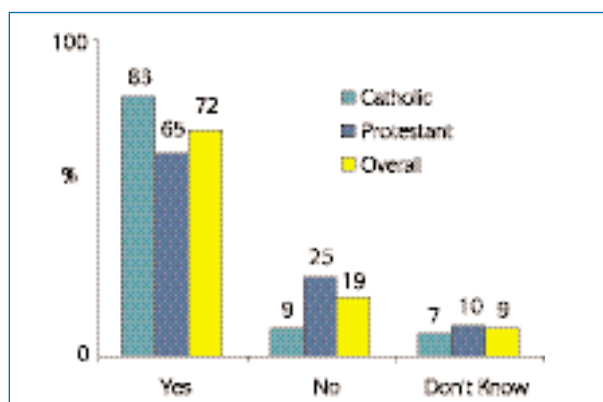


Perceived Fairness of treatment of complainants by the Police Ombudsman by community background

HELPING POLICE DO A BETTER JOB

Respondents were asked whether they thought that the Police Ombudsman for Northern Ireland would help ensure that the police do a good job. 72% of respondents thought that the Police Ombudsman would do this; 19% said that she would not do so and 9% said that they did not know either way.

83% of Catholic respondents and 65% of Protestant respondents thought that the Police Ombudsman would help ensure that the police did a good job. A quarter (25%) of Protestant respondents did not think that the Ombudsman would help ensure good police work, but only 9% of Catholics thought similarly.

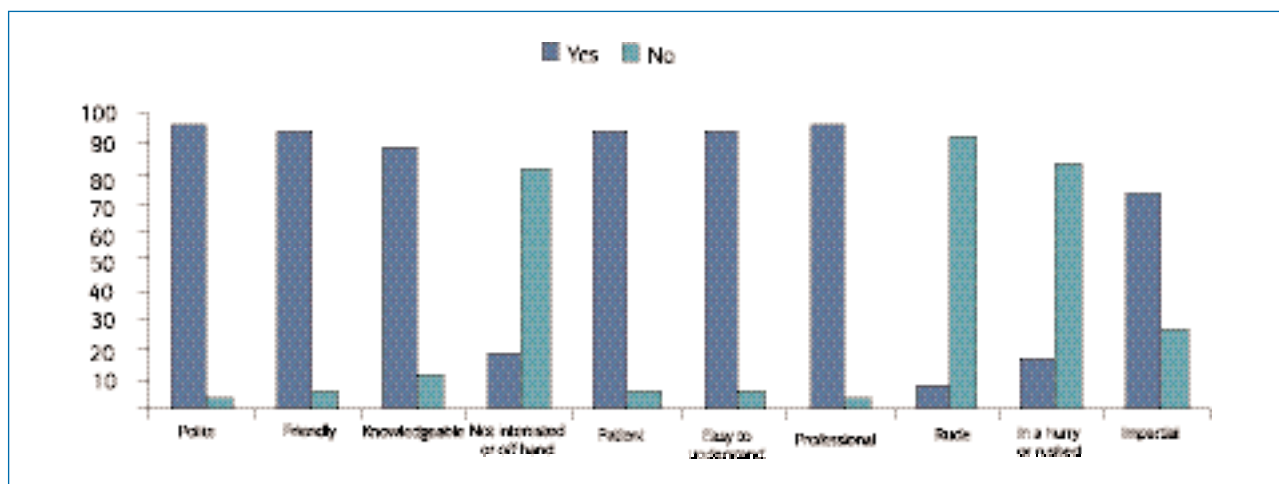


Respondents' views on whether the Police Ombudsman will help the police do a good job, overall and by religion

COMPLAINANT SATISFACTION SURVEY

A strategic objective of the Office of the Police Ombudsman is to ensure that those members of the public who interact with the police and who subsequently make use of this Office to make complaints against the police, are satisfied with the manner in which they are dealt with. It is, therefore, important that satisfaction in this respect is surveyed and monitored. The Complainant Satisfaction Survey exists to allow members of the public to make known their views regarding services provided by the Office.

Respondents were asked what their opinions were of service from the Police Ombudsman Staff and the table below shows the level of positive and negative views on a range of factors



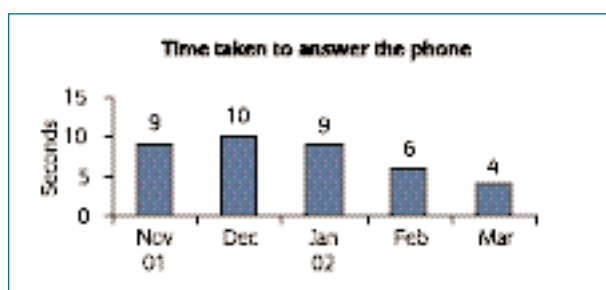
PERFORMANCE INDICATORS

As part of the ongoing commitment to improving the services provided by the Police Ombudsman, performance was measured against identified targets. Results are presented for performance indicators recorded for the period April 2001 to March 2002 (inclusive).

ANSWERING THE PHONE

Target: 95% answered within 20 seconds.
Achieved.

The time taken to answer the low-tariff telephone number was randomly tested using a mobile phone (to replicate an external line) twice a week. The overall average answering time was 8 seconds.



MEETING VISITORS ARRIVING AT NEW CATHEDRAL BUILDINGS (NCB)

Target: 90% within 20 minutes. Achieved.

