

The Police Ombudsman's Office is often in the news when reporting on high-profile cases it has a legal duty to investigate. However, the vast majority of investigations it carries out receive much less attention. The cases described here highlight the wide-range of complaints received by the Office. They also help to give a revealing insight into the challenges facing the PSNI and the Office of the Police Ombudsman.

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“A MATTER OUTSIDE POLICE CONTROL”

Candid Camera

A woman complained to the Police Ombudsman's Office after she was caught speeding by police. She had been travelling at 60mph in an area with a 40mph speed limit.

The woman said that when she was stopped by police she did not dispute that she had been speeding. She said, however, that as the police officer began to talk to her a television crew got out of the rear of the police vehicle and began to film what was happening.

The woman said that when the incident was shown on television she was embarrassed. She said that although her face and the number plate of her car were ‘blacked out’ viewers could still see her car and her clothes. She said colleagues at her work and friends would still have been able to recognise her.

The Police Ombudsman took the view that what the television company choose to show is not in the control of the police and therefore it was not a matter of any police misconduct. The woman was advised that she may have wished to contact the television company about the matter and was given the details to allow her to do so.

“OFFICERS ACTED PROPERLY AT ALL TIMES”

Review urged after police cell hanging

The Police Ombudsman recommended that the PSNI should undertake a review of police custody suites across Northern Ireland to reduce opportunities for prisoners to harm themselves.

The recommendation followed an investigation into the death of a 27-year-old prisoner who used his shoelaces to hang himself from a concertina-type gate in a PSNI custody suite. That incident happened after the man had been let out of his cell for a smoke. He was left unattended in an alcove secured by the concertina gate and was found hanging when police returned to let him out. He died despite efforts by officers to resuscitate him.

The Police Ombudsman investigates all deaths which occur while people are in police custody, and those which occur

shortly after contact with the police. The investigation found that the officers who had contact with the deceased had acted properly at all times, and established that the man had no history of self-harm or suicidal tendencies.

However, the Police Ombudsman recommended that the PSNI should undertake a review of its custody suites and remove opportunities for prisoners to cause self-harm. In particular, she urged that concertina gates should be removed from all custody suites.

She also recommended that the PSNI should conduct a review to ensure officers' first aid training was up to date, after establishing that one of the officers involved in the incident had not had sufficient refresher training. She added, however, that there was no suggestion that this had reduced the effectiveness of the first aid he had administered.

Aids tests after attack

“WOMEN SEEKING ASSURANCES THAT POLICE INVESTIGATION INTO ASSAULTS IS STILL ONGOING”

A woman who had been injected with a syringe while she was out shopping complained to the Police Ombudsman's Office that police did not deal properly with this attack on her.

The woman said the incident happened when she had been in a shoe shop and two men and a woman came in. She said that one of the men then stuck a needle into her from behind and the woman with him told her she had just been injected. The three then left the shop and made off.

The woman said that after a while her neck began to swell and she seemed to develop the effects of having an infection.

She said she was treated in hospital, received weekly treatment for hepatitis prevention and had to under an AIDS test. She said she heard that within minutes of the attack on her, a similar incident took place in a nearby restaurant and was captured on CCTV. The woman said her husband went to the restaurant and got a copy of the video. Later newspaper reports claimed that three women had been assaulted in this way on the day in question.

The day after the incident, the woman went to the local police station and told a police officer what had happened. The woman said the police officer thanked her for reporting this to them but did not seem willing to do anything else. The woman said her husband, who was with her, insisted that the officer take a statement from his wife.

The woman later complained the Police Ombudsman's Office. She said she did not want to make the complaint against anyone in particular but said she was concerned by what she felt was a lack of investigation. She said, for example that she had not been asked to view the video from the restaurant.

The Police Ombudsman suggested trying to resolve this matter informally and the woman agreed. It was arranged for a PSNI Chief Inspector to visit the woman's home.

The woman told him that she wished to be assured that the investigation of the assault was on-going, and that if there were any lesson to be learned about how the incident had been handled that the police would acknowledge them and take them on board.

For his part the Chief Inspector undertook to speak to the officers involved in the case and report back.

The Chief Inspector returned to the woman's house within a two week period and told her he had looked into the matter and was satisfied that the investigation was still on-going.

He said he had arranged for the handling on the incident to be reviewed by a different officer and if it was thought necessary that something further needed to be done, this would be addressed.

The woman said she was satisfied with what the PSNI official had told her. On that basis, the Police Ombudsman considered the matter closed.

“NO EVIDENCE TO SUPPORT THE ALLEGATION”

Wooden Baton claim



A man complained to the Police Ombudsman's Office that a police officer climbed over a fence and struck him on the head with a baton and pulled him into a police landrover, before taking him to a police station.

When at the station the man had bruises to head, arm and leg and said his vision was blurred. He was taken to the Casualty Department of a nearby hospital and later returned to the police station.

Police Ombudsman investigators established that the man had been

drunk at the time and had been arrested in connection with an attempted robbery and with criminal damage.

