

Statistical Report of the Police Ombudsman for Northern Ireland, Six-Monthly Update to September 2013

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INTRODUCTION

This report presents trends and patterns in complaints and allegations received by the Office of the Police Ombudsman for Northern Ireland (the Office) up to 30 September 2013. It was produced in accordance with the Code of Practice for Official Statistics, details of which can be found on the UK Statistics Authority website: www.statisticsauthority.gov.uk .

The information reported on includes all data recorded on the Office's Case Handling System (CHS) until 2 October 2013. Given the 'live' nature of this administrative system, the statistics presented in this report are subject to future revision. Revisions will usually be the result of more information coming to light during the course of the Office's work, but revisions may also be made as a result of the correction of human error.

The numbers of complaints and allegations received by the Office during the first half of 2013/14, as reported hereafter, are likely to rise by a small amount as information continues to be recorded on the system following the end of the reporting period. The Office's full strategy for revisions and errors can be found at www.policeombudsman.org/publicationsuploads/uponistatsrevision.pdf .

KEY FINDINGS

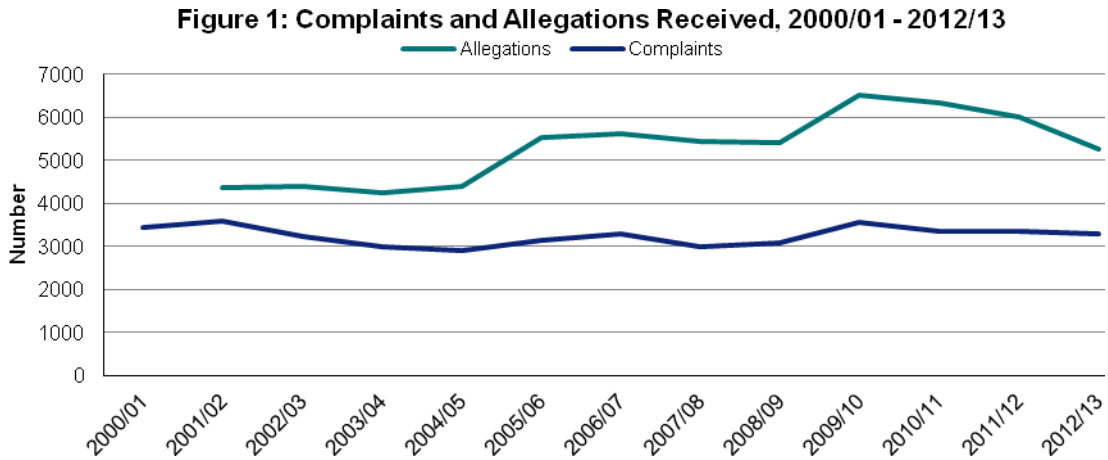
- The number of complaints received by the Office was particularly high in 2009/10 and decreased up until 2012/13. However, in the first six months of 2013/14 complaints increased to higher than in the same period of 2009/10.
- The number of allegations fell from 2009/10 to 2012/13, but in the first six months of 2013/14 the number increased by 17% compared with the same time period in 2012/13.
- There were 356 complaints received in July 2013. This was 50% higher than in July 2012, 27% higher than in July 2011 and 8% higher than in July 2010. Some of this increase was a result of complaints arising from public protests.
- Over the previous three years the most common factor underlying the complaint was Criminal Investigations. However, for complaints received during the first six months of 2013/14, the most common factor was Arrest. From 2009/10 to 2011/12 the main factor underlying around 1% of complaints was Parade/Demonstration; this proportion rose to 5% in 2012/13 and 6% during the first six months of 2013/14.
- The number of allegations received in July 2013 (571) was 46% higher than in July 2012 and 24% higher than in July 2011. However, the number was 12% lower than in July 2010 (649).
- There was an increase in allegations of Oppressive Behaviour in the first six months of 2013/14; 38% more than in the same period in 2012/13 and 8% more than in the same period of 2011/12. There have been rises across all categories of Oppressive Behaviour, but particularly in the numbers of Other Assault type allegations.

- Whilst the total number of allegations has risen in the first six months of 2013/14, allegations of Incivility have fallen.
- In 2013/14 to date, allegations received in all PSNI Districts were higher than during the same period in 2012/13. The increase was most apparent in District B (52%).
- Just over a third of recommendations made in the period were to not substantiate the allegation due to insufficient evidence . Thirty percent of recommendations were made to close the allegation following non co-operation of the complainant. Four percent recommended some form of action.
- Over the previous four years the proportions of each type of recommendation made by the Office were fairly consistent. However, during the first six months of 2013/14 there were a number of changes in the pattern of recommendation types made. A higher than usual proportion of recommendations were made to close the allegation following the non co-operation of the complainant. Lower than usual proportions were to close the allegation as not substantiated or to informally/locally resolve allegations.
- The proportion of recommendations made to Informally/Locally Resolve the allegation has been decreasing. This is partly as a result of reductions in Incivility and certain Failure in Duty type allegations following the implementation of the PSNI Complaints Reduction Strategy.
- During the first six months of 2013/14, 73 recommendations for action to be taken against police officers were made to the Chief Constable/Chief Officer. In 2012/13, the Office made a total of 315 such recommendations to the Chief Constable/Chief Officer and in 2011/12 made 508.

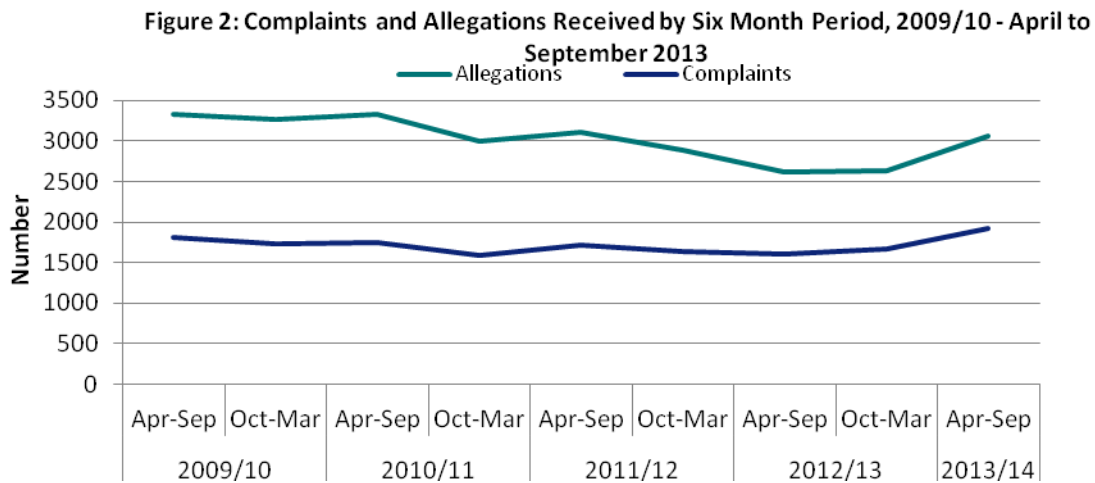
FINDINGS

Complaints and Allegations Received

Around 3,000 to 3,500 complaints per year are made about police officers in Northern Ireland (Figure 1, Table 1).



The number of complaints recorded by the Office was particularly high in 2009/10. During 2012/13, 3,272 complaints were recorded, which was two percent fewer than the previous year and continued the downward trend of the previous three years. However, in the first six months of 2013/14 complaints increased by 19% compared with the same time period in 2012/13, bringing the level to higher than in the same period of 2009/10 (Figure 2, Table 2).



A complaint is comprised of one or more allegations (see glossary at Appendix 2). The trend in the number of allegations received has been less stable than that for complaints, varying from around 4,200 to 6,500 annually. Increases occurred

in 2005/06 and again in 2009/10. The latter increase coincided with the introduction of the new Police Ombudsman Complaints Handling System (CHS), which better catered for the recording of individual allegations and may account for some of this increase. The numbers of allegations per year fell again since 2009/10, and in 2012/13 the Office recorded the lowest number since 2004/05 (Figure 1, Table 1). However, in the first six months of 2013/14 the number increased by 17% compared with the same time period in 2012/13 (Figure 2, Table 2).

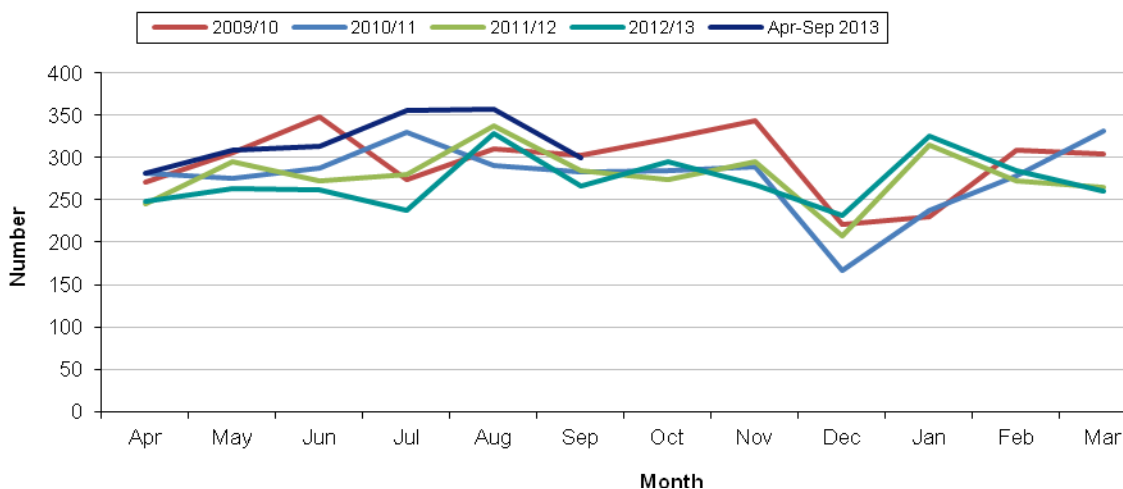
As may be expected, given that it is the largest of the organisations within the Office’s remit, the vast majority of complaints were in relation to the PSNI (Table 3). In the first six months of 2013/14 a greater proportion of complaints were received by the Office via PSNI compared with recent years (Table 4).

The number of Chief Constable section 55 referrals fluctuates year-on-year. So far in 2013/14, there have been 20 referrals (Table 4). The number of Police Ombudsman call-ins increased in recent years (albeit still small numbers) and 2012/13 saw the greatest number of call-ins in the life of the Office, at 15. In the first six months of 2013/14 there have been two call-ins. There were 12 Historical Enquiries Team (HET) referrals in 2012/13 but none so far in 2013/14 (Table 5).

