

**Sifting the Evidence
Improving Policing
Building Confidence**

A busy, pressurised third year

This publication coincides with the Office of the Police Ombudsman's third anniversary. Here, Police Ombudsman Mrs Nuala O'Loan gives an overview of the complaints her Office has received in the last financial year, and of the investigations it has carried out.

THE LAST year was a very busy one with my complaints and investigations teams, lead by my Executive Director of Investigations, David Wood, placed under considerable pressure.

Whilst there had been a drop in complaints, the number of incidents which required intensive investigation had increased.

My staff investigated eight deaths in the period, three from road accidents where police were in attendance, four deaths of individuals who had been in contact with police officers prior to their death and a death which happened in the yard of a police station.

While complaints from members of the public form the vast majority of our work, there are also calls on our investigators from other sources. During the year, the Police Service of Northern Ireland's Chief Constable, Hugh Orde, referred 38 matters to us for independent impartial investigation. Many of these incidents involved deaths in or near police stations and, although tragic events, I am pleased to report that we found no evidence to suggest that police misconduct contributed to any of these deaths. Some of the cases referred to us by the Chief Constable asked for the independent investigation of the police use of firearms, to establish if officers used the weapons in line with the relevant guidelines. Other cases involved deaths following traffic accidents where police vehicles were involved.

In all such cases, I prepare a report on the investigation for the Chief Constable, for the Secretary of State and for the Policing Board. The law prevents me from making these Reports public but I can and do make public the main points arising from them.

Arising from these 'referrals' by the Chief Constables and from our investigations of public complaints, my Office may identify police procedures which, if changed, could help prevent problems happening again. During the year we have made a series of recommendations for the improvement of certain procedures, covering issues such as first aid training for officers in custody suites and stopping moving vehicles.

During the year in question the Policing Board asked my Office to investigate a particular allegation that the Chief Constable acted under political pressure in initiating the investigation of an officer alleged to have had improper dealing with the Press. Details of that investigation, which was concluded after the period covered by this Report, have since been made public.

As well as the public, the Chief Constable, the Policing Board and the Secretary of State are able to ask this Office to deal with instances of alleged police misconduct. I can also initiate an inves-



▲ *The Police Ombudsman for Northern Ireland, Mrs Nuala O'Loan*

tigation, even if the Office has not received a complaint, if I believe it is in the public interest to do so. During the year I initiated five such investigations.

When this Office begins an investigation, if an allegation or any matter indicates that police officer may have committed a criminal offence, then a criminal investigation file must be prepared for the Director of Public Prosecutions (DPP). During the year I prepared 185 files for the DPP: some suggested there was evidence to support the allegation, others that there was no such evidence. It is for the DPP to decide if a prosecution should go ahead. During the year he directed that 18 police officers be prosecuted as a result of complaints by members of the public.

During the year my Office also completed supervision of 261 cases held in the system by the former Independent Commission for Police Complaints. One of the most significant cases which came under the supervision of my staff was the investigation into matters surrounding the death of Mr Robert Hamill who died after he was beaten by a gang of Loyalist youths in Portadown in

April 1997. During the year, two people pleaded guilty to perverting the course of justice in relation to the death. The Director of Public Prosecutions has now directed that a former police officer and three civilians should also be prosecuted on similar charges.

My Office also prepares files for disciplinary proceedings against certain police officers. During the year we prepared 41 such files for the Chief Constable.

Any change to the law is certain to bring with it legal challenges and my Office, which is unique, was the subject of 13 Judicial Review applications during the period of this report.

They covered a wide variety of issues, such as a police officer's right to a solicitor of his or her choice and my decision not to send a file to the DPP pending the completion of related criminal proceedings. Ten cases were concluded during the year.

The most high profile of those challenges occurred in January 2003, when the Police Association alleged errors, omissions, mistakes and unwarranted assumptions in relation to my enquiry and report into circumstances surrounding the bombing of Omagh in 1998.

Twenty-nine people and two unborn children were killed in the attack.

The Police Association withdrew its application, which was subsequently dismissed by the High Court.

The Police Association now accepts that the report stands in its entirety.

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www.policeombudsman.org

**If you have a complaint
about how you've been
treated by the police,
CONTACT 0845 601 2931**



www.policeombudsman.org

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Improving systems and procedures

During its third year, the Office of the Police Ombudsman for Northern Ireland continued to develop its systems, its staff and its procedures to ensure that it will continue to provide an efficient and effective police complaints system.

The Office's Chief Executive, Mr Sam Pollock led the work of ensuring that the organisation operated within its budget, put in place the necessary resources to fulfil its role and continued to develop the policies to meet its legal obligations.