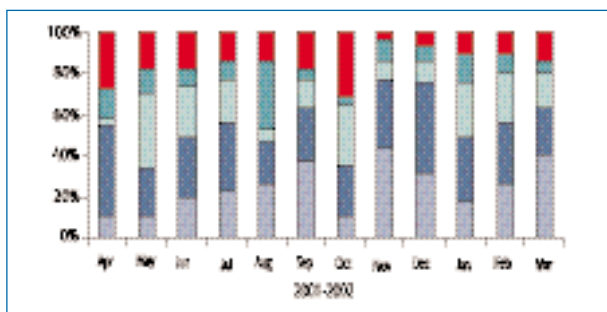
The time taken for staff to attend to a visitor(s) calling at the office was taken for one week each month. The average time was 3 minutes and 10 seconds.



COMPLAINTS ACKNOWLEDGED BY LETTER WITHIN THREE WORKING DAYS

Target: 90%. 85% achieved.

A random sample of about 30 complaints was taken each month to monitor the time taken to send an acknowledgement letter to a new complaint. The date the complaint was received and the date of the first letter sent to the complainant were used to measure the indicator. The results show that for 85% of complaints a letter was sent within three working days.

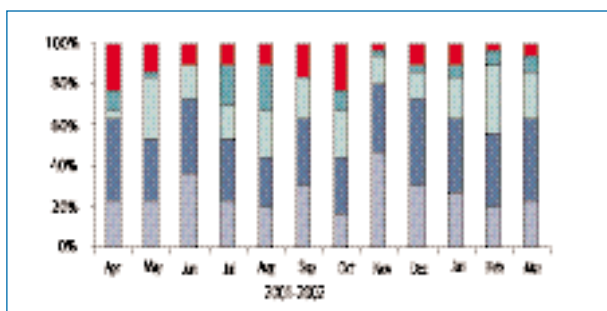


Contact letter sent within 3 working days

COMPLAINTS ALLOCATED FOR ACTION WITHIN THREE WORKING DAYS

Target: 90%. 88% achieved.

A random sample of 30 complaints was taken for each month to monitor the allocation of an action for a new complaint. The date the complaint was received and the date when an action (e.g. investigate) was confirmed were used to measure the indicator. The results show that for 88% of complaints an action was allocated within three working days.



Action allocated within 3 working days

COMPLAINTS FOR FAST TRACK ALLOCATED ACTION WITHIN ONE WORKING DAY

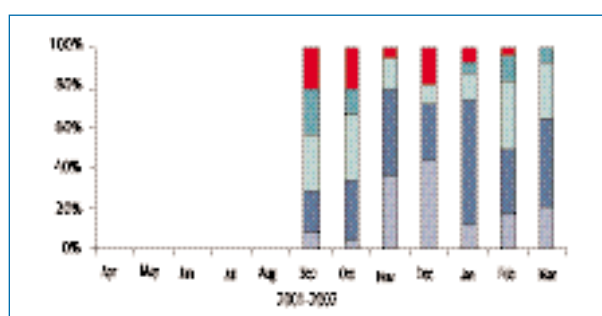
Target: 90%. Achieved.

The allocation of action to fast track complaints was monitored each month. The date the complaint was received and the date when an action was confirmed were used to measure the indicator. The results show that 96% of complaints were allocated an action within one working day.

COMPLAINTS REFERRED TO POLICE FOR INFORMAL RESOLUTION (IR) IN THREE WORKING DAYS OF CONSENT GIVEN

Target: 90%. 89% achieved.

The time taken to refer to the police a complaint with consent given for Informal Resolution was recorded using the date the letter was returned from the complainant consenting to Informal Resolution and the date a letter was sent to inform the police. The results show that 89% of complaints were referred within three days of consent given.

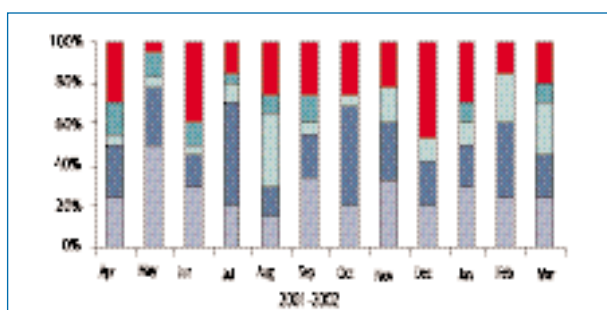


Referred within 3 working days of consent given

CONTACT WITH COMPLAINANT BY INVESTIGATORS WITHIN THREE WORKING DAYS

Target: 90%. 74% achieved.

A random sample of 20 complaints was taken each month to monitor the time taken for investigators to contact complainants. The results show that in 74% of complaints an investigator contacted the complainant within three working days. The date the Senior Investigating Officer received the complaint and the date when an Investigating Officer first contacted the complainant were used to measure the indicator.

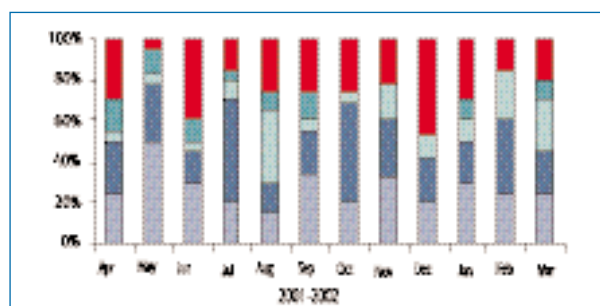


Contact with complainant within 3 working days

STATEMENT TAKEN WITHIN 21 WORKING DAYS

Target: 90%. 65% achieved.