Complaints and Allegations Received per Month

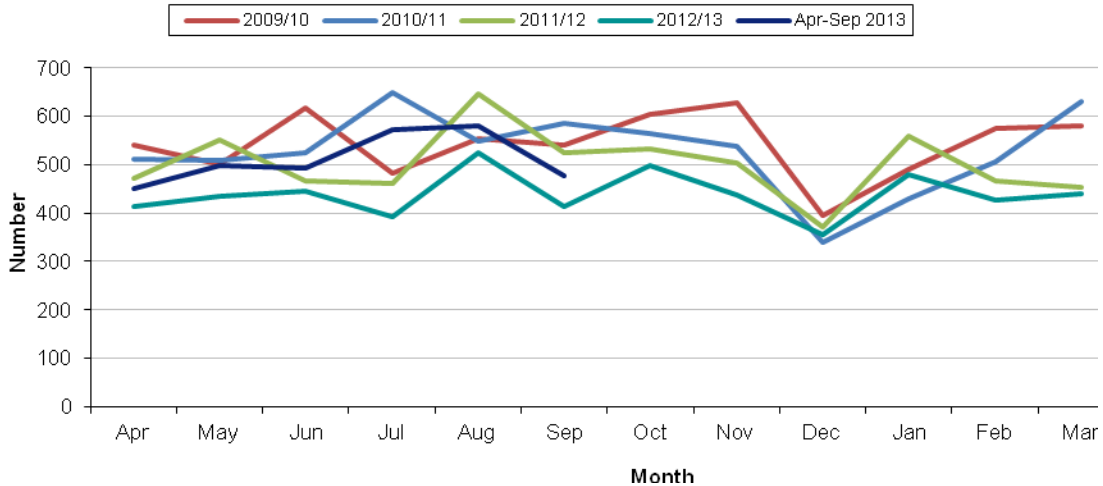
The number of complaints and allegations received fluctuates month by month and there are some general seasonal trends evident. There were 356 complaints received in July 2013. This was 50% higher than in July 2012, 27% higher than in July 2011 and 8% higher than in July 2010. Some of this increase was a result of complaints arising from public protests (Figure 3, Table 6).

Figure 3: Complaints Received by Month, 2009/10 - April to September 2013



The number of allegations received in July 2013 was 46% higher than in July 2012 and 24% higher than in July 2011. However, the number was 12% lower than in July 2010 (Figure 4, Table 7).

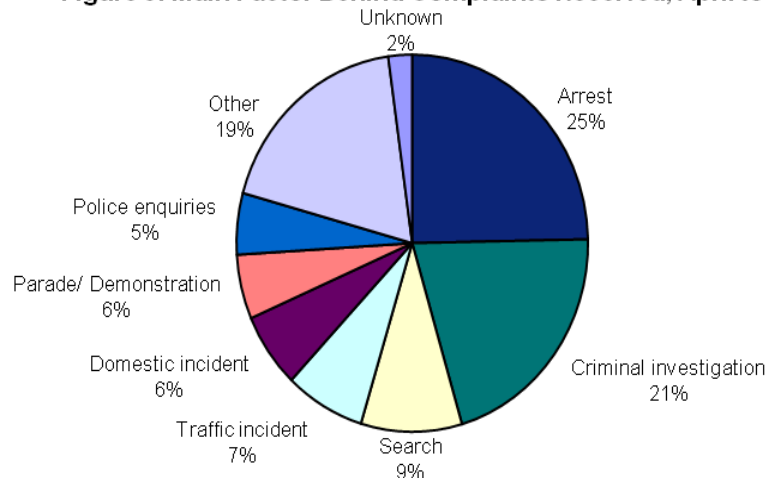
Figure 4: Allegations Received by Month, 2009/10-September 2013



Complaint Factor

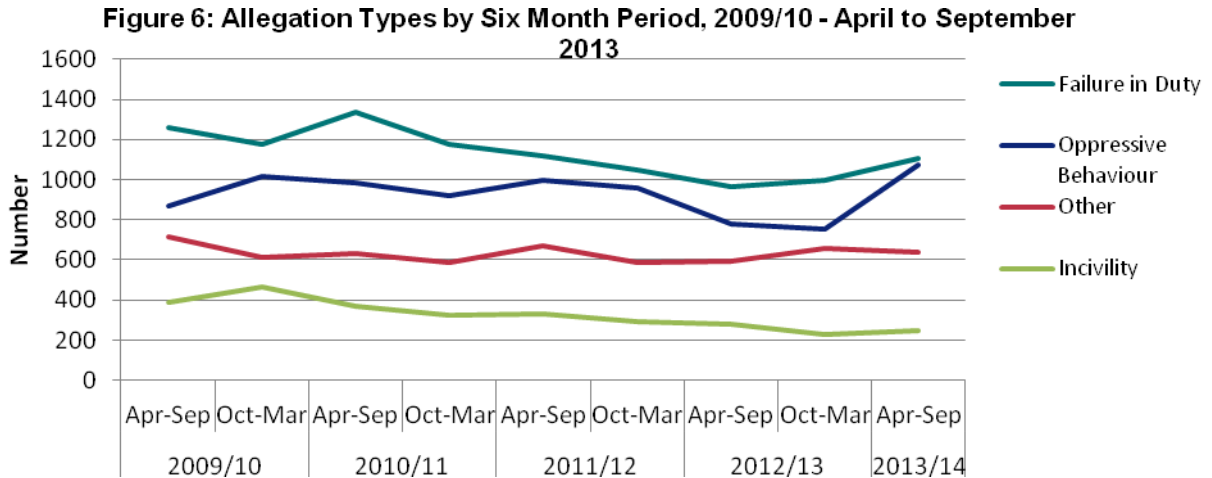
Where sufficient information is available, the Office records the main factor underlying each complaint received. Annually, just over one fifth of complaints arise from criminal investigations and up to one fifth arise from arrests. However, for complaints received during the first six months of 2013/14, a quarter of complaints arose from arrests, making it the most common factor recorded in the period. Usually around one percent of complaints arise from parades or demonstrations; this proportion rose to 5% in 2012/13 and 6% during the first six months of 2013/14 (Figure 5, Table 8).

Figure 5: Main Factor Behind Complaints Received, April to September 2013

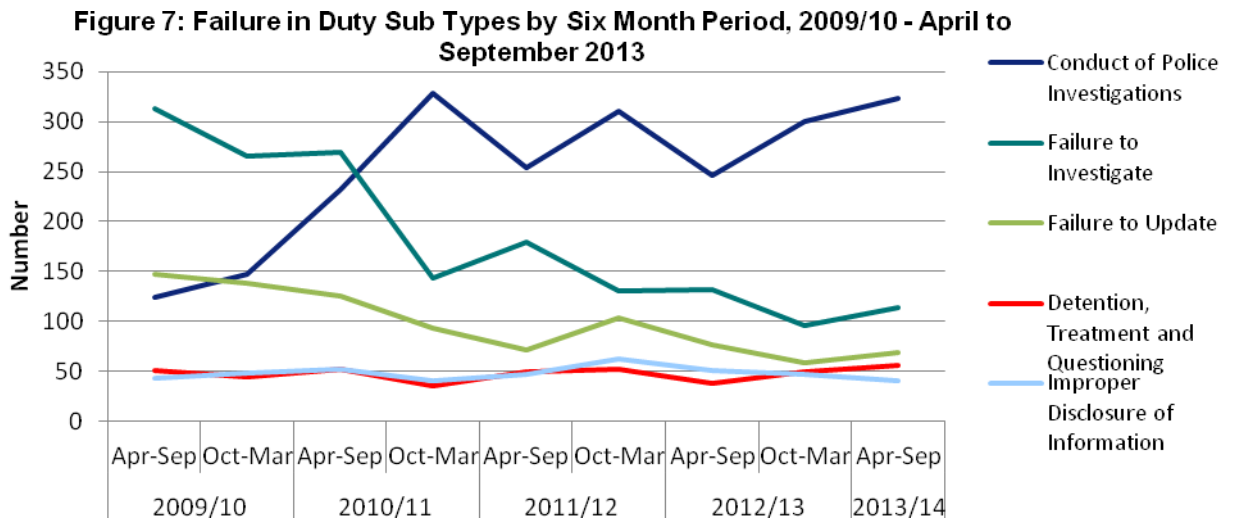


Nature of Allegations Received

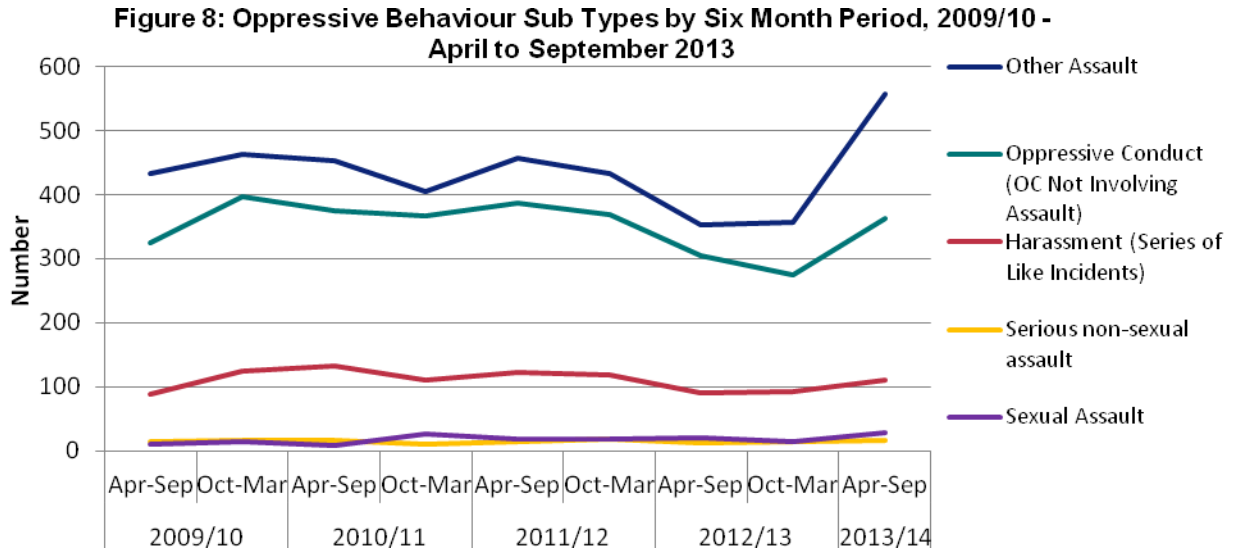
In the first six months of 2013/14 there has been a notable increase in the number of allegations of Oppressive Behaviour; 38% more than in the same period in 2012/13 and 8% more than in the same period of 2011/12. The number was almost as high as Failure in Duty (Figure 6, Table 9). Following a focused PSNI Complaints Reduction Strategy in 2010, the number and proportion of Incivility allegations have been falling and this has continued in 2013/14.