The Police Ombudsman's budget for the year, which was financed by 'Grant in Aid' from the Northern Ireland Office, was £6,426,000.

The Office was able to operate within its budget and achieved efficiencies of almost 5% (largely due to a number of staffing vacancies which could not be filled during the period.)

The organisation's accounts were audited by the Comptroller and Auditor General, were certified and the House of Commons have ordered them to be printed.

European Human Rights Law, however, has imposed upon the state the obligation, in relation to deaths involving allegations of collusion by the security forces, that investigations must be effective, prompt and conducted with reasonable expedition.

This requires resources which are greater than those which the Police Ombudsman's Office require to carry out ordinary police misconduct investigations.

The Office has therefore made an application to the Secretary of State for further investigative resources

During the year the number of people working for the Police Ombudsman's Office increased by 20 to 106 staff. The staff absence rate was 3.91%: this compares favourably with other public organisations.

The Office developed its commitment to training its staff by beginning a process to achieve the national 'Investors in People' award.

It also began a partnership with the University of Portsmouth, recognised independent experts in police training, to develop the skills of our staff leading to certificate and degree level awards.

The Office also ran 24 separate training events.

During the year the Equality Commission approved the Police Ombudsman's Equality Scheme.

This came after an extensive period of consultation during which we presented our draft scheme to a wide variety of groups across Northern Ireland for comment.

Those exchanges proved useful.

In discussion with MENCAP, for example, we developed a procedure for receiving complaints from people with learning difficulties. Similarly, after a recommendation from Disability Action, we have now made 'text' phones available.

The Office also agreed a Satisfaction Policy with the Joint Negotiating and Consultative Committee.

The Policy will ensure that complaints from members of the public or from police officers against our staff will be addressed formally and promptly by senior managers.

The Policy will not alter the right of anyone to raise such a complaint with the Secretary of State.



▲ The Police Ombudsman's Office is in Church St., Belfast, opposite St. Anne's Cathedral. Members of the public do not need an appointment to speak to a Complaints Officer



▲ Chief Executive, Mr Sam Pollock

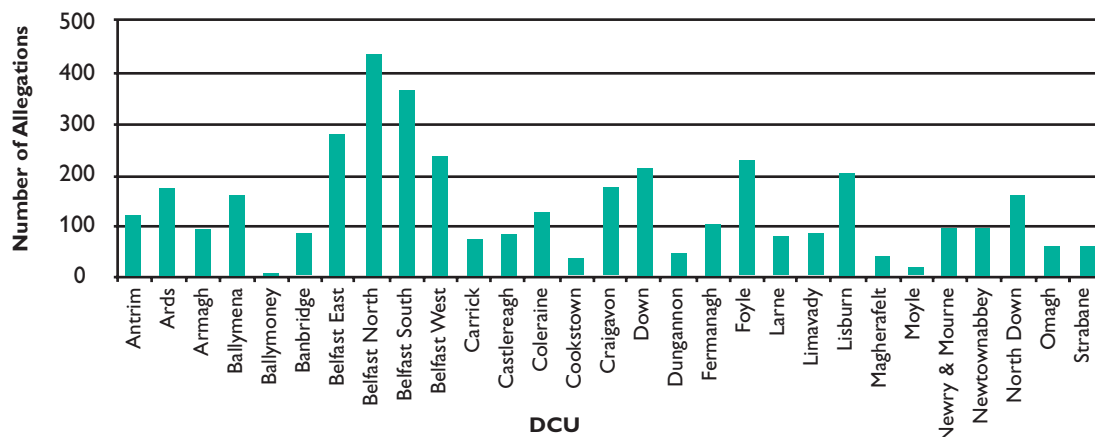
The Corporate Services team has also developed a framework of measurable goals, objectives and targets covering issues as varied as how promptly people are seen after they arrive in our Offices to Police Ombudsman investigator 'arrival' times at 'critical' incidents.

Further details are available in the Police Ombudsman's Annual Report, which is available on our web site at www.policeombudsman.org.

Our Vision & Mission

- ▶ The Police Ombudsman will strive for excellence in providing an independent, impartial police complaints service in which the public and the police have confidence.
- ▶ Ensure maximum awareness of the Police Ombudsman complaints service and that it is fully accessible and responsive to the community
- ▶ Provide a robust and effective investigation process leading to evidence-based recommendations.
- ▶ Analyse and research the outcomes of complaints so as to inform and improve the policy and practice of policing

Number of allegations from each PSNI District Command Unit, 2002/3



Identifying trends

The Police Ombudsman is required by law to report on trends and patterns in complaints received by her Office.