A random sample of 30 investigated complaints was taken each month. The date the Senior Investigating Officer received the complaint and the date when an Investigating Officer took a complainant's statement were used to measure the indicator. The results show that for 65% of complaints a statement was taken from the complainant within 21 working days. Complainants are not always available for interview for example due to injury or holidays etc.



Statements taken within 21 working days

TIME TAKEN TO COMPLETE INVESTIGATION

Target: 70% within 110 working days. 62% achieved. Average time to complete 105 days

The time taken from the date a complaint was sent for investigation until it was completed was measured. The date an SIO received the complaint and the date when the SIO agreed for the complaint to be closed were used to measure the indicator. The results show that 62% of complaints were closed within 110 working days. Some delay is due to Police Officers unable to be interviewed because of sickness or injury.

KEY FOR GRAPHS

Light Blue/ Dark Blue	= Performance well above target
Light Green/ Dark Green	= Good performance within target
Red	= Performance outside of target

CORPORATE SERVICES



Jim O'Hagan, Director

STAFF RECRUITMENT

Following the launch of the Office of the Police Ombudsman on 06 November 2000 the main challenge was to establish a structure and staffing levels that would enable the Office to meet the extensive workload, and ensure that work was carried out in accordance with legal obligations and to the highest possible professional standards.

When the Office opened its doors for business on 06 November 2000 it had a total of 59 staff in post. This was set against a budgeted complement of 97 staff. 13 staff had transferred from the Independent Commission for Police Complaints (ICPC) and the remainder were recruited by the Project Implementation Team. Experienced police officers were seconded from the Metropolitan Police Service.

Recruitment to fill immediate vacancies became a pressing priority. At the end of March 2001 staff numbers had risen to 75, but by this stage it became evident that the initial workload and the

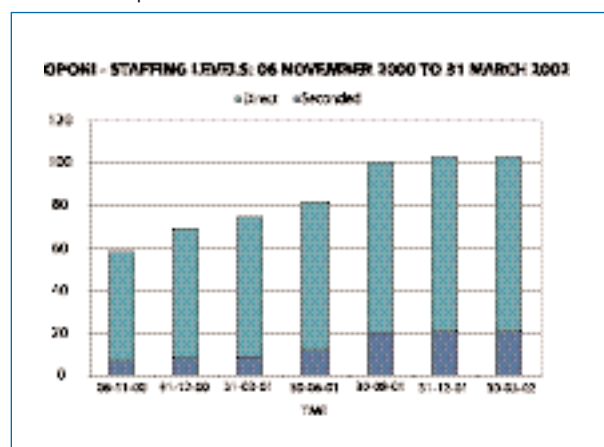
scope of the work were exceeding original expectations. A business case was prepared and submitted to the Northern Ireland Office. The business case was received and approval was given in May 2001 which allowed the staffing complement to be increased to 126 staff.

BUILD UP OF STAFF

November 2000	59
March 2001	75
March 2002	104

The Corporate Services Directorate has been responsible for organising and managing 23 different recruitment competitions over the reporting period. Staff figures are expected to reach complemented levels during the year 2002-2003. Staffing levels, including the number of seconded staff, for the period 06 November 2000 to 31 March 2002 are summarised below:

The concept of a Police Ombudsman's Office



was totally new, and the importance and uniqueness of the skills and experience needed to provide an effective police complaints service were recognised from the outset. The staff structure included 21 police officers on secondment from police forces across England and Wales. This is essential to ensure that

appropriate levels of knowledge and experience in policing practices and investigation exist within the Office.

Complaints and Investigations staff represented 67% (March 2001) of total staffing resource, rising to 72% (March 2002) and should finally rise to almost 75%. This is in line with a key target set in the 2001/2002 Annual Business Plan to maximise resources dedicated to complaints and investigations.

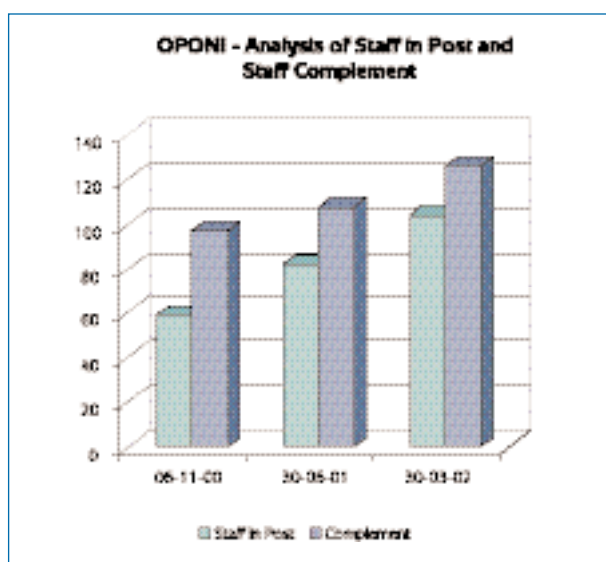
The gap between the number of staff in post and staff complement has decreased steadily, with staff in post as a percentage of staff complement rising from 61% in November 2000, to 76% in June 2001, reaching 83% by March 2002.

STAFF DEVELOPMENT AND TRAINING

An intensive induction programme has been developed and attended by all investigation staff who joined the Police Ombudsman's Office.