Within the category of Failure in Duty, the greatest proportion of allegations were in relation to the conduct of police investigations, which increased from 2009/10 to 2010/11 and remains at a high level in the first six months of 2013/14 (Figure 7, Tables 10, 11, 12).

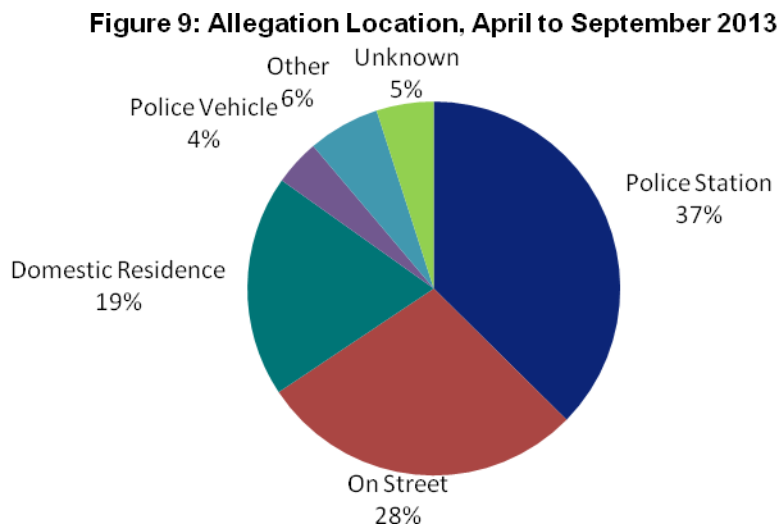


Within Oppressive Behaviour allegations, the greatest proportion were of ‘other assault’ (unjustified force or personal violence by the police) and the number of such allegations received in the first six months of 2013/14 was much greater than in the same period during the previous four years (Figure 8, Tables 10, 11, 13).



Allegation Location

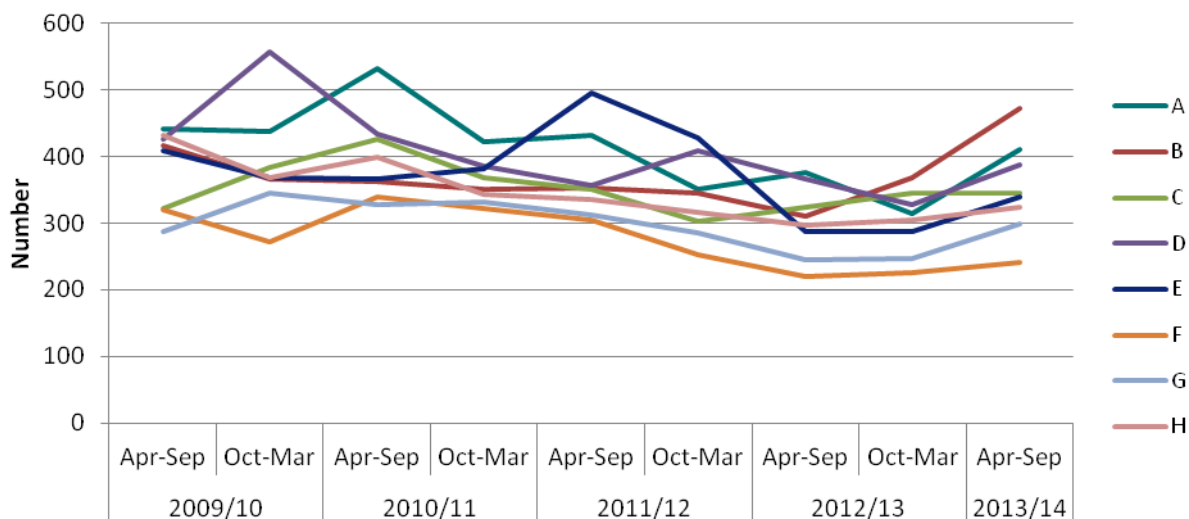
The Office records the location of the incident or matter associated with each allegation made. Generally, the greatest proportion of allegations are associated with police stations (Figure 9, Table 14). This includes a substantial number of Failure in Duty allegations. Over a quarter of allegations arise from matters occurring on a street and just under half of these are Oppressive Behaviour allegations.



Allegations Received by DCU and ACU

Generally the more urban PSNI District and Area Command Units (DCU and ACU) receive higher numbers of allegations than rural DCUs and ACUs. Caution should be taken when interpreting increases or decreases in the number of allegations received as there may be occasions when high numbers of allegations can be associated with the number and nature of policing operations in the Area. In 2013/14 to date, allegations received in all PSNI Districts were higher than during the same period in 2012/13. The increase was most apparent in District B (52%). In the first six months of 2013/14 the highest number of allegations arose from District B followed by District A (Figure 10, Tables 15, 16). Within Districts, the highest number of allegations arose from the South Belfast Area, which is in District B, followed by North Belfast in District A.

Figure 10: Allegations Received by DCU by Six Month Period, 2009/10 - April to September 2013



Rank of Officers Complained About

Approximately half of the complaints recorded have identified officers associated with them. There will not be officers associated where the complaint is closed at too early a stage for the officers to be identified, e.g. through the withdrawal of the complaint, the non co-operation of the complainant, or when the complaint is closed as outside the remit of the Office. Generally each year about 8 out of 10 officers complained about are constables, with the remainder being of higher ranks (Table 17). This reflects the composition of the Police Service.

Officers with Multiple Complaints

The Office supplies information to the Service Improvement Department of the PSNI highlighting officers who have attracted three or more complaints in the previous twelve month period. This information is then passed on to District Commanders who consider whether any officer in their command has an abnormally high number of complaints, considering the policing environment and the nature of duties in which they are engaged. It should be noted that being the subject of a complaint does not necessarily mean that the officer will be investigated, for example, when the complainant fails to co-operate a meaningful enquiry is not possible.

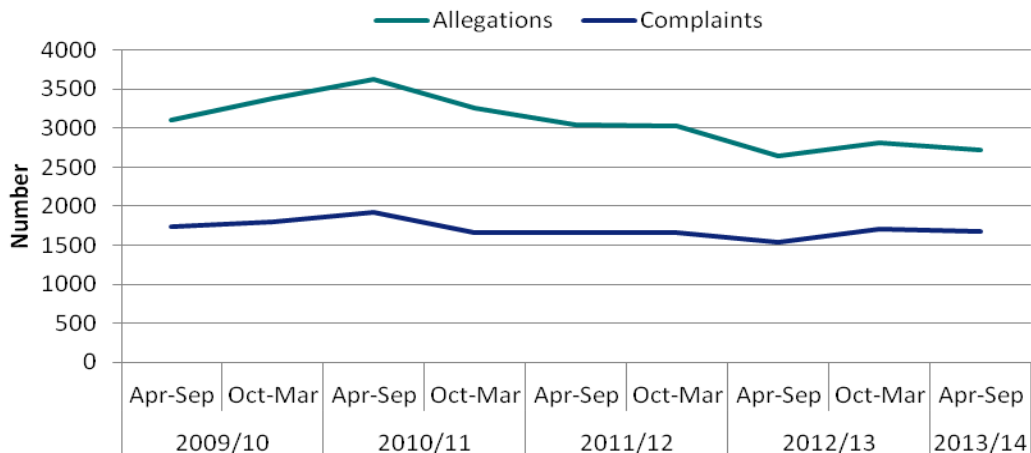
The number of officers who attracted three or more complaints decreased from 318 during the period October 2009 to September 2010 to 235 during the period October 2011 to September 2012 and then increased again to 272 during October 2012 to September 2013 (Table 18).

The PSNI have amended the trigger points for management intervention regarding the tracking and trending of complaints received. Prior to April 2013, the PSNI tracked officers who attracted three or more complaints in each 12 month period. From April 2013 management intervention is now triggered when an officer receives three or more complaints which result in service of an OMB3 (regulation 9 notice) or are dealt with by Informal / Local Resolution. During October 2012 to September 2013, 80 officers attracted three or more complaints of this nature (Table 18).

Complaints and Allegations Closed

Although there was a slight rise in the number of complaints and allegations closed between 2009/10 and 2010/11, there was an overall decrease over the last four years. During the first six months of 2013/14 the numbers increased slightly compared to the same period last year (Figure 11, Tables 19, 20).

Figure 11: Complaints and Allegations Closed by Six Month Period, 2009/10 - April to September 2013

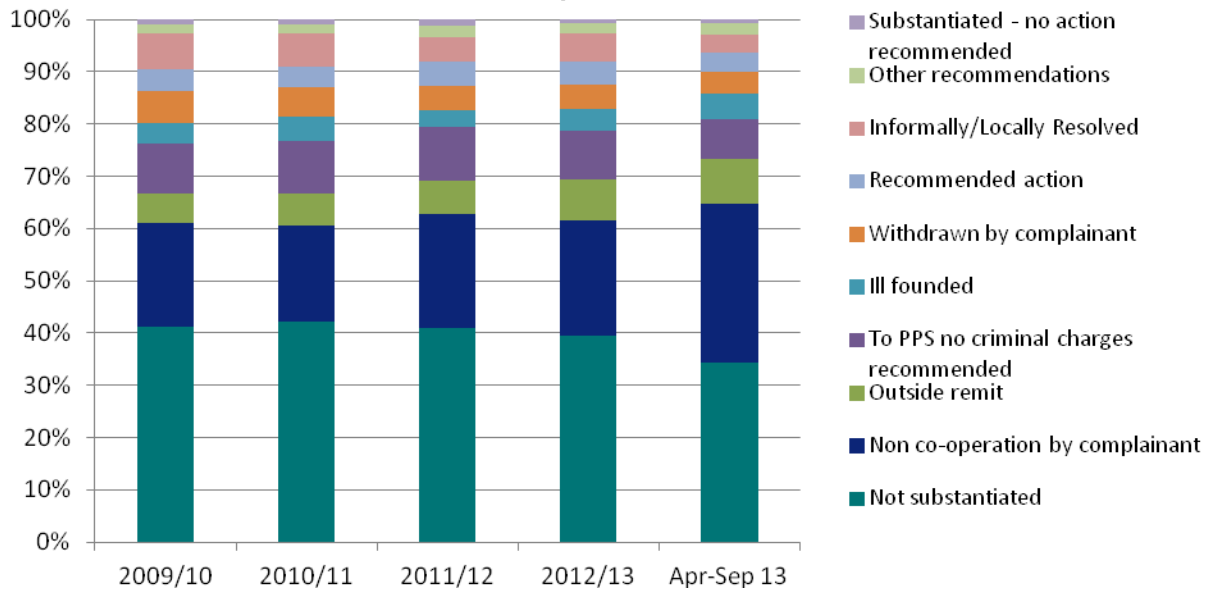


Recommendations Arising from Allegations Closed

The Office has concluded that the presentation of information regarding “recommendations” is the most appropriate method regarding the outcome of complaints. When the investigation of an allegation is complete, a recommendation for allegation closure is made. It should be noted that one allegation may have more than one associated recommendation, for example, when there are a number of police officers linked to an allegation, a recommendation for allegation closure is made for each officer. Thus, the number of recommendations for closure made is greater than the number of complaints and allegations closed. This reflects the likelihood that a complaint may have a range of outcomes for each allegation.