Every month the Police Ombudsman's Research Unit provides the PSNI with a detailed report and analysis of complaints received. This provides important information to help police commanders identify and deal with factors leading to complaints. These figures are also provided for members of the Policing Board, the District Policing Partnerships and other interested parties.

The Unit also commissions research into specific aspects of how police officers do their jobs. These reports help to identify any existing problems, while also providing recommendations as to how policing may be improved.

In March 2003, the Police Ombudsman's Office published a report which indicated that the vast majority of solicitors and barristers here have not reported any difficulty in their dealings with police officers.

However, the study – which was supported by the Northern Ireland Bar Council and the Law Society – also noted that 55 solicitors and barristers said they had suffered problems, some of which included individual intimidation and harassment.

In April 2003 the Police Ombudsman's Office published a report which indicated that police officers in Northern Ireland are six times more likely to be assaulted than their colleagues in Great Britain, but about 40 times more likely to receive complaints about their use of handheld batons.

Based on the findings of the report, the Police Ombudsman called for more resources to train officers in how and when to use their batons in accordance with guidelines.

She also identified the need for a better system to record details of baton use so that senior offices have a better picture of how, when and why they are being used.

The Police Ombudsman's Office records complaints according to PSNI District Command Units (see chart above).

Further details of statistics by geographical region and post-code, along with other Police Ombudsman research reports, are available online on our website at www.policeombudsman.org.



▲ Research Manager
Dr Malcolm Ostermeyer

Public complaints about the conduct of police officers

The Police Ombudsman's Office received 3193 complaints about the conduct of police officers during the year 2002- 2003: this was a drop of almost 11% on the previous year. Those complaints come from a wide section of the community.

Although the perceived religion of people making complaints to this Office is not relevant to how that complaint is dealt with, under law we are obliged to monitor the religion of people coming to us and thereby try to ensure that all sections of the community are comfortable using our service.

Of those people who were willing to fill in our questionnaire about religion 38% said they were Catholic, 26% said they were Presbyterian, 20% said they were Church of Ireland, 13% preferred their religious beliefs to be described as 'None or Other' and 3% said they were Methodist.

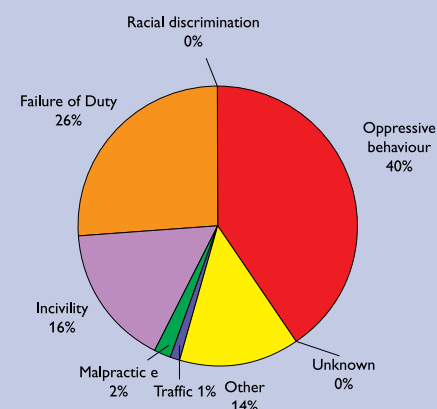
See community background pie chart, below.

Most of the complaints were from men, (72%), and 35% of all allegations came from people under the age of 25.

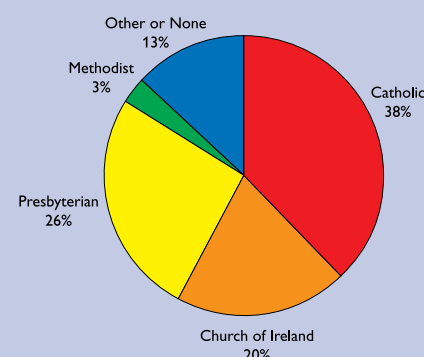
The allegations people made against police officers covered a wide spectrum, ranging from the very serious allegations such as collusion with paramilitaries and assault, to less serious complaints such as impolite or uncivil behaviour.

See allegations type pie chart, below

Allegation Types 2002/3



Complainants' Community Background, 2002/3



Investigations: sifting the evidence

All investigations by the Office of the Police Ombudsman's office are evidence-based. When we undertake an investigation, we will gather all available evidence to establish the fullest possible picture of the events in question.

Based on that evidence, we will then reach an objective conclusion as to whether or not police officers acted inappropriately in the circumstances.

To allow our investigators to obtain the information necessary for their investigations, they are granted, by law, similar powers to police officers.

This includes the ability to seize evidence, to establish crime scenes and when necessary to arrest police officers. They use the latest forensic and investigative techniques.

When all available evidence has been gathered it is assessed and a decision reached on how to close the case. There are a number of ways in which a case can be closed.

If, for example, there is evidence that an officer may have committed a breach of the Code of Ethics, we can recommend that he or she is the subject of disciplinary proceedings by the PSNI. This happened on 41 occasions during 2002/3.