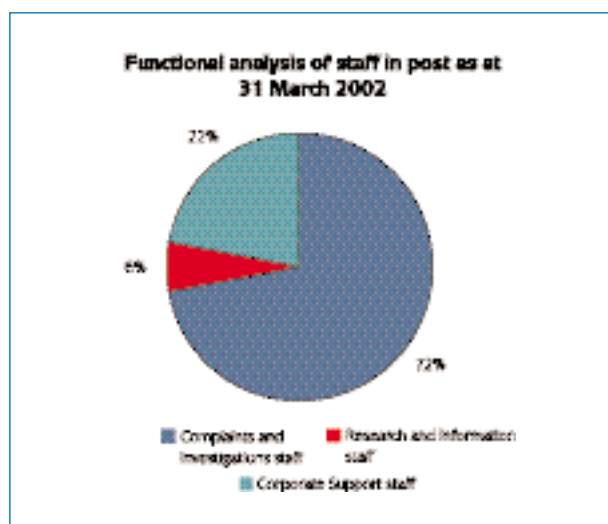
CORE TRAINING PROGRAMME FOR STAFF

Functions and Powers of the Office;
Security Issues;
The Legal System in Northern Ireland including Criminal Law, Civil Law, Human Rights Law;
Equality Issues;
Forensic Science and handling of exhibits;
Police and Criminal Evidence including Evidence, Statements of Evidence, Statements, Cautions, Arrest, Powers whilst in Custody, Disclosure;
Use of Force;
Misconduct Procedures;
Investigation Procedures;
Investigating Skills;
PEACE (Prepare, Engage and Explain Account Closure Evaluation) interviewing;
Self awareness and cultural understanding
Mediation including civic integrity, effective engagement with the police and meditative approaches;
IT training.



In addition to ongoing training and mentoring, further mediation, family liaison, computer courses, interviewing, equality awareness and appraisal training has been provided. An overriding objective is to achieve a highly motivated and professional workforce bringing a wide range of skills and experience to the Office. The skills, knowledge and experience that have been brought to key areas of the organisation by our staff contribute immensely to the professionalism of the service provided.

	At 06/11/2000		At 30/06/2001		At 31/03/2002	
	Staff in post	Complement	Staff in post	Complement	Staff in post	Complement
Complaints and Investigations	43	65	56	78	75	94
Research and Information	7	9	7	9	6	8
Corporate Support	9	23	19	21	23	24
TOTAL	59	97	82	108	104	126



Important training and development focusing on social and contextual issues that affect interactions between the Police Ombudsman's Office and the communities within Northern Ireland, and with the police service, was carried out by Mediation Network Northern Ireland. This training will form part of an ongoing organisational development programme for the Office.

ESTABLISHING STAFF POLICY AND PROCEDURES

The Office of the Police Ombudsman operates as an executive Non Departmental Public Body (NDPB) under a framework set out in the management statement drawn up by the Northern Ireland Office.

A range of employment policies and procedures have been drafted and implemented, including Equal Opportunities Policy, Harassment Policy,

Health and Safety Policy, Grievance Policy and Procedure and Disciplinary Policy and Procedure. Other policies will continue to be developed, and existing ones refined, in the light of best practice.

A staff performance appraisal system was implemented with training provided to all staff, the system becoming fully operational from 01 January 2002.

A comprehensive staff handbook has been drafted and will be made available to all staff in written and electronic versions.

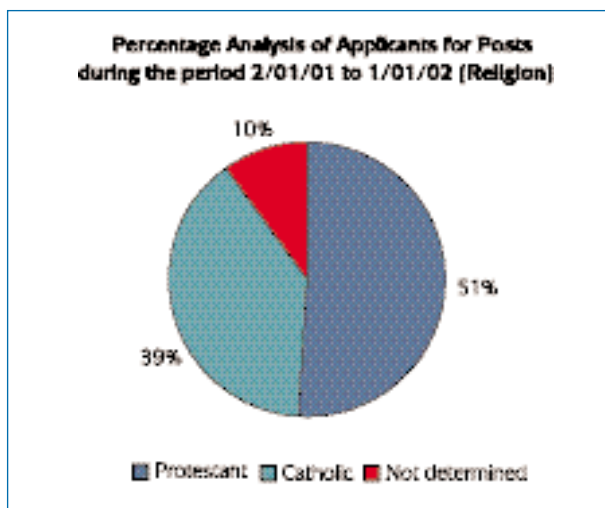
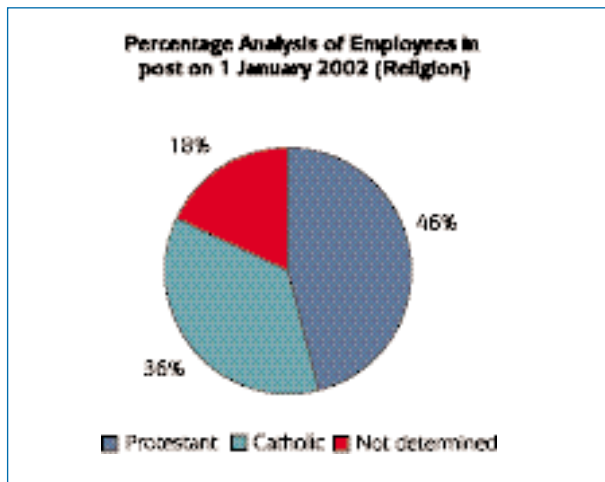
Staff consultation machinery was also set up with a Joint Negotiating Consultative Committee being established from January 2002. This Committee incorporates a sub-committee structure aimed at ensuring the involvement of all staff and their representatives.

Pension administration procedures have been put in place.

A draft Equality Scheme was produced in accordance with the Northern Ireland Act 1998, Section 75. This involved wide ranging consultation, and the scheme is currently being updated to take account of the comments and feedback provided.

A programme of training encapsulating equality issues has also been prepared and will be rolled out to staff in April/May 2002. The Office is on target to submit its final draft Equality Scheme to the Equality Commission by the 23 May 2002 deadline.