In the first six months of 2013/14, 3,643 recommendations for closure were made against 2,715 allegations closed and 1,673 complaints closed in the same period. The number of recommendations for closure had fallen over the previous two years and, should the trend for the first six months of the year continue, the number of recommendations made annually will continue to fall in 2013/14. The largest proportion of recommendations made in the period (34%) was to not substantiate the allegation due to insufficient evidence. Thirty percent of recommendations were made to close the allegation following non co-operation of the complainant. The Office has commissioned a piece of research in order to better understand the reasons for non co-operation. Four percent of recommendations were for some form of action against officers. Over the previous four years the proportions of each type of recommendation made by the Office were fairly consistent. However, in the first six months of 2013/14 there was a greater proportion of recommendations to close allegations following the non co-operation of the complainant and smaller proportions of recommendations to not substantiate allegations or to informally/locally resolve allegations (Figure 12, Table 21).

Figure 12: Recommendations from Allegations Closed, 2009/10 - April to September 2013



Recommendations Made to the Public Prosecution Service (PPS)

If, during an investigation, the Police Ombudsman determines that a criminal offence may have been committed by a police officer, he sends a copy of the report to the Director of Public Prosecutions together with the recommendations the Police Ombudsman considers appropriate. This file will contain a recommendation as to whether, based on the evidence on the case, the Police Ombudsman believes the officer should be prosecuted.

The number of recommendations made to the PPS for no prosecution, in respect of ongoing and closed investigations, fell over the previous four years, reflecting to some extent the fall in the number of allegations closed. In the first six months of 2013/14 the Police Ombudsman made 255 recommendations for no prosecution, continuing the downward trend, and 4 recommendations for prosecution (Tables 22, 23).

Recommendations Made to the Chief Constable/Chief Officer

Following the conclusion of any criminal proceedings or investigations which relate to misconduct matters, the Police Ombudsman may make a recommendation to the Chief Constable/Chief Officer, who will consider whether action should be taken against the police officers subject of the complaint.

The number of such recommendations made to the Chief Constable/Chief Officer fell between 2011/12 and 2012/13 and, should the trend of the first six months of 2013/14 continue, it will continue to fall by the end of the year. Over the previous four years the majority of recommendations made to the Chief Constable/Chief Officer, in respect of ongoing and closed investigations, were that the officer

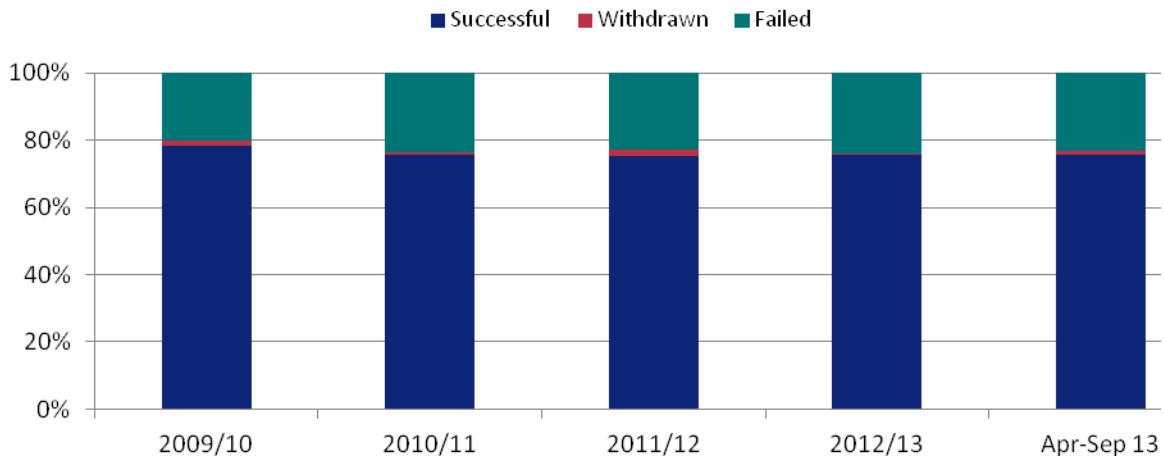
receive Advice and Guidance, and this has continued in the first six months of 2013/14. The rise in the number of recommendations of Superintendent's Written Warnings in 2011/12 and 2012/13 was partly the result of two investigations (Table 24).

Informal Resolution

The proportion of complaints considered to be suitable for Informal Resolution (IR) has been falling in recent years (Table 25). This is partly as a result of reductions in Incivility and certain Failure in Duty type allegations following the implementation of the PSNI Complaints Reduction Strategy. Also, so far in 2013/14, five complaints were referred for Local Resolution (LR) in District D, and these would have been considered for IR had the LR project not continued there.

The proportion of complainants agreeing to participate in the IR process has also been falling in recent years, although at the time of reporting, further enquiries are continuing with complainants and the consent level for IR may increase. Around three quarters of complaints referred to IR each year are successful (Figure 13, Table 26) and this is mainly because the officer in question has been made aware of the issue, has been given advice, or other action has been taken which satisfied the complainant (Table 27).

Figure 13: Outcomes of Informal Resolution, 2009/10 - April to September 2013



BACKGROUND TO THE OFFICE

The Police Ombudsman's Office (the Office) provides for the independent and impartial investigation of complaints about the police in Northern Ireland. The Police Ombudsman is committed to providing a police complaints service in the way he thinks best calculated to secure the confidence of the public and the police. He believes that for such confidence to be forthcoming, it is essential that people are informed about the nature of his work. The Office is committed to accountability.

Prior to the establishment of the Office in 2000, public complaints against the police in Northern Ireland were recorded and investigated by police officers of the Complaints and Discipline Department of the Royal Ulster Constabulary (RUC). Unless the complaint was resolved informally by the police, it was referred to the Independent Commission for Police Complaints (ICPC) for a determination as to whether or not it should supervise the police investigation. Where the allegation against police was of a criminal nature, the complaint was referred to the Director of Public Prosecutions (DPP). After the conclusion of any related criminal proceedings, or where the DPP directed "no prosecution", the case was referred back to the police to consider whether disciplinary action should be taken against the police officer. The ICPC then considered the police recommendation on discipline and could recommend/direct that disciplinary proceedings be brought against the officer. If an officer was found guilty at a disciplinary hearing, the Chief Constable determined the sanction.

In November 1995, the Government appointed Dr Maurice Hayes to undertake a review of the police complaints system in Northern Ireland. In January 1997 Dr Hayes published a report containing proposals for a new police complaints system designed to secure the confidence of the people of Northern Ireland, and of the police. The principal recommendation, that there should be a full-time Police Ombudsman in Northern Ireland to investigate complaints against the police, was accepted by government.

The Belfast Agreement (1998) addressed the concept of oversight of the police. It stated that the Independent Commission on Policing for Northern Ireland should include proposals designed to ensure that there would be an "open, accessible and independent means of investigating and adjudicating upon complaints against the police". The decision to create a Police Ombudsman was endorsed in the report of the Commission (1999) ('The Patten Report').

The decision by Parliament to constitute the Police Ombudsman for Northern Ireland was taken on 24 July 1998. Part VII of the Police (Northern Ireland) Act 1998 established the Office and set out its statutory duties, powers and responsibilities. The Office is an executive non-departmental public body funded

by grant in aid from the Department of Justice and is accountable to the Northern Ireland Assembly through the Department. The Police Ombudsman's principal duty is to secure the efficiency, effectiveness and independence of the police complaints system in Northern Ireland, and to secure the confidence of the public and the police in that system. The Office opened on 6 November 2000, marking the beginning of an entirely new system for investigating complaints against police officers in Northern Ireland.

Counting Complaints

By law the Police Ombudsman must keep a register of complaints. A complaint does not need to be communicated in writing, nor does it need to explicitly say that it is a complaint for it to be recorded as such. All complaints are recorded on the Police Ombudsman's Case Handling System (CHS), even where they are later determined to be outside of the remit of the Office.

If made to the Chief Constable, the Northern Ireland Policing Board, the Department of Justice or to the Public Prosecution Service, complaints must immediately be referred to the Police Ombudsman. The Police Ombudsman is then responsible for recording the complaint and for notifying the PSNI and any named officer.

The Police Ombudsman has jurisdiction in respect of six organisations with police powers which operate in Northern Ireland: the Police Service of Northern Ireland including Designated Civilians; the Larne Harbour Police; the Belfast Harbour Police; the Belfast International Airport Police; the Ministry of Defence Police; and the Serious and Organised Crime Agency.

Types of Complaints Investigated

In most circumstances the Police Ombudsman can only investigate incidents which have occurred in the previous 12 months. However, there is no time limit on the investigation of grave matters, or where exceptional circumstances exist. As a result, the Police Ombudsman has investigated many complaints from the relatives of people who died during 'the Troubles' (the conflict in Northern Ireland between 1968 and 1998).

The Police Ombudsman does not investigate complaints against officers whose conduct has been the subject of disciplinary or criminal proceedings; complaints about off duty police officers, unless the fact that he or she is a police officer is relevant to the complaint. The Office also does not investigate matters relating to the direction and control of the police service by the Chief Constable.

Section 55 Referrals

Under section 55 of the Police (Northern Ireland) Act 1998, the Northern Ireland Policing Board and the Department of Justice may refer matters of concern to the

Office of the Police Ombudsman where no complaint has been made. The Chief Constable can, and in some cases must, also refer certain non-complaint matters for investigation. The Police Ombudsman also has the power to initiate an investigation without a complaint having been made if it appears to him to be desirable and in the public interest (referred to as a “Call-in”). The Justice (Northern Ireland) Act 2004 (section 6) amended section 55 to the effect that the Director of Public Prosecutions must also refer certain non-complaint matters to the Police Ombudsman.

The Police Ombudsman automatically investigates:

- all discharges of police firearms (including those used in riot situations);
- all fatal road traffic collisions involving police officers;
- any death which may have occurred as a result of the actions of a police officer; and
- any other serious allegation.

In addition to the Troubles-related complaints from families, mentioned above, the Office is also considering a large number of cases as part of the historic cases review of all Troubles-related deaths between 1968 and 1998. The law requires that all cases in which the actions of a police officer may have led to a death must be independently investigated. As a result, many cases have been referred to this Office under section 55 by the PSNI’s Historical Enquiries Team (HET).