If there is evidence that an officer may have committed a criminal offence, we can recommend to the Director of Public Prosecutions that he or she face prosecution.

It is for the DPP to decide whether, on the basis of the evidence, criminal proceedings should be taken against officers. The DPP decided to prosecute 18 officers whose case were referred by the Police Ombudsman during the year.

1,429 cases were closed due to the failure of complainants to co-operate with the office's investigation.



◀ The Police Ombudsman's Executive Director of Investigations, Mr David Wood

Another 214 cases were closed because the complaint was withdrawn, while 400 complaints concerned matters which the Police Ombudsman is not empowered by law to investigate.

Twenty five per cent of complaints (843 cases) led to investigations which concluded that there was no or insufficient evidence to prove that officers had acted improperly.

Improving policing

One of the main aims of the Office of the Police Ombudsman is to help in the delivery of the best possible policing service for the community.

If, during an investigation, we identify ways in which police policy and practice might be improved, we will make recommendations to that effect to the PSNI. During the year we made a number of such recommendations.

They included:

- That a health and safety audit of police custody suites should be carried out.

This followed the investigation of the death of a man while in police custody. It was also recommended that custody officers should be first aid trained and that custody suites should not be left unattended.

- That the PSNI should consider a policy for the deployment of semi-automatic weapons after rioters almost managed to seize a police officer's gun during a disturbance in North Belfast.

- That officers' existing firearms training be supplemented by training about risks from ricochet and crossfire.

A number of cases were investigated during which police officers had discharged firearms at tyres in an attempt to bring vehicles to a halt. It was recommended that increased use of 'stinger' type devices should be used for such purposes.

- That there should be wider use of video recording of situations in which baton guns have been deployed.

- That the PSNI should conduct a review of its

method of updating training records of officers using baton guns.

- That the PSNI should ensure accurate recording of the issue of ammunition.

- That the PSNI should consider the training and appointment of Post Incident Officers, part of whose role would be to facilitate the interview of officers involved in critical incidents.

- In situations where, because of the circumstances, it is impractical to issue a warning before discharging a baton round, the Police Ombudsman underlined the necessity of giving such a warning before subsequent discharges.

In one incident it was established that an officer using a baton gun had been on duty for 30 hours. The Police Ombudsman stated that this was unacceptable.



◀ After critical incidents, Police Ombudsman investigators may carry out house-to-house enquiries, and seek information from members of the public.

Cases referred by Chief Constable

The Chief Constable refers for investigation by the Police Ombudsman:

- all firearms discharges by police officers
- all fatal road accidents involving police
- the death of any person during, or shortly after being released from, police custody
- other cases which the Chief Constable believes should be investigated by the Police Ombudsman's office.

At the conclusion of such investigations, the Police Ombudsman will submit a detailed written report on her findings to the Chief Constable, the Secretary of State and the Policing Board. These reports can also include recommendations to the PSNI about ways in which policing practice might be improved.

CASE STUDY

Plastic baton round - Lawther Court, North Belfast, 2 April 2002

The Police Ombudsman's investigation focused on the discharge of one plastic baton round during serious rioting – involving blast bombs, petrol bombs, fireworks, paint bombs and stones – at Lawther Court, north Belfast. Disorder broke out when rival factions clashed in the area at 6.30pm. At 6.50pm police moved into Lawther Court, where they came under heavy and sustained attack by a Loyalist crowd of some 50 to 60, and had to withdraw. At 6.57pm an officer was knocked unconscious.

When another officer went to his aid rioters attempted to take his sub-machine gun, succeeding in unlocking the magazine, which fell to the ground. The magazine was recovered minus two rounds, which were not recovered. Permission to deploy and use plastic baton rounds was granted at 6.58pm, and at 7.07pm, one round was discharged at a male rioter, but missed its intended target. A total of 11 police officers were injured in the rioting.

Outcome: The use of the plastic baton round was justified and proportionate, and the authorisation and directions given by police were appropriate, proportionate and consistent with Human Rights and legislation. The baton round report was found to have been completed properly and it, along with the officer's notes and

statements, were supplied promptly to the Ombudsman's office.

Resulting recommendations for police: The Ombudsman made several recommendations as a result of the investigation. These included:

- That the PSNI should review its policy for the deployment of semi-automatic weapons at such incidents and put in place appropriate strategic and operational tactics for their use. The Police Ombudsman recognised the difficulties facing the PSNI in sending to public order incidents officers equipped with semi-automatic weapons as part of their normal duties, but said a more strategic and less ad hoc approach was needed.
- That officers should make a written record of the timing of public warnings issued before the deployment of plastic baton rounds, as well as of the wording used.