An analysis, by religion, of the Police Ombudsman's staff and applicants for post with the Police Ombudsman's Office is included in the pie charts below.



Source: Equality Monitoring Return



Brendan Fitzpatrick
Deputy Director of Corporate Services



Managers and Staff of Corporate Services

BUDGET SUMMARY

FINANCE: RESOURCE ALLOCATION AND EXPENDITURE

The Office of the Police Ombudsman for Northern Ireland was established under the Police (Northern Ireland) Act 1998 and came into existence by virtue of the Police (Northern Ireland) Act (Commencement) Order (Northern Ireland) 2000, Statutory Rule 2000 No. 399. It is required to produce its first account for the period ending 31 March 2002. This account covers a seventeen month period and is produced on an accruals basis in line with an accounts direction from the Northern Ireland Office and the Annual Reports and Accounts Guidance for Executive Non Departmental Public Bodies.

The Office of the Police Ombudsman for Northern Ireland is funded by grant-in-aid from the Northern Ireland Office and as such is subject to the same public expenditure process which applies across the Department and to its agencies and public bodies. For the purpose of this Annual Report an unaudited financial statement reflecting cash expenditure during the period 06 November 2000 to 31 March 2001 is provided.

In April 2001 arrangements were put in place with the Southern Board Internal Audit Service, an agency within the Southern Health and Social Services Board, for the provision of internal audit services. The Southern Board Internal Audit Service provides internal audit services to a number of smaller public bodies who are members of the Chief Executive's Forum. An audit needs assessment was drawn up and presented to the Audit Committee in January 2002 with the first internal audit review taking place in February/March 2002. The report resulting from this review will be presented to the Audit Committee in May 2002.

OFFICE OF THE POLICE OMBUDSMAN FOR NORTHERN IRELAND UNAUDITED FINANCIAL STATEMENT OF CASH EXPENDITURE FOR THE PERIOD ENDED 31 MARCH 2002

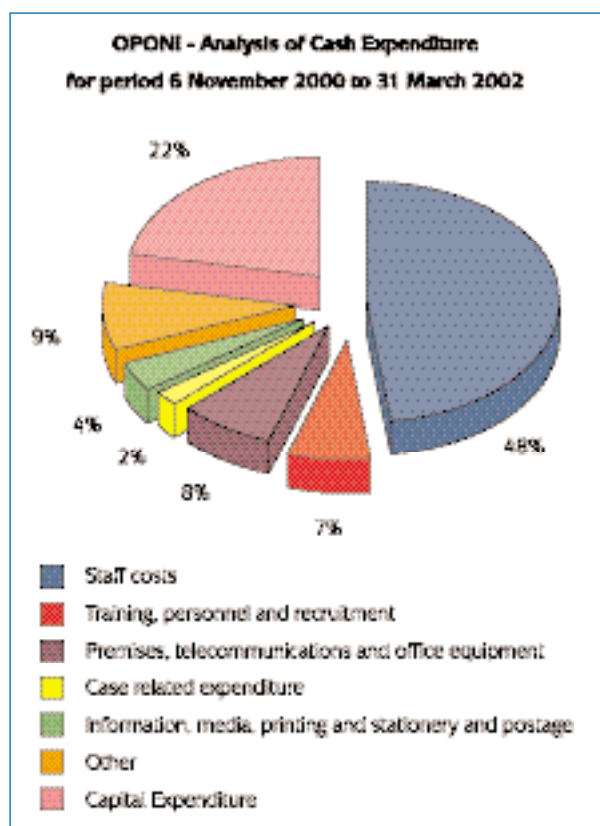
Staff and Administration Expenditure: £

Staff costs	4,118,644
Training, personnel and recruitment	581,598
Premises, telecommunications and office equipment	723,194
Case related expenditure	169,472
Information, media, printing and stationery and postage	317,181
Other	785,562

Total Revenue Expenditure 6,695,651

Capital expenditure 1,864,747

TOTAL EXPENDITURE (CASH) 8,560,398



OFFICE OF THE POLICE OMBUDSMAN FOR NORTHERN IRELAND
UNAUDITED FINANCIAL STATEMENT OF CASH EXPENDITURE
FOR THE PERIOD ENDED 31 MARCH 2002
(ANALYSED BETWEEN 06 NOVEMBER 2000 TO 31 MARCH 2001 AND
01 APRIL 2001 TO 31 MARCH 2002)

	2000/2001	2001/2002	2000/2002
	£	£	(Total)
			£
Staff and Administration Expenditure:			
Staff costs	759,771	3,358,873	4,118,644
Training, personnel and recruitment	235,190	346,408	581,598
Premises, telecommunications and office equipment	163,479	559,716	723,195
Case related expenditure (eg Forensic Science Services)	27,634	141,838	169,472
Information, media, printing and stationery and postage	128,403	188,778	317,181
Other	200,720	584,842	785,562
Total Revenue Expenditure	1,515,197	5,180,455	6,695,652
Capital expenditure	1,363,852	500,894	1,864,746
TOTAL EXPENDITURE (CASH)	2,879,049	5,681,349	8,560,398

NOTES TO THE UNAUDITED FINANCIAL STATEMENTS

Staff costs at £4,118,644 is the largest area of expenditure and comprises all salary costs including those of seconded staff which make up 35% of the total salary figure.

Training, personnel and recruitment expenses were also significant over the period and reflect the level of recruitment, induction and training necessary to set up a new organisation providing a unique service in a highly specialised environment.