Allegations

A single complaint consists of one or more allegations. Each allegation describes the separate issues or types of behaviour about which there is a complaint. For example, a complainant may allege that a police officer pushed him and was rude to him. This would be recorded as two separate allegations forming one complaint. Allegations are categorised into allegation main types and sub-types (see Table 11).

Informal Resolution

Once the Police Ombudsman receives a complaint, he must consider whether it can be resolved informally and, if so, refer the complaint to the appropriate disciplinary authority. The Northern Ireland Policing Board is the disciplinary authority for senior officers of the PSNI (Assistant Chief Constable and above), and the Chief Constable is the disciplinary authority for all other members of the police. A complaint is not suitable for Informal Resolution (IR) unless the complainant gives his consent to participate and the complaint is not deemed serious. Where the Policing Board or the Chief Constable attempts to resolve a complaint informally and this proves impossible, or where the complaint is unsuitable for informal resolution, they must notify the Police Ombudsman and refer the complaint to him. If the complainant co-operates with the IR process,

but it subsequently fails then the matter shall be referred for Police Ombudsman investigation.

Formal Investigation

The Police Ombudsman will appoint an Investigating Officer (IO) to conduct the formal investigation of a complaint. When the investigation is completed, the IO will submit a report to the Police Ombudsman. The Police Ombudsman is able to refer a complaint to the Chief Constable for formal investigation by a police officer and can supervise that investigation if he believes that it is in the public interest to do so. He can also impose conditions about how the investigation should be carried out. To date, the Police Ombudsman has not referred any complaints to the PSNI for investigation.

Criminal or Disciplinary Proceedings

Following an investigation, if the evidence indicates that police officers may have committed a criminal offence or breached the police Code of Ethics, the Police Ombudsman can recommend that they are prosecuted or disciplined. Currently about 5% of recommendations are in respect of some form of sanction against officers, the majority of which is informal action.

Where the Police Ombudsman considers that a criminal offence may have been committed by a member of the police, he must send a copy of the investigation report to the Public Prosecution Service (PPS), making appropriate recommendations. The PPS then decides whether or not to prosecute the police officer under investigation. If the Police Ombudsman decides that no criminal offence may have been committed, he is required to consider whether it is appropriate to recommend disciplinary proceedings and to send a memorandum to the relevant disciplinary authority, recommending whether or not such proceedings should be brought and stating the reasons for his decision.

The Northern Ireland Policing Board is required to inform the Police Ombudsman of the action it has taken in response to a recommendation for disciplinary action in respect of senior officers. If the Police Ombudsman recommends to the Chief Constable that disciplinary proceedings should be brought in relation to a particular investigation and the Chief Constable is unwilling to bring disciplinary proceedings, the Police Ombudsman may, after consultation with the Chief Constable, direct him to do so.

Explanatory information on the range of other possible outcomes of complaints is contained in the Glossary to this report at Appendix 2.

Factors which Influence the Numbers of Complaints and Allegations Received

This report presents trends in the number of complaints and allegations received since the Office opened. It is not possible to explain with certainty the reasons for the variations in the numbers of complaints received over time and by District. There are a range of factors which may influence whether or not a person makes a complaint. It is therefore very important not to take a simplistic view of trends and to consider the following factors when drawing any conclusions.

An increase in the number of complaints received could be interpreted in a number of different ways. For example, an increase in public confidence in the Office could mean that people are more likely to use the complaints system and be more willing to make a complaint, resulting in an increase in the numbers of complaints received.

Also, the greater the level of interaction a police officer has with the public, the more likely it is that he or she will be involved in situations which give rise to complaints.

There is also considerable variation in the number of complaints and allegations received by Districts. The extent of major planned and unplanned policing operations within the District may influence the number of allegations made in the Area. For example, in District E during 2011/12 there was a number of major incidents involving police searches which contributed to a rise in the number of allegations received during that year.

The population demographic of the policing Area will most likely influence the number of complaints and allegations received in the Area. Table (i) below shows the average number of allegations received over the last four years per 1,000 population. South Belfast Area Command Unit (ACU) had the highest average rate of allegations received per 1,000 of population over the four year period.

The numbers of police officers based within a District may also influence the number of allegations made in the District. In order to compare allegations across Districts, the number of allegations received in 2012/13 per 100 officers was calculated for each District. However, these data should be interpreted with caution, as police officers are attributed to the Districts within which they are managed. A significant number of police officers, whilst physically based in police stations within a District may carry out duties across several Districts and whilst complaints may be made against these officers, they are not included in the calculation of rates of allegations per 100 officers per District. Table (i) shows that in 2012/13, District H had the highest rate of allegations per 100 police officers.

Table (i): Average Rate of Allegations Received 2008/09 - 2012/13 by District Command Unit and Area Command Unit per 1,000 population

PSNI DCU and ACU		Average rate of allegations (2008-2013) per 1,000 of population	Allegations (2012/13) per 100 Officers, 2012/13
DCU A	North Belfast	6	113
	West Belfast	6	
	A DCU Sub-total	6	
DCUB	East Belfast	3	119
	South Belfast	7	
	B DCU Sub-total	5	
DCU C	Ards	2	119
	Castlereagh	2	
	Down	2	
	North Down	3	
	C DCU Sub-total	2	
DCU D	Antrim	4	104
	Carrickfergus	2	
	Lisburn	3	
	Newtownabbey	2	
	D DCU Sub-total	3	
DCU E	Armagh	2	73
	Banbridge	3	
	Craigavon	3	
	Newry & Mourne	2	
	E DCU Sub-total	3	
DCU F	Cookstown	2	83
	Dungannon & South Tyrone	2	
	Fermanagh	3	
	Omagh	3	
	F DCU Sub-total	3	
DCU G	Foyle	3	79
	Limavady	3	
	Magherafelt	2	
	Strabane	2	
	G DCU Sub-total	3	
DCU H	Ballymena	3	127
	Ballymoney	1	
	Coleraine	6	
	Larne	2	
	Moyle	1	
	H DCU Sub-total	3	

Background to reporting on outcomes

The Police Ombudsman Case Handling System (CHS) was introduced in December 2008. This system enables accurate and complete information to be captured in respect of the officers and allegations within a complaint, and for these multiple outcomes to be reflected at closure. The CHS also encourages the capturing of recommendations throughout the lifetime of the case, rather than just at closure, allowing the Office to report on a contemporaneous basis. Finally, the CHS allows for accurate recording and reporting of, not only the recommendations made by this Office, but also the final outcome after submission of a file to the PPS or PSNI (as appropriate). The CHS allows the Office's reporting to reflect the complexity of casework and recommendations made throughout the investigation process.

Prior to December 2008, the Office operated a complaint rather than allegation based case handling system which was limited in the reporting of outcomes.

Comparing numbers of complaints and allegations across jurisdictions

It is difficult to make valid comparisons around the number of complaints and allegations received across Northern Ireland, England and Wales and Scotland. Each area uses different systems to record complaints, records and investigates different types of complaints, and uses different mechanisms for counting complaints. These factors also impact on all subsequent comparisons e.g. comparisons regarding outcomes of investigations, length of investigations or investigation method.

APPENDIX 1:

STATISTICAL TABLES

Table 1: Complaints and allegations received, 1997/98 - April to September 2013

Year	Complaints	Allegations
1997/98*	4037	-
1998/99*	3555	-
1999/2000*	3031	-
2000/01**	3436	-
2001/02	3600	4368
2002/03	3214	4389
2003/04	2979	4238
2004/05	2887	4401
2005/06	3140	5515
2006/07	3283	5615
2007/08	2997	5435
2008/09	3091	5415
2009/10	3542	6500
2010/11	3335	6330
2011/12	3343	6002
2012/13	3272	5258
Apr-Sep 2013	1917	3069

*Reflects complaints received to the RUC/PSNI before the Office opened. Allegations were not recorded separately until the Office opened.

**1905 of these complaints were received by the RUC/PSNI before the Office opened; the remaining 1531 were received by the Office.

Table 2: Complaints and allegations received by six month period, 2009/10 - April to September 2013

Allegation Type	2009/10		2010/11		2011/12		2012/13		2013/14
	Apr-Sep	Oct-Mar	Apr-Sep	Oct-Mar	Apr-Sep	Oct-Mar	Apr-Sep	Oct-Mar	Apr-Sep
Complaints	1811	1731	1748	1587	1714	1629	1606	1666	1917
Allegations	3229	3271	3324	3006	3117	2885	2623	2635	3069

Table 3: Complaints and allegations received, by organisation, 2009/10 - April to September 2013

Organisation	Complaints					Allegations				
	2009/10	2010/11	2011/12	2012/13	Apr-Sep 2013	2009/10	2010/11	2011/12	2012/13	Apr-Sep 2013
Police Service of Northern Ireland (PSNI)	3528	3316	3289	3215	1880	6479	6299	5935	5184	3022
Designated Civilian	6	10	34	36	27	6	13	44	42	33
G.B Officers*	0	0	0	0	2	0	0	0	0	3
G8*	0	0	0	0	1	0	0	0	0	2
Northern Ireland Airport Constabulary	1	0	2	2	1	2	0	5	8	1
Harbour Police	1	4	3	2	0	7	12	3	4	0
Serious and Organised Crime Agency	1	1	0	0	0	1	1	0	0	0
Other / Unknown	5	4	15	17	6	5	5	15	20	8
Total	3542	3335	3343	3272	1917	6500	6330	6002	5258	3069

*By virtue of section 60 of the Police (N.I.) Act 1998, entered into agreements with other UK police authorities to the effect that any complaint made by or on behalf of the public regarding the conduct of officers serving in Northern Ireland under mutual aid arrangements would be dealt with by the Office of the Police Ombudsman

Table 4: Source of complaints, 2009/10 - April to September 2013

Source of complaints received	2009/10	2010/11	2011/12	2012/13	Apr-Sep 2013
Direct to the Office	68%	69%	63%	65%	59%
Via PSNI	17%	12%	17%	15%	23%
Via Representative	15%	19%	20%	20%	18%
Other	0%	0%	0%	0%	0%
Total	3542	3335	3343	3272	1917

Table 5: Section 55 matters*, 2009/10 - April to September 2013

Section 55 matters	2009/10	2010/11	2011/12	2012/13	Apr-Sep 2013
Chief Constable Referral	35	39	31	30	20
Police Ombudsman Call-In	3	5	11	15	2
DPP Referral	3	0	4	1	0
HET Referral	0	1	4	12	0
Total	41	45	50	58	22

* These matters are included in the number of complaints received

Table 6: Complaints received by month, 2009/10 - April to September 2013

Year	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar
2009/10	271	305	348	274	311	302	323	344	221	230	309	304
2010/11	281	276	288	330	290	283	285	289	167	237	278	331
2011/12	245	295	272	280	337	285	274	295	208	315	272	265
2012/13	248	264	262	237	329	266	295	268	232	326	285	260
Apr-Sep 2013	281	309	314	356	357	300	-	-	-	-	-	-