CASE STUDY TWO

Personal protection firearm, Holywood 7 April 2002

Two officers attended an old quarry yard at Church Road, Holywood, in response to an alarm activation. The yard contained buildings used to store production equipment. Three people were seen running off; one was apprehended. As the officers tried to deal with him, a large dog circled them aggressively, as if about to attack. An officer shouted and tried to kick the dog and scare it off with his torch, but when this failed he fired two shots in an attempt to kill it. He missed, and the dog ran off apparently unhurt, while the person who had been stopped by police managed to escape.

Outcome: The use of the personal protection weapon was justified. The officer's training was up-to-date; he was concerned that either he, his colleague or the suspect male could suffer a serious injury; he considered and exhausted other options open to him in the situation; he took into consideration the consequences of his actions and fired the weapon in such a way as to put no-one at risk. No recommendations were made to police as a result of the investigation.



▲ PSNI Chief Constable Hugh Orde referred 38 matters to the Police Ombudsman for investigation

Prosecutions and disciplinary hearings

When the Police Ombudsman believes, based on the evidence of an investigation, that a police officer may have been guilty of misconduct, there are two options open to her.

For alleged criminal offences, she can recommend prosecution. For less serious matters, she can recommend disciplinary action.

Two per cent of all complaints during 2002/03 resulted in prosecutions or disciplinary proceedings against officers. This rate is similar to that recorded by the Police Complaints Authority in England, and other police complaints organisations.

PROSECUTION (18 cases)

During the year, the Police Ombudsman's office prepared 185 files for the Director of Public Prosecutions: some concluded that the evidence supported allegations against police officers: others that there was no such evidence.

It is for the DPP to decide if a prosecution should take place. During the year he directed that 18 officers be prosecuted as a result of public complaints to the Ombudsman.

The cases which have been taken to court include a variety of charges, from serious assault, perverting the course of justice, causing death by dangerous driving, to charges based on lesser driving offences and common assaults.

The figure of 18 prosecutions during the year 2002-2003 is higher than the number of prosecutions of police officers in recent years. There were no prosecutions as a result of public complaints in 2001/2002 – the year the Police Ombudsman's Office was established. In 2000/2001 four officers were prosecuted. In the years between 1997 and 2000 three officers were prosecuted each year. In 1996/1997 seven officers were prosecuted. In 1995/1996 eleven officers were prosecuted and in 1994/1995, three officers were prosecuted.

FORMAL DISCIPLINARY ACTION (11 cases)

If an investigation by the Police Ombudsman's Office concludes that a police officer has acted improperly, the Police Ombudsman may recommend that the Chief Constable should bring disciplinary proceedings against the officers involved. This is a serious process involving a full court-type tribunal.

If the Police Ombudsman and the Chief Constable disagree over whether the police officer should be brought before a misconduct hearing, the Police Ombudsman can insist that the misconduct hearing should be proceeded with.

After an investigation of a series of complaints the Police Ombudsman's Office has recommended that Formal Disciplinary



▲ *Belfast High Court: During the year the Director of Public Prosecutions decided that 18 officers be prosecuted as a result of complaints by members of the public.*

Hearings be held in 11 cases.

Case study one: "ABUSE OF AUTHORITY"

In February 2003, the Police Ombudsman's Office referred to PSNI a report on an allegation that a police officer used more than reasonable force and abused his authority in his dealings with a female in police custody. The Office recommended that the officer face formal disciplinary proceedings.

Case study two: "HUMANE CONDITIONS"

In March 2003 the Police Ombudsman's Office referred to PSNI a report on an allegation that a police officer failed to provide humane conditions for a prisoner, and failed to supervise a prisoner who was at risk of harming himself.

The Police Ombudsman recommended that the officer face formal disciplinary proceedings.

INFORMAL DISCIPLINARY ACTION (29 cases)

If a police officer is thought, after investigation, to have been guilty of misconduct, the Police Ombudsman can recommend that informal disciplinary proceedings are taken.

There are two different types of informal disciplinary measures: Superintendent's Written Warnings, and Advice and Guidance.

Case study: "STATEMENTS"

In April 2002, the Police Ombudsman's Office referred to PSNI a report on an allegation that a police officer had not fully investigated the circumstances of a road accident.

The Office recommended that the officer receive words of advice regarding the taking of statements and the completion of notebooks.

The officer has now received the appropriate advice.