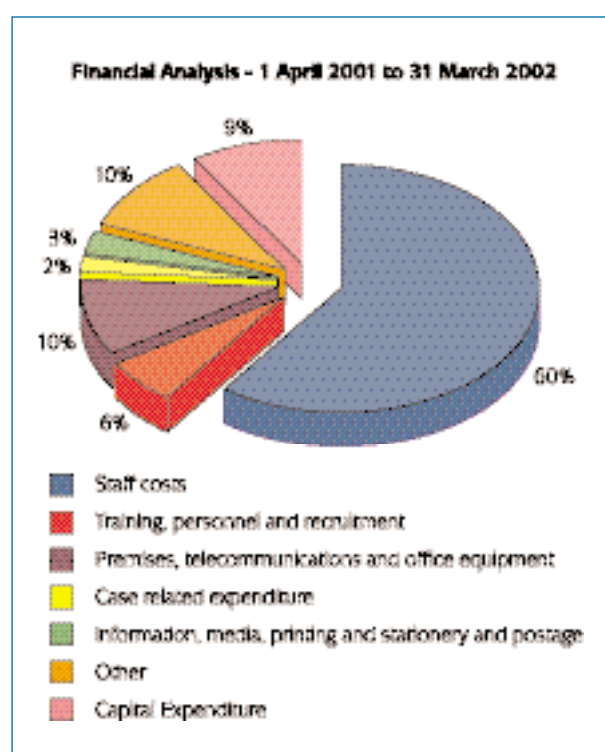
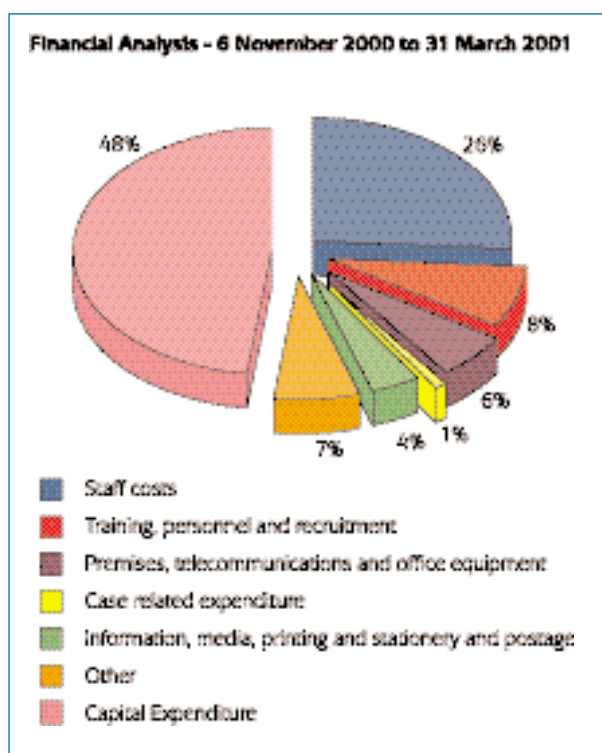
The premises, telecommunications and office equipment category includes such items as rental, rates, electricity, heating, telephone rental and equipment.

Case related expenditure refers to costs incurred directly as a result of conducting investigations and includes forensic support, medical reports and other general administrative expenditure such as travel expenses.

Information and media costs relate primarily to research and publication of information, printing, stationery and postage. Other expenditure covers computer maintenance and support, motor vehicle expenses, non case related travel, hospitality and general expenses.

Capital expenditure is the second highest area of expenditure and reflects investment in infrastructure assets in setting the Office up. Included under this heading is the cost of leasehold improvements to New Cathedral Buildings, the development and purchase of information systems and information technology, and the procurement of office furniture and fittings. The proportion of capital expenditure during future years will be much less.

The pie charts below analyse expenditure into two periods and serve to illustrate the capital investment over the first five months and the emergence of staffing and administrative cost patterns over the next twelve months.



KEY PERFORMANCE INDICATORS AND TARGETS 2002 - 2003

KEY PERFORMANCE INDICATORS	TARGET/ MEASUREMENT
Telephone calls to the Office to be answered within 20 seconds Current Performance: Average response time 8 seconds	Maintain
Complainants seen promptly on attending the Office Current Performance: Average attendance time 3 minutes 10 seconds	Maintain
Complaints acknowledged by letter within 4 working days Current Performance: 83% achievement in 3 days	Target 90% 3 days
Complaints allocated action within 4 working days Current Performance: 81% achievement in 3 days 100% in 4 days	Target 90% 3 days
Complaints for fast tracking allocated within 1 working day Current Performance: 96% achievement	Target 95% 1 day
Complaints referred for Informal Resolution within 4 working days of consent given Current Performance: 89% achievement in 3 days 100% in 4 days	Target 90% 3 days
Initiate contact with complainant following allocation of the complaint to investigation officers within 3 working days Current Performance: 88% achievement in 3 days	Target 90% 3 days
Complainants kept informed of progress regularly, at least every 6 weeks Current Performance: New target	Target 95%
Police officers kept informed of progress at key stages of the investigation Current Performance: Not yet available	Target 95%
Arrival at emergency call-outs within 3 hours at any time (11/2 hours in Greater Belfast) Current Performance: Target achieved	Target 90%
Time taken to complete investigations within the Office (not to exceed 110 Police Ombudsman working days) Current Performance: Average completion 105 days 62% completed within 110 days	Maximum Working days 110