Table 7: Allegations received by month, 2009/10 - April to September 2013

Year	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar
2009/10	539	501	616	481	553	539	604	628	396	489	574	580
2010/11	510	508	524	649	547	586	565	537	339	430	506	629
2011/12	471	550	465	460	646	525	532	503	372	558	466	454
2012/13	414	435	444	392	524	414	499	436	354	480	427	439
Apr-Sep 2013	450	497	493	571	580	478	-	-	-	-	-	-

Table 8: Main factor underlying complaints, 2009/10 – April to September 2013

Factors underlying complaints	2009/10	2010/11	2011/12	2012/13	April-September 2013/14
Criminal investigation	21%	24%	23%	22%	21%
Arrest	17%	17%	20%	19%	25%
Search	9%	10%	10%	10%	9%
Traffic incident	13%	11%	9%	8%	7%
Police enquiries (No investigation)	15%	9%	7%	6%	5%
Domestic incident	5%	5%	5%	5%	6%
Parade/Demonstration	1%	1%	1%	5%	6%
Other	15%	19%	21%	22%	19%
Unknown	4%	3%	4%	4%	2%
Total	3542	3335	3343	3272	1917

Table 9: Nature of allegations received, 2009/10 - April to September 2013

Allegation Type	2009/10	2010/11	2011/12	2012/13	Apr-Sep 2013
Failure in Duty	37%	40%	36%	37%	36%
Oppressive Behaviour	29%	30%	33%	29%	35%
Incivility	13%	11%	10%	10%	8%
Others	20%	19%	21%	24%	21%
Total	6500	6330	6002	5258	3069

Table 10: Nature of allegations received by six month period, 2009/10 - April to September 2013

Allegation Type	2009/10		2010/11		2011/12		2012/13		2013/14
	Apr-Sep	Oct-Mar	Apr-Sep	Oct-Mar	Apr-Sep	Oct-Mar	Apr-Sep	Oct-Mar	Apr-Sep
Failure in Duty	1260	1176	1339	1174	1118	1046	968	995	1105
Oppressive Behaviour	868	1015	986	920	998	956	780	754	1075
Incivility	388	468	369	327	329	294	280	228	249
Others	713	612	630	585	672	589	595	658	640
Total	3229	3271	3324	3006	3117	2885	2623	2635	3069

Table 11: Allegations by type and subtype, 2009/10 - April to September 2013

Allegation Type	Allegation Subtype	2009/10	2010/11	2011/12	2012/13	Apr-Sep 2013
Failure in Duty	Conduct of Police Investigations	271	560	565	546	323
	Failure to Investigate	578	412	309	228	114
	Failure to Update	285	218	175	136	69
	Detention, Treatment and Questioning	95	87	102	88	56
	Improper Disclosure of Information	91	92	109	98	41
	Other Failure in duty	1116	1144	904	867	502
Subtotal		2436	2513	2164	1963	1105
Oppressive Behaviour	Other Assault	894	858	889	708	557
	Oppressive Conduct (OC Not Involving Assault)	721	742	755	579	362
	Harassment (Series of Like Incidents)	213	243	241	183	111
	Sexual Assault	24	35	36	36	29
	Serious non-sexual assault	31	28	33	28	16
Subtotal		1883	1906	1954	1534	1075
Incivility	Incivility At Domestic Residence	164	132	137	98	57
	Incivility By Officer On The Telephone	124	98	92	76	38
	Incivility When Stopped For A Traffic Offence	135	98	58	46	30
	Incivility At Police Station	132	91	73	63	25
	Incivility To Person Under 18 Years	22	14	15	8	5
	Other incivility	279	263	248	217	94
Subtotal		856	696	623	508	249
Search	Irregularity re - Search Of Premises	123	103	102	124	60
	Irregularity re - Stop/Search of Person	70	78	76	48	38
	Seizure Of Property	32	41	28	33	18
	Irregularity re - Stop/Search Of Vehicle	39	56	30	25	16
	Damage To Property	21	17	35	28	16
Subtotal		285	295	271	258	148

Table 11 (continued): Allegations by type and subtype, 2009/10 - April to September 2013

Allegation Type	Allegation Subtype	2009/10	2010/11	2011/12	2012/13	Apr-Sep 2013
Unlawful/Unnecessary Arrest/Detention	Unlawful/Unnecessary Arrest/Detention	230	245	224	204	113
Subtotal		230	245	224	204	113
Mishandling Of Property	Mishandling of Property	68	105	107	104	81
Subtotal		68	105	107	104	81
Malpractice	Irregularity re Evidence/Perjury	116	76	93	59	50
	Corrupt Practice	37	39	31	50	18
Subtotal		153	115	124	109	68
Discriminatory Behaviour	Sectarian Discriminatory Behaviour	25	31	31	27	21
	Racially Discriminatory Behaviour	23	20	31	25	14
	Gender Discriminatory Behaviour (including sexist remarks)	3	9	9	4	4
	Disability Discriminatory Behaviour	2	6	3	8	4
	Other Discriminatory Behaviour	18	8	7	13	5
Subtotal		71	74	81	77	48
Traffic	Driving of Police Vehicles	62	56	53	64	19
	Other Traffic Irregularity	6	15	12	5	7
Subtotal		68	71	65	69	26
Section 55 Referral	Section 55 (Chief Const Referral)	37	40	31	30	20
	Section 55 (OPONI call in)	2	5	11	16	2
	Section 55 (HET Referral)	0	0	2	12	0
	Section 55 (PPS Referral)	3	0	4	1	0
Subtotal		42	45	48	59	22
Other	Other Allegation	263	200	218	224	82
	Other – insufficient detail	135	48	95	115	46
	OPONI Call In/Out NFA	10	17	28	34	6
Subtotal		408	265	341	373	134
Total		6500	6330	6002	5258	3069

Table 12: Failure in Duty subtype allegations by six month period, 2009/10 - April to September 2013

Failure in Duty Subtype	2009/10		2010/11		2011/12		2012/13		2013/14
	Apr-Sep	Oct-Mar	Apr-Sep	Oct-Mar	Apr-Sep	Oct-Mar	Apr-Sep	Oct-Mar	Apr-Sep
Conduct of Police Investigations	124	147	232	328	254	311	246	300	323
Failure to Investigate	313	265	269	143	179	130	132	96	114
Failure to Update	147	138	125	93	71	104	77	59	69
Detention, Treatment and Questioning	51	44	52	35	50	52	38	50	56
Improper Disclosure of Information	43	48	52	40	47	62	51	47	41
Other Failure in duty	582	534	609	535	517	387	424	443	502
Total	1260	1176	1339	1174	1118	1046	968	995	1105

Table 13: Oppressive Behaviour subtype allegations by six month period, 2009/10 - April to September 2013

Oppressive Behaviour Subtype	2009/10		2010/11		2011/12		2012/13		2013/14
	Apr-Sep	Oct-Mar	Apr-Sep	Oct-Mar	Apr-Sep	Oct-Mar	Apr-Sep	Oct-Mar	Apr-Sep
Other Assault	432	462	453	405	457	432	352	356	557
Oppressive Conduct (Not Involving Assault)	324	397	375	367	386	369	304	275	362
Harassment (Series of Like Incidents)	88	125	133	110	122	119	90	93	111
Sexual Assault	10	14	8	27	18	18	21	15	29
Serious non-sexual assault	14	17	17	11	15	18	13	15	16
Total	868	1015	986	920	998	956	780	754	1075

Table 14: Location of allegations received, 2009/10 - April to September 2013

Allegation Location	2009/10	2010/11	2011/12	2012/13	Apr-Sep 2013
Police station	38%	41%	37%	39%	37%
On street	27%	29%	26%	27%	28%
Domestic residence	18%	16%	20%	18%	19%
Police vehicle	4%	4%	4%	3%	4%
Other	7%	8%	8%	7%	6%
Unknown	5%	3%	5%	6%	5%
Total	6500	6330	6002	5258	3069

Table 15: Allegations received by DCU and ACU, 2009/10 - April to September 2013

PSNI DCU and ACU		2009/10	2010/11	2011/12	2012/13	Apr-Sep 2013
A	North Belfast	543	600	430	388	273
	West Belfast	337	354	352	303	138
	Subtotal	880	954	782	691	411
B	East Belfast	299	241	237	204	116
	South Belfast	484	472	462	475	356
	Subtotal	783	713	699	679	472
C	Ards	153	167	139	147	74
	Castlereagh	174	187	166	141	73
	Down	172	179	143	188	88
	North Down	206	262	205	193	111
	Subtotal	705	795	653	669	346
D	Antrim	209	194	197	205	105
	Carrickfergus	90	80	37	32	18
	Lisburn	485	311	333	281	169
	Newtownabbey	199	233	198	176	96
	Subtotal	983	818	765	694	388
E	Armagh	141	119	160	91	68
	Banbridge	165	158	167	89	67
	Craigavon	275	287	340	214	104
	Newry & Mourne	196	183	257	180	100
	Subtotal	777	747	924	574	339
F	Cookstown	94	79	87	78	34
	Dungannon & South Tyrone	140	137	159	110	56
	Fermanagh	173	250	166	113	91
	Omagh	186	196	146	144	61
	Subtotal	593	662	558	445	242
G	Foyle	316	396	345	285	187
	Limavady	145	121	124	80	31
	Magherafelt	100	65	70	60	43
	Strabane	72	77	59	65	38
	Subtotal	633	659	598	490	299
H	Ballymena	288	174	191	163	117
	Ballymoney	24	53	49	56	25
	Coleraine	382	413	331	300	147
	Larne	93	77	63	71	25
	Moyle	13	27	18	11	10
	Subtotal	800	744	652	601	324
Unknown		325	207	304	341	201
PSNI Total		6479	6299	5935	5184	3022

Table 16: Allegations by DCU, by six month period 2009/10 - April to September 2013

PSNI DCU	2009/10		2010/11		2011/12		2012/13		2013/14
	Apr-Sep	Oct-Mar	Apr-Sep	Oct-Mar	Apr-Sep	Oct-Mar	Apr-Sep	Oct-Mar	Apr-Sep
A	442	438	532	422	431	351	376	315	411
B	416	367	363	350	353	346	311	368	472
C	322	383	427	368	351	302	323	346	346
D	426	557	433	385	356	409	366	328	388
E	409	368	366	381	496	428	287	287	339
F	321	272	340	322	305	253	220	225	242
G	287	346	327	332	313	285	244	246	299
H	432	368	400	344	336	316	297	304	324

Table 17: Rank of officers complained about*, 2009/10 - April to September 2013

Rank	2009/10	2010/11	2011/12	2012/13	Apr-Sep 2013
Constable	81%	82%	82%	82%	83%
Sergeant	15%	14%	15%	14%	13%
Inspector and Above	4%	4%	3%	4%	4%

*Where rank is known

Table 18: Number of police officers attracting three or more complaints, 2009/10 - 2012/13*

Rolling Year	Number of officers who attracted three or more complaints	Number of officers who have been notified that their complaint is subject to investigation or a recommendation for Local/Informal Resolution has been made
October 2009-September 2010	318	-
October 2010-September 2011	277	-
October 2011-September 2012	235	-
October 2012-September 2013	272	80

* As investigations proceed, the number of complaints with which each officer is associated may fluctuate. The figures presented in this table show the number of officers who have attracted three or more complaints in the rolling year October - September using data extracted from the CHS at the beginning of October each year. This means that valid comparisons can be made over time.