Insufficient Evidence of Misconduct

Each year, at various stages in the handling of a complaint against a police officer, the Police Ombudsman will take the view that the complaint either should not or cannot proceed. It may be that there is not enough evidence to suggest that the allegation is based on fact. There may be other reasons, as outlined below:

NOT SUBSTANTIATED (553 cases)

The Police Ombudsman will close a complaint as not substantiated if, following a full investigation, there is insufficient evidence to prove, on the balance of probabilities, that a police officer has been guilty of misconduct.

CASE STUDY 1

“EXCESSIVE FORCE”

A man alleged that in November 2002 police officers in the Newtownards area had stopped him whilst driving, dragged him from his vehicle and used excessive force. The Police Ombudsman’s Investigating Officers interviewed the police officers involved, who readily admitted that they had pulled the man from his vehicle. They explained, however, that when they had approached the complainant they had noticed a machete and a number of long-bladed knives in the vehicle. They told the investigators that they had taken the complainant out of the vehicle as quickly as possible to keep him away from the knives and the machete.

The Investigating Officers re-interviewed the complainant who admitted to having the knives, claiming that they were for his own protection.

OUTCOME: The investigation concluded that the actions taken by the police officers had been proportionate and reasonable, and the complaint was closed as not substantiated.

CASE STUDY 2

“KNOCKED TO GROUND”

In the summer of 2002 a woman from Londonderry/Derry complained that following a call to a domestic incident, a police officer had knocked her to the ground, dragged her to a police car where he handcuffed her hand to her ankle before transporting her away. The woman said she had consumed a small amount of alcohol but said the officer’s conduct was unacceptable.

Police Ombudsman investigators were able to locate and view a video recording of the event. It showed that the woman had run at the officer’s back and that she had fallen to the ground when he turned around. It showed that the officer had walked the woman to the car and had not dragged her as it was alleged. The video also showed that the police officer did have difficulty in getting the woman into the police vehicle but had not handcuffed her wrist to her ankle as was alleged.

OUTCOME: The Police Ombudsman’s Office considered that this complaint was not substantiated.



▲ The Police Ombudsman’s Office provides independent, impartial investigation

ILL-FOUNDED (264 cases)

Complaints are dismissed as ill-founded when it becomes clear to the Office, either prior to or during an investigation, that the complaint is totally without basis or foundation (e.g if an accused officer was out of the country at the time of an alleged incident).

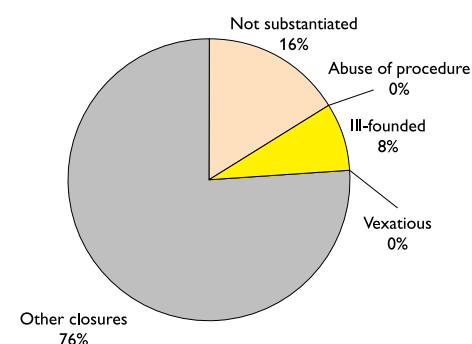
CASE STUDY: “MAJOR CRIME”

A man complained to the Police Ombudsman’s office that police had conducted a search of his home without any justification. The search was carried out during the evening when the man was at work. His parents and young sister were present. The man complained that as a result of the police action, there was a real possibility that his parents would ‘throw him out’ of his home. The man also said the police action had ‘blackened’ his name in the neighbourhood.

Police Ombudsman Investigators looked at the police search and the reasons for it. It was established that the police had properly obtained a warrant to search the house and had kept proper records of the search.

continued overleaf

Not substantiated





◀ Police Ombudsman investigators may search for evidence from a wide range of sources, including vehicles, witnesses and premises

from previous page

The warrant had been granted on grounds of “information received and enquiries made” by the Police. On examining PSNI files, it was established that police had received information relating to the complainant on two separate occasions, which had been given a high intelligence rating. This information reported that the complainant had been involved in a criminal act. A responsible senior officer had decided to act upon this intelligence.

OUTCOME: The Police Ombudsman’s Office concluded that police officers, rather than acting without justification, as alleged by the complainant, had been acting on information which they had received and assessed. It concluded that the complaint was ill founded: that the complainant had based his allegation on an assumption which was not correct.

ABUSE OF PROCEDURE (10 cases)

The Police Ombudsman’s Office will close a complaint as an abuse of procedure if it finds that the complainant is using the system for a purpose other than the resolution of the complaint.