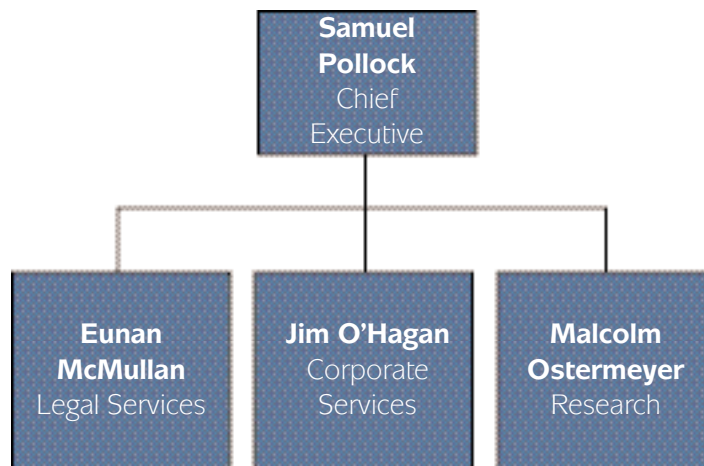
KEY PERFORMANCE INDICATORS AND TARGETS 2002 - 2003

KEY PERFORMANCE INDICATORS	TARGET/ MEASUREMENT
Supply statistical reports of all complaints to the Chief Constable, each month	Within 10 days of Month end
Research matters of public interest on policing and produce articles and reports	As programmed
Maintain public awareness through information and media services, targeting key sections of the community	Independent Survey
Enhance confidence and effective communication with the Police Service and Policing Board	Independent survey
Promote best practice events with District Commanders and District Policing Partnerships	As agreed with PSNI
Run external events/conferences contributing to the development and enhancement of policing conduct and practice	As programmed
Prepare financial plans, policies and procedures to meet Government Accounting requirements and controls	As required by Departmental and Accounting Officer guidance
Develop resource, finance and business information systems to support delegated management controls	Monthly
Implement training and development plans in line with performance and appraisal needs of staff	Annual Monitor
Ensure that all statutory obligations under Section 75 Northern Ireland Act 1998 and Article 55 Fair Employment and Treatment Order 1998 are met	Statutory Returns
Produce an Annual Report and Accounts for presentation to Secretary of State and the Comptroller and Auditor General.	Report: 30 June 2002 Accounts: 31 August 2002

CHIEF EXECUTIVE'S SUMMARY



Samuel Pollock Chief Executive



REPORTING PERIOD

This first Annual Report of the Police Ombudsman covers the period 06 November 2000 to 31 March 2002. The decision regarding the first reporting and accounting period was made by the Northern Ireland Office and confirmed with me when I assumed responsibilities as Chief Executive to the Police Ombudsman on 01 April 2001.

CORPORATION SOLE

The Office of the Police Ombudsman is a newly constituted police complaints system for Northern Ireland. The Office is a corporation sole with Mrs Nuala O'Loan as the named Authority on a seven-year Crown appointment. The Police Ombudsman has sole responsibility for the determinations of all complaints and investigations handled by the Office.

DEPARTMENTAL ACCOUNTABILITY

The Office operates as a Non Departmental Public Body with administrative arrangements through a Management Statement to the Northern Ireland Office. Resources are agreed and administered through the Policing Division of the Department. Accounting Officer responsibility is delegated to me by letter from the Permanent Secretary dated 12 April 2001. I certify that Progress Reports on the working of the Office and expenditure of grant-in-aid have been submitted to the Department on a quarterly basis since April 2001. I acknowledge and have appreciated the constructive advice and support of the officials in the Department during the Reporting Period.

TRANSFERRED RESPONSIBILITY

This Report of the Police Ombudsman sets out the extent and the nature of the complaints received between 06 November 2000 and 31 March 2002. The Report also includes information in relation to those complaints which were transferred from the Independent Commission for Police Complaints (ICPC) on 06 November 2000. These complaints continue to be processed under the Police (Northern Ireland) Order 1987 procedures and regulations.

PLANNING AND IMPLEMENTATION

The planning and the establishment of the Office was progressed through a Project Implementation Team involving the Northern Ireland Office, the RUC, Police Associations, the ICPC, the Police Authority and others. The Implementation Team succeeded in acquiring premises and developing an infrastructure of equipment, furniture, fittings and a computer system to enable the Office to operate. The Implementation Team also recruited staff to cover all functions of the Office, assimilating 13 staff transferring from the ICPC.

STAFFING BUILD UP

The Office opened with a staffing of 59, a second tranche of recruitment took it to 82 by June 2001 and following a business case approval by the NIO a third phase recruitment took the complement to 104 at the end of the accounting period. Appointments in process will leave the staff resource at a maximum of 126 by July 2002. 94 of these staff will be in complaints and investigations operations.

EXPENDITURE TO 31 MARCH 2001

The planned expenditure for the year ending 31 March 2001 had been agreed by the Northern Ireland Office through the Project Implementation Team and expenditure was contained within the agreed limits. 48% of this expenditure related directly to capital commitments, premises and infrastructure. Accounts and details for expenditure prior to 31 March 2001 are contained in this Report and form part of the accounts for submission to the Comptroller and Auditor General. While not carrying executive responsibility for the full reporting period, I have satisfied myself that the expenditure and records for the period 06 November 2000 to 31 March 2001 were maintained as required under the Regulations.

EXPENDITURE TO 31 MARCH 2002

I am satisfied also that the records and accounts for the full Accounting Period meet the requirements laid down for public accounts and for Accounting Officers. The capital infrastructure and primary installations are now complete and capital commitments over the next few years should be minimal. 60% of revenue has been targeted on complaints and investigation. I certify that financial records and statements are prepared for audit in accordance with HM Treasury directions.