Table 19: Complaints and allegations closed, 2009/10 - April to September 2013

	2009/10	2010/11	2011/12	2012/13	Apr-Sep 2013
Complaints	3535	3585	3326	3250	1673
Allegations	6489	6884	6065	5453	2715

Table 20: Complaints and allegations closed, by six month period 2009/10 - April to September 2013

	2009/10		2010/11		2011/12		2012/13		2013/14
	Apr-Sep	Oct-Mar	Apr-Sep	Oct-Mar	Apr-Sep	Oct-Mar	Apr-Sep	Oct-Mar	Apr-Sep
Complaints	1733	1802	1923	1662	1658	1668	1538	1712	1673
Allegations	3107	3382	3627	3257	3038	3027	2643	2810	2715

Table 21: Recommendation types in allegations closed, 2009/10 - April to September 2013

Recommendation Type	2009/10	2010/11	2011/12	2012/13	Apr-Sep 2013
Not substantiated	41%	42%	41%	39%	34%
Non co-operation by complainant	20%	18%	22%	22%	30%
Outside remit	6%	6%	7%	8%	9%
To PPS no criminal charges recommended	10%	10%	10%	9%	8%
Ill founded	4%	5%	3%	4%	5%
Withdrawn by complainant	6%	6%	5%	5%	4%
Recommended action	4%	4%	5%	5%	4%
Informally/Locally Resolved	7%	6%	5%	5%	3%
Substantiated - no action recommended	1%	1%	1%	1%	1%
Other recommendations	2%	2%	2%	2%	2%
Total	9825	9900	8878	7538	3643

Table 22: Recommendation types made to the Public Prosecution Service*, 2009/10 - April to September 2013

Recommendation Type	2009/10	2010/11	2011/12	2012/13	Apr-Sep 2013
Recommendations for no prosecution	1041	975	916	648	255
Recommendations for prosecution*	5	14	6	13	4
Number of charges recommended*	7	17	9	19	4

*Please note that the number of recommendations for prosecution and the number of charges recommended has been manually adjusted to reflect the fact that recommendations may be recorded on the CHS against Chief Constable Referrals and complaints regarding similar incidents.

Table 23: Nature of charges recommended to the Public Prosecution Service, 2009/10 - April to September 2013

Nature of charges	2009/10	2010/11	2011/12	2012/13	Apr-Sep 2013
Common assault	2	1	2	2	2
Careless driving	0	3	1	1	1
Dangerous driving	0	0	0	0	1
Assault occasioning actual bodily harm	1	1	0	0	0
Causing death by dangerous driving	0	1	0	0	0
Conspiracy to pervert the course of justice	0	1	0	0	0
Disorderly behaviour	0	0	0	1	0
Fabrication of false evidence	0	0	1	0	0
Grievous bodily harm	0	1	0	0	0
Intent to pervert the course of public justice	0	0	3	1	0
Misconduct in a public office	1	2	2	0	0
Offence against the Data Protection Act	0	0	0	4	0
Offences under the Computer Misuse Act	0	0	0	4	0
Perjury	2	1	0	0	0
Perverting the course of justice	1	5	0	0	0
Resisting a police officer in execution of duty	0	0	0	2	0
Threats to kill	0	1	0	3	0
Unlawful disclosure of information (Data Protection Act)	0	0	0	1	0
Total	7	17	9	19	4

Table 24: Recommendation types made to the Chief Constable/Chief Officer, 2009/10 - April to September 2013

Recommendation Type	2009/10	2010/11	2011/12	2012/13	Apr-Sep 2013
Advice and Guidance	85%	65%	63%	51%	66%
Management Discussion/Training	3%	16%	11%	22%	14%
Superintendent's Written Warning	9%	13%	23%	24%	14%
Formal Disciplinary Proceedings	3%	6%	4%	3%	7%
Total	419	327	508	315	73

Table 25: Consent level for complaints suitable for Informal Resolution (IR), 2009/10 – April to September 2013

Complaints referred for IR	2009/10	2010/11	2011/12	2012/13	Apr-Sep 2013
Number of complaints/referrals	3542	3335	3343	3272	1917
Complaints suitable for IR	859	620	504	462	198
Complaints with consent given	588	384	309	274	101
Successful	414	277	211	190	44
Failed	126	80	69	64	11
Ongoing	4	3	2	6	42
Withdrawn	16	9	8	6	1
Outside remit	5	6	8	6	3
Unsuitable	23	9	11	2	0
Complaints with consent not given	271	236	195	188	97
Declined	113	109	83	75	39
No response	128	114	100	104	32
Withdrawn	15	7	7	4	0
Further enquiries	15	6	5	5	26
Total	859	620	504	462	198

Table 26: Outcome of Informal Resolution (IR), 2009/10 - April to September 2013

Outcome of complaints referred for IR	2009/10	2010/11	2011/12	2012/13	Apr-Sep 2013
Successful	78%	76%	75%	76%	76%
Failed	20%	23%	23%	24%	23%
Withdrawn	2%	1%	2%	0%	1%
Total	531	414	278	276	86

Table 27: Outcomes of successful Informal Resolutions, 2009/10 - April to September 2013

Outcomes of successful resolutions	2009/10	2010/11	2011/12	2012/13	Apr-Sep 2013
Brought to officer(s) attention	88	69	43	62	20
Action taken accepted	111	71	52	54	19
Constructive advice	94	72	48	32	11
Apology from officer	43	33	24	21	8
Explanation accepted	23	16	8	10	3
Apology on behalf of PSNI	28	34	18	20	2
Accept nothing further could be done	7	3	2	2	1
Brought to attention of senior officer(s)	8	1	1	0	1
Brought to attention of DCU Commander	1	2	0	0	0
Expression of regret	2	6	3	1	0
Face to face meeting with officer	10	6	10	7	0
Total	415	313	209	209	65

APPENDIX 2:

GLOSSARY OF TERMS

This glossary is designed to assist users of our statistical information to understand the terms which we use to describe data contained in the statistical bulletin. Terms are listed in the order in which they appear in the report.

Complaint

A complaint is an expression of dissatisfaction by or on behalf of a member of the public about a member of the police service or an officer of another service over which the Office has jurisdiction. This could be about the way the individual was treated or the service they received.

Allegation

This describes the types of behaviour being complained about or the separate issues being complained about. A single complaint can contain one or many allegations. For example, a complainant may allege that a police officer pushed him or her and was rude. This would be recorded as two separate allegations forming one complaint. Allegations are categorised into main allegation types and subtypes. These subtypes facilitate greater understanding of what the allegation relates to.

Section 55 referral

Under section 55 of the Police (Northern Ireland) Act 1998 the Police Ombudsman can investigate matters about which no complaint has been made.

The Chief Constable, The Director of Public Prosecutions (DPP), the Northern Ireland Policing Board (NIPB) and the Department of Justice can refer non complaint matters to the Office.

In addition the Police Ombudsman may investigate a non complaint matter if it appears to him that a police officer may have committed a criminal offence or behaved in a manner which would justify disciplinary proceedings and it is considered desirable in the public interest to do so.

Factor behind complaint

The Office also records information on the type of situation which has led to the complaint. When the Complaints Officer determines that there are several factors that have led to the complaint, the main factor behind the complaint is recorded. Factors behind complaints are categorised into a number of subtypes as follows:

Criminal investigation - where the main burden of the complaint relates to the police conduct of a criminal investigation.

Arrest - where the main burden of the complaint relates to events taking place during or immediately after the complainant's arrest.

Search - where the main burden of the complaint relates to an incident involving a search. This may be a police stop and search of a person, usually the complainant; a police search of premises; or a police search of a vehicle

Traffic related incident - where the main burden of the complaint relates to any incident involving police where traffic is a relevant factor, encompassing road traffic collisions, breath tests, parking offences and the manner of police driving.

Police enquiries (no investigation) - where the main burden of the complaint relates to an incident where police carried out preliminary enquiries but no formal investigation took place.

Domestic incident - where the main burden of the complaint relates to a domestic incident including incidents of domestic violence or neighbour disputes.

Parade/Demonstration - where the main burden of the complaint relates to an incident which took place during a parade and/or demonstration.

Other category - where the main burden of the complaint relates to other situations including, for example, incidents during the interview or detention of the complainant; a death in custody or following other types of police contact; police attempting to recruit complainant as an informer; police response or lack of response; lack of investigation by police; issues around records management or the disclosure of information; seizure, return or disposal of property; other operational / policy matters; or some other off duty incidents.

Allegation types and Subtypes

Failure in duty

This allegation type includes situations where the complainant alleged that the officer failed in his or her duty as a police officer. Failure in duty allegations are categorised into a number of subtypes as follows:

Conduct of police investigations - where the alleged failure in duty is specific to the conduct of an ongoing or completed police investigation.

Failure to investigate - where the complainant alleges a failure of police to carry out any investigation into an incident.

Failure to update - where the complainant alleges that the police have failed to update him or her appropriately on the progress of a police investigation or other enquiries.

Detention, treatment & questioning - where an alleged failure in duty has occurred while the complainant has been subject to detention, for example, failure to inform detained persons of their rights and entitlements or failure to maintain accurate custody records.

Improper disclosure of information - where the complainant alleges that one or more police officers have disclosed information inappropriately.

Denied access to medical attention - where the complainant is alleging that he or she was denied access to medical attention. This may be either in custody or at the scene of an incident.

Denied access to legal advice - where the complainant is alleging that he or she was denied access to legal advice whilst in custody.

Failure to provide / refer appropriate documentation - where it is alleged that police have failed to provide documentation requested by the complainant or their representatives or where police have failed to refer appropriate documentation to external bodies or the documentation referred is perceived to be inaccurate, incomplete or misleading.

Failure / refusal to identify self - where the complainant alleges that police have failed to identify themselves when dealing with the complainant or have refused to do so when asked.

Other failure in duty - A failure in duty not otherwise covered in the existing failure in duty subtypes.