CASE STUDY: “EVASIVE”

The Police Ombudsman’s Office received several complaints from a man in Co Armagh about the conduct of police officers. When the Police Ombudsman’s Investigating Officers interviewed the complainant about one of the allegations they found him to be evasive and unable to satisfactorily confirm many of the details of the incident. Whilst investigating a separate complaint that police officers had refused to deal with an incident, the Investigating Officers established that police officers had spent considerable time dealing with the allegations.

The Investigating Officers discovered that the man had made a large number of complaints, many arising from a dispute with a neighbour, to the Police Ombudsman’s Office and previously to the Independent Commission for Police Complaints.

OUTCOME: In July 2002, the Police Ombudsman’s Office closed thirteen previous complaints from this man as an abuse of procedure as it was satisfied that the complainant was using the system for a purpose other than the resolution of his complaints.

VEXATIOUS (16 cases)

A complaint will be closed as vexatious if it becomes apparent during investigation that the complaint is without foundation and was made for the purpose of causing annoyance.

CASE STUDY: “RECORD”

A woman from Co Derry/Londonderry complained that a police officer had unlawfully disclosed information to her partner about her criminal record. As a result she lost her involvement in business interests and her partner requested a separation. The Police Ombudsman’s Investigating Officers established that no unlawful checks about the complainant had been made of police records and that she had confessed her criminal past to her partner whilst on holiday.

OUTCOME: The complaint was closed as vexatious as the complaint was deemed to have had no substance and was made for the purpose of causing annoyance.

Not Amenable to Investigation

It was not possible to complete investigations into a proportion of complaints received by the Police Ombudsman's Office during 2002/03. There were a variety of reasons for this.

NON CO-OPERATION (1,429 CASES)

A complaint will be closed due to non-co-operation if a complainant, having registered his or her complaint, subsequently fails to co-operate with the Police Ombudsman's investigation.

CASE STUDY: "INJURED"

During February 2003 the Police Ombudsman received a complaint from a man who said he had been injured by the police. The Police Ombudsman wrote to the complainant inviting him to provide further details about the incident.

When no response was received the Police Ombudsman again wrote to the complainant to inform him that unless he provided the information requested by a stipulated date no further action would be taken in respect of his complaint.

OUTCOME: When the complainant again failed to make contact the Police Ombudsman sent a third and final letter indicating that, due to the complainant's non co-operation, no further action would be taken in relation to his complaint.

WITHDRAWN COMPLAINTS

(214 cases)

Complainants can decide to withdraw their complaint, at which stage an investigation will normally come to a close. Complainants must make a written withdrawal of their complaint.

CASE STUDY: "ASSAULT"

A complainant alleged that police had failed to take appropriate action after the father of her young son had, on several occasions, breached a non-molestation order by assaulting her in her own home.

Police provided the Police Ombudsman's office with information about the actions they had taken, and on the basis of this information the complainant agreed to attempt to reach an informal resolution to her complaint.

However, during the course of this process she withdrew the complaint, citing the fact that she had no further trouble from her child's father.

INCAPABLE OF INVESTIGATION

(59 cases)

There may be a variety of reasons for closing a complaint as being incapable of investigation: it may not have been possible to communicate with the injured party, that person may have refused to cooperate with the investigation or there may have been such a lapse of time since the alleged incident that a meaningful investigation would be impractical.



▲ Police Ombudsman investigators will always look for evidence – including closed circuit television footage – when investigating an allegation against police officers

EXAMPLE: "BROKEN FINGER"

A Belfast woman complained to the Police Ombudsman's Office after sustaining an injury during a police operation on the city's Crumlin Road on the Twelfth of July 2002.

The woman sustained a broken finger during a police operation to separate Loyalists and Nationalists. She could not recall exactly how she had received the injury, but believed she may have been struck with a police baton or shield.

Police Ombudsman investigators reviewed footage of the situation taken from closed-circuit TV cameras and checked reports logged by police officers about baton use during the incident. They also spoke to a witness whose name had been given by the complainant.

The inquiries, however, failed to secure any evidence of exactly how the woman sustained her injury.

It was then judged that the scale of the police operation – with some 480 officers deployed – militated against further investigation and any efforts to identify a single officer

OUTSIDE REMIT (400 cases)

Every complaint received by the Police Ombudsman's office is assessed to establish whether the Ombudsman has the legal authority to investigate it. Complaints about matters that are not covered by the Ombudsman's powers are closed as being "outside remit".

EXAMPLE: "ARMED OFFICERS"

A complainant voiced concern that police directing traffic during a public demonstration were heavily armed. It was the opinion of the complainant this was unnecessary, counter-productive and overtly threatening.

OUTCOME: The Police Ombudsman considered this complaint was directed at police operational policy, and referred the matter to the appropriate PSNI authority.