SECONDED STAFF RESOURCE

Almost 20% of the staffing resource in the Office comprises seconded staff from police forces in England and Wales. As is normal procedure for seconded officers, while serving in Northern Ireland their Conditions of Service as police officers are maintained and their accommodation costs and regular travel to and from their home forces are funded by the Office. This represents a significant expenditure, but is vital to the

experience and competence of the investigative capability within the Office. Agreements and arrangements are being progressed to fully train and equip investigation staff to replace the majority of seconded staff over the next 3-5 years as outlined in the Objectives of the Police Ombudsman.

INTERNAL AUDIT

In taking on this appointment I initiated the appointment of Internal Auditors. The Southern Board Internal Audit Services were successful in being appointed. An Audit Committee has been established with two external advisers, one from the Northern Ireland Office and one from the Northern Ireland Audit Office. The Audit Committee has met twice, and has received an initial assessment of risks and recommendations on the strengthening of internal controls.

CORPORATE STATEMENT, 2001-2002

It was essential to provide a clear statement of objectives and targets for last year even though much of the Office structure and systems were still in the process of being developed. The statement was made subject of consultation with community groups and public representatives so as to gauge the public expectations of the Office in the early days of its operations. A similar exercise has taken place now in relation to a Corporate Plan 2002-2005 which sets out longer term goals and this Plan has now been published.

PERFORMANCE, OBJECTIVES AND TARGETS

This Report sets out the activity, the output, some initial outcomes and performance of the Office over the past 17 months. There is no directly similar body elsewhere in England, Scotland, Wales or Ireland and so it is not yet possible to give comparators, but in conjunction with PSNI and Her Majesty's Inspectorate of Constabulary, it will be possible to establish benchmarks and comparisons for the statistics collated and trends and patterns now beginning to emerge.

summary of achievement and performance

- The Office was constituted, planned and opened within a very short time frame.
- From 06 November 2000 the new system and structure has provided a 24 hour complaints and investigative response to the public with an exceptionally high level of activity in all its functions.
- The Report of the Complaints and Investigations Directorate demonstrates a resolute commitment by staff to give a timely and responsive service to the public and the police. The independence of the Office in its investigations is well illustrated in the Report.
- The Office has striven hard to raise its awareness throughout all communities in Northern Ireland, and the most recent of three independent surveys taken indicates very high levels of achievement in this respect.
- The working relationship with the Police Service and the Policing Board is now well structured, and the Office works in close co-operation with the Oversight Commissioner to ensure that the wider indicators for policing are met.
- It has been difficult to achieve targets in the recruitment of staff with relevant experience to carry out the various responsibilities of the Office.
- The Police Ombudsman was determined to select from the very best possible candidature. We are now reaching the desired complement of staff in the Office.
- A continuing objective is to build and maintain an effective and impartial system which the police and the public have a right to expect.
- The projected expenditure for the Office was linked to a workload commitment of 3000 complaints and it soon emerged that this was unrealistic. The Office is currently coping with an annual intake of complaints of over 4000 as well as the additional work of the 2000 transferred cases and over 800 miscellaneous matters.
- The Northern Ireland Office received and approved a business case for revenue expenditure of £5.2m and the Office performed well within the limits set. There will be pressures on the budget primarily due to seconded staff commitments, but over a period of time it will be possible to create efficiencies.

SECTION 75 OF THE NORTHERN IRELAND ACT 1998

The Office of the Police Ombudsman as required under the Act will seek to promote equality of opportunity and good relations in all aspects of our operations, both internally and externally. An Equality Scheme has been drafted and will be submitted to the Equality Commission on 23 May 2002. The Office will await a response in relation to this submission, but in the meantime we proceed to develop awareness and train staff in the screening of policies, procedures and practice throughout the Office so that we can meet the important duties set down in the Act.

EMPLOYEE NEGOTIATION AND CONSULTATION

The staff of the Office are employed under Northern Ireland Civil Service Conditions of Service and with a staff grading structure agreed by the Northern Ireland Office. The negotiations for pay and conditions are therefore conducted through the NIO pay review mechanisms. To enable local negotiation and consultation on employment issues a Joint Negotiation and Consultation Agreement has been reached with NIPSA. A Joint Negotiation Committee has been convened and has met three times. A programme of employment policies and procedures is now being developed for the Office, in consultation with staff. A sub-committee structure exists to ensure consultation with all staff interests, including seconded staff.

HEALTH AND SAFETY

The Police Ombudsman is committed to providing for staff, complainants and police officers using these premises an environment that is, as far as possible, safe and free from risk to health. A standing Health and Safety Committee has now been convened under the Joint Negotiation and Consultation Committee.

FULFILLING A NECESSARY STATUTORY DUTY

This Report reflects the effort and commitment of the Police Ombudsman and her staff in providing an independent, impartial police complaints system in which the public and the police of Northern Ireland will have confidence. It is submitted in compliance with the duties laid down in the Police (Northern Ireland) Act 1998, as amended by the Police (Northern Ireland) Act 2000.

S D Pollock
Chief Executive

If you have a complaint about the conduct of a police officer, you should contact us.

You can:

Write to us at the address given below;

Call in at the Office between 9am and 5pm Monday to Friday;

Phone the Office at any time on 0845 601 2931 or 028 9082 8600; telephone calls to this Office may be monitored for training and quality purposes;

Send us a fax at any time on 028 9082 8659;

E-mail us at info@policeombudsman.org; or

Visit our website at www.policeombudsman.org

You do not have to pay to make a complaint.