New failure in duty categories used from 1 April 2013:

[NB: These are included under 'other failure in duty' in the statistical tables and charts]

Delay / failure to respond to incident - where the complainant alleges that police have been excessively slow to attend or failed to attend a reported incident. This also includes incidents relating to the delay or failure to respond to emergency calls made via the '999' system.

Failure in duty of care - failure to take appropriate action to ensure the safety or well-being of the complainant or third party for whom they have responsibility e.g. juvenile or vulnerable adult.

Failure to act impartially / objectively - failure to adopt an independent approach and/or failure to act in an impartial manner.

Failure to keep accurate police records - failure to keep accurate, complete or up to date police records e.g. in respect of police notebooks or for criminal record details, payment of fines, bail attendance at police stations, production of driving documents, name/address details, etc.

Failure to provide information / accurate information - where a complainant has alleged that police have failed to provide non-documentary information, or failed to provide accurate non-documentary information, relating to them or third parties.

Failure to refer complaint / section 55(2) matter to the Police Ombudsman - failure to take complaint details when made (e.g. in police custody / at a police station) and thereafter to forward these details on to OPONI. This also includes other matters coming to the attention of police, not necessarily the subject of a public complaint, where the matter concerned would fall under section 55(2) or otherwise require referral. e.g. discharge of taser.

Failure to return telephone calls / reply to correspondence / attend appointments - where the complainant alleges that police have either failed to return telephone calls, failed to reply to correspondence sent, or failed to keep arranged appointments.

Failure to supervise / adequately supervise - where supervision of an officer has either not taken place or is perceived to have been inadequate. This sub-type will most commonly be used where a failure to supervise has been identified by OPONI investigators as a residual matter.

Other failure in duty subtypes used 2008/09 to 2012/13:

Failure to attend appointments / undue delay in police response - where the complainant alleges that police have either failed to keep arranged appointments or have been excessively slow to attend / failed to attend a reported incident.

Failure to return telephone calls and/or reply to correspondence - where the complainant alleges that police have failed to return telephone calls and / or reply to correspondence sent.

Procedural irregularity - where the complainant alleges any other procedural irregularity in relation to police adherence to established procedures.

Oppressive Behaviour

This allegation type includes situations where the complainant alleged that the officer has behaved in an oppressive manner. Oppressive Behaviour allegations are categorised into a number of subtypes as follows:

Oppressive conduct - where the complainant is alleging misconduct by a police officer in relation to oppressive conduct not involving assault.

Harassment - where the complainant is alleging that he or she was harassed, for example, where he or she was repeatedly stopped by police and searched for no legitimate reason.

Sexual assault - where the complainant is alleging an assault by a police officer which is of a sexual nature.

Serious non sexual assault - where the complainant is alleging that the conduct of a police officer resulted in serious injury, for example, an allegation that the complainant sustained a broken bone as a result of the actions of police.

Other assault - where the complainant is alleging unjustified, excessive force or violent conduct on the part of a police officer, for example an allegation that the complainant was being pushed or otherwise physically abused without justification.

Incivility

This term covers allegations such as the police officer being rude, showing a lack of respect, being abrupt or displaying a general lack of sensitivity.

Search

This allegation type covers situations where the complainant alleged that the officer has behaved in an irregular manner during a search.

Irregularity re Search of Premises - where the complainant alleges an irregularity specific to a police search of premises.

Irregularity re Stop/Search of person - where the complainant alleges an irregularity specific to a police stop and search of a person.

Seizure of property - where a complainant alleges police misconduct specific to a police seizure of property occurring as a result of a police search.

Damage to property - where the complainant alleges damage to property specific to a police search of premises, person or vehicle.

Irregularity re Stop/Search of vehicle - where the complainant alleges an irregularity specific to a police stop and search of a vehicle.

Unlawful / Unnecessary Arrest / Detention

This allegation type relates to situations where unlawful / unnecessary arrest / detention is alleged.

Malpractice

This allegation type relates to situations where the complainant alleged that the officer has been involved in malpractice. This category is subdivided into the following subtypes.

Irregularity re evidence / perjury - includes any allegation in relation to perjury, other allegations of falsehood, any allegation that evidence was obtained in an irregular manner or under duress and allegations of concealment or tampering with evidence.

Corrupt practice - any criminal allegation of corruption made by a complainant.

Mishandling of property

This allegation category includes any allegation involving theft or loss of property (including money), unreasonable retention of property, damage to property, failure to account for money or property and improper disposal of property.

Discriminatory behaviour

This allegation type includes situations where the complainant alleged that the officer has displayed some form of discriminatory behaviour. Discriminatory behaviour allegations are categorised into a number of subtypes as follows:

Sectarian discriminatory behaviour - where the complainant perceives that he or she has been discriminated against on the basis of his or her religious or political identification within the Northern Ireland context.

Other religious discriminatory behaviour - where the complainant perceives that he or she has been discriminated against on the basis of his or her religion, where the religion is not one traditionally associated with the sectarian context within Northern Ireland.

Racially discriminatory behaviour - where the complainant perceives that he or she has been discriminated against on the basis of his or her race.

Disability discriminatory behaviour - where the complainant perceives that he or she has been discriminated against on the basis of a disability.

Homophobic discriminatory behaviour - where the complainant perceives that he or she has been discriminated against on the basis of his or her sexuality.

Gender discriminatory behaviour - where the complainant perceives that he or she has been discriminated against on the basis of his or her gender.

Trans-phobic discriminatory behaviour - where the complainant perceives that he or she has been discriminated against on the basis of his or her decision to identify with the opposite gender from that of his or her birth.

Other discriminatory behaviour - where the complainant perceives that he or she has been discriminated against on the basis of a factor not covered in the other subtypes.

Traffic

This allegation type includes situations where the complainant alleges that the officer has been involved in a traffic irregularity and is sub divided as follows:

Driving of police vehicles - where an allegation of misconduct is made specific to the driving of a vehicle on police business.

Other traffic irregularity - where an allegation of a traffic infringement by a police officer has been made e.g. use of mobile phone while driving, parking on double yellow lines.

Section 55 Referral

Section 55 referrals (see explanation above) are recorded under the following

Section 55 (Chief Constable Referral) - where the matter being investigated arises from a Chief Constable Referral.

Section 55 (HET Referral) - where the matter being investigated arises from a Chief Constable Referral in relation to the Historical Enquiries Team.

Section 55 (OPONI Call In) - where the matter being investigated arises from a Police Ombudsman call in.

Section 55 (Policing Board Referral) - where the matter being investigated results from a referral by the Policing Board.

Section 55 (PPS Referral) - where the matter being investigated results from a referral by the Director of Public Prosecution.

Section 55 (Department of Justice Referral) - where the matter being investigated results from a referral by the Department of Justice.

Other

The remaining allegations are recorded under the following subtypes:

Other allegation - any other allegation made by a complainant, where the nature of the allegation is clear but it does not fit appropriately into any other allegation subtype.

Other (Insufficient detail) - where the complainant has not provided sufficient information to allow accurate categorisation of his or her complaint.

OPONI Call In/Out NFA - where the Investigating Officer (IO) has determined at an early stage that there is no requirement for any further investigation at an incident to which he or she was called out. For example where an IO was contacted in relation to the police shooting of a dangerous dog. During preliminary enquiries the IO determines that there is no suggestion of any police misconduct and determines there is no requirement for any investigation by the Office.

Location

The Office also records the location of the incident which led to the allegation. It should be noted that for some failure in duty allegations, for example, failure to update or failure to investigate, the incident is recorded as occurring in a police station.

The Office also records the location of the police station closest to the incident. This information is used to determine the Area Command Unit (ACU) and District Command Unit (DCU) of the allegation.

Regulation 9 Notice

A regulation 9 notice informs the officer that an allegation has been made against him/her and that the matter is to be investigated.

Recommendations arising from allegations closed

The Office has concluded that presentation of outcomes at recommendation level is the most appropriate method to present information regarding the outcome of complaints.

When the investigation of an allegation is complete a recommendation for allegation closure is made. It should be noted that one allegation may have more than one associated recommendation, for example, when there is a number of police officers linked to an allegation a recommendation is made for allegation closure for each one of the officers.

Recommendation types are recorded under the following subtypes:

Not substantiated – where the Investigating Officer has completed an investigation and is satisfied that there is insufficient evidence to substantiate the allegation.

Non co-operation by complainant – where the failure of a complainant to co-operate or provide reasonable assistance for the purpose of a Police Ombudsman investigation makes a meaningful enquiry impracticable.

To PPS no Criminal Charges recommended – where a recommendation and a file is to be submitted to the Public Prosecution Service, recommending no criminal prosecution.

Outside remit – where the allegation falls outside the Office's legislative remit, for example if the alleged incident occurred outside of the twelve month period prior to the allegation being made.

Informally/Locally Resolved – where a complaint of a less serious nature has been subject to an informal or local resolution process following the consent of the complainant. This closure type requires that a record of the outcome has been obtained from police confirming that the matter has been resolved. The Local Resolution process currently operates in District D only.

Withdrawn by complainant – where the Office receives written confirmation from the complainant, his or her solicitor or other authorised agent acting on his or her behalf to the effect that he or she wishes to withdraw the complaint or does not wish any further steps to be taken in consequence of it.

Recommended action – where criminal or misconduct action is recommended in respect of officers concerned. The following action can be recommended by the Office:

- Advice and Guidance: where the Office recommends an informal discipline sanction of Advice and Guidance for the officer concerned.
- Management Discussion/Training: this also involves the Office recommending that a discussion take place between the officer concerned and a more senior officer regarding the allegation. This category also includes a small number of recommendations that the officer concerned receives additional training or operational supervision based on the nature of the allegation.
- Superintendent's Written Warning: this involves the officer receiving a formal written warning from their Superintendent.
- Disciplinary / Misconduct Charges: where a recommendation is submitted to PSNI recommending formal disciplinary proceedings.

- **Criminal Charges:** where a recommendation and a file is submitted to the PPS recommending criminal charge(s) in respect of an officer associated with a particular allegation(s).

Ill founded – where it becomes clear during preliminary enquiries that an allegation is without basis or foundation.

Substantiated (no action recommended) – where the investigation process has substantiated the allegation but no further action is appropriate or can be taken by the Police Ombudsman. There may be a number of reasons why no action can be taken including that it has not been possible to identify the officer concerned.

Other – encompasses a range of other recommendations which are generally used less frequently than those described above. These could include cases where further enquiries or investigation is not possible due to the complainant's failure to provide personal details; where the effort and resources involved in pursuing an allegation further is disproportionate to any likely outcome; or where the complaint is repetitive.

Informal Resolution

This is a process offered to complainants who have made less serious allegations, e.g. rudeness or incivility. It involves a senior police officer speaking to both the officer(s) involved and the complainant with a view to reaching satisfactory resolution of the complaint.

Additional copies of this and other publications are available from:

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Website: www.policeombudsman.org



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