Informal Resolution

Informal Resolution is a process which allows complainants and police officers to reach agreement about the best way to deal with their complaints.

It is used to provide a quick and effective means of resolving less serious complaints.

The Police Ombudsman must firstly decide if a complaint is suitable for informal resolution.

The complainant must also agree to the complaint being dealt with in this way.

Before the conclusion of the informal resolution process, the Police Ombudsman will review the documentation to ensure that all elements of the complaint have been dealt with, that the process has been properly handled, and that the matter has been dealt with to the satisfaction of all parties involved.

Informal Resolution is useful because experience has shown that many complaints result from misunderstandings, different perceptions or a lack of knowledge about police powers.

In other cases officers may acknowledge that they acted inappropriately in the circumstances.

As a result many can be easily resolved through discussion. 281 cases were resolved in this way during the reporting year.

CASE STUDY: "ROWDY YOUTHS"

In July 2002 a Coleraine woman called the police three times in one evening to complain about youths who she alleged were causing annoyance outside her house.



▲ "I am naturally quite suspicious of both the police and any organisation that is supposed to investigate them..."

"I was pleasantly surprised with the attitude (of the Investigating Officer), his ability to make both myself and my son feel at ease, and not intimidated by the whole process."

– Complainant, BT36

The complainant believed the police had failed to respond to her initial call, and called a second time to ask again that a patrol be sent to the area.

When police had apparently failed to respond, she called a third time to advise that the youths had dispersed.

During subsequent enquiries made by a senior PSNI officer appointed to oversee the informal resolution of the complaint, it emerged that a police vehicle had attended in response to the first call.

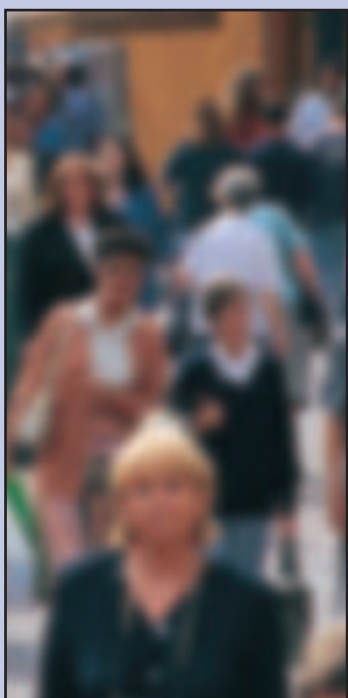
The other two calls were logged but no police vehicles were sent. It was also established that there was strong evidence that the youths were creating ongoing problems in the area.

A police officer spoke to one of the youths alleged by police to have been involved, who agreed to stay away from the area and to encourage his friends to do likewise.

The local community beat officer also visited the complainant to discuss her concerns, and the issue was highlighted at a meeting between the police, the Housing Executive and the local council.

OUTCOME: The complainant stated that she was satisfied with the steps taken to resolve the problem and signed a statement to that effect.

Public confidence at its highest



The Police Ombudsman's Office is required by law to win the confidence of the people and of the police. During the year an independent survey reported that almost three-quarters of the population in Northern Ireland have confidence in the organisation.

The research, which was carried out by the Northern Ireland Research Agency, suggested that public knowledge and confidence in the organisation is very high:

■ 86% of those surveyed had heard of its existence and know it is independent of the police. – the same number as last year.

■ 79% of people thought they would be treated fairly by the Office – an increase of 1%

■ 78% believe the Office helps ensure the police do a good job - an increase of 6%.

■ 64% of those surveyed believe the Office treats police officers and complainants equally – an increase of 3%.

During the year the Office received many requests to give talks and presentations, all of which were accepted. These meetings as well as informing people about our work also provided an important opportunity to hear the views and opinions of people

about the service they need and how they felt we were fulfilling those needs.

Staff undertook a programme of 23 meetings with community groups and voluntary organisations, most of them in community centres and town halls across Northern Ireland.

As part of our commitment to raising awareness among young people, complaints staff and investigators visited 16 secondary schools, giving presentations to and answering questions from pupils and staff alike.

The Office also continued to work to improve its procedures and relationships with the Police Service of Northern Ireland and its officers. The Police Ombudsman's staff work regularly with officers of all ranks and with the Police Federation, the Superintendents' Association and the Chief Officers' Association. Police Ombudsman staff have met all Chief Officers and visited almost all the District Commanders.

During the year the Police Ombudsman also held two conferences for PSNI District Commanders and Chief Officers. She also spoke at conferences and workshops both nationally and internationally.