When the investigators spoke to the man he said the police officer leaned over a fence and hit him over the head with a baton. The man was quite insistent the weapon used was a wooden baton. The police officer told Police Ombudsman investigators that he did not draw or use his baton in the arrest. The officer said the baton he had with him with the standard type of baton issued to police officers and not a wooden baton, which had been withdrawn from police use for several years.

Police Ombudsman investigators established that while there was medical evidence that the man had suffered injuries, it could not be established what the causes of the injuries were.

The Office concluded that there was no evidence to support the allegation that the man had been hit by the officer's baton.

“MISUNDERSTANDING BETWEEN POLICE AND HOSPITAL STAFF”

Injured in road crash

The Police Ombudsman's Office helped a man resolve his difficulties with the police officers who dealt with a car crash in which his son was badly injured.

The man said his son had been out for the evening with friends and he had expected him home. He said that shortly after half past three the following afternoon he received a phone call from a police station to say his son had been in a car crash and received a broken leg, stitches to his face and a possible broken nose and was now in a police station.

The man said that when he went to the police station he was not allowed to see his son. He said he was told his son was being interviewed about allowing himself to be carried in a stolen car.

The man's son said that on the previous evening he had been out with friends. He said that at one stage he recalled getting into what he thought was a taxi and said he remembered nothing else until he woke up at nine o'clock the next

morning in hospital. He said he asked the police four times to contact his parents and tell them what had happened but they refused. He said they only agreed to do so when he was taken to the police station.

The man said that it was unacceptable for police to delay for so long in telling him of his son's whereabouts. For their part the police accepted that the man should have been told much earlier that his son had been injured. They said this was due to a misunderstanding between the police officers and the hospital staff on duty.

The man who made the complaint has said he is satisfied with the police explanation. The Police Ombudsman now considers the matter closed.

Assaulted while shopping

“ CCTV EVIDENCE GIVEN TO POLICE PROVES INCONCLUSIVE IN RELATION TO ATTACK ”

A woman complained to the Police Ombudsman’s Office that when she went to a police station to say that her and her daughter had been attacked while out shopping, the officer she spoke to did not seem to take her seriously.

The woman said she had been out shopping in a large store with her daughter when a young woman came over to them and became abusive. She said the woman had worked with her daughter until recently when she had been sacked. She said the woman accused her daughter of getting her the sack and then slapped her in the face. She said the girl’s father then came into the shop and became abusive.

The woman said she and her daughter stayed in the store until the other people had left. She said staff in the shop told her a CCTV system was in place in the store and they would make footage available to the police.

The woman said she and her daughter then made their way to the local police station. She said she told a police officer what had happened and that the store in question was willing to offer relevant CCTV footage. She said that the officer looked at the bruising on her daughter’s face, acknowledged that there had been an assault but did not seem at all interested.

The woman said that in the weeks which followed she tried without much success to get information from the police officer about how the matter was being dealt with. She said she also checked with the store

and was told that police had not yet asked to view the video footage. She alleged that in later calls to the station she established police had not yet spoken to the young woman said to have carried out the assault and that while they had got the CCTV footage, it had become damaged and was being repaired.

The Police Ombudsman investigators examined in detail the police file on the investigation. They established that while the store in question had a CCTV system, the camera which would have covered the area in question was not working: workmen had accidentally cut some cables and the camera had not been repaired. What CCTV did exist only showed both parties entering and leaving the store.

The files showed that police had sought independent witnesses to the fracas in the store. The only person who provided such a statement did recall seeing an altercation, but their recall was not precise enough to provide clear evidence.

Police Ombudsman investigators established that the police officer had completed a full investigation in little more than six weeks, during which he had interviewed all the relevant people. It concluded that the officer had dealt with the matter properly.



“Theft while complainant held in custody” Stolen Vehicle

A woman whose car was stolen after she had given police officers keys to it, complained to the Police Ombudsman’s Office that police should have looked after the vehicle.

The issue arose from an incident when the woman was stopped in her vehicle and questioned by the police about driving whilst disqualified and without insurance. The police moved her car off the main road and onto a side road and then took her to a police station for further questioning. She was charged with a number of driving offences and released from police custody.

Some time later the woman said she noticed her car was no longer where it had been left and assumed it had been moved to a police compound. She said her solicitor contacted the police to enquire about its whereabouts.

It was reported that one of the officers involved in the original incident told the solicitor that they had not taken custody of the car and did not know where it was. It appeared therefore that the car had been stolen. The woman complained to the Police Ombudsman that it was the responsibility of the police and that they should compensate her for its theft. The Police Ombudsman’s staff suggested trying to resolve the dispute informally but the woman who made the complaint refused. The matter then became the subject of an investigation.

Police Ombudsman staff spoke to both the woman who had made the complaint and the police officer who had been dealing with the matter. It was soon

evident that there was clear difference of opinion over who had said what when the keys were given to the police and who had responsibility for the car.

The police officer said that the locks of the vehicle were not working and that the vehicle could not be secured. He said he told the woman at the time that the vehicle was not the responsibility of the PSNI. The woman rejected this and said that as she had given the car keys to the police, they were effectively in charge of it until it was returned to her.

The officer did admit that due to an oversight the complainant’s car keys were not returned to her until 19 days after the incident when they should have been given back to her when she left the police station after questioning.

The Police Ombudsman took the view that the police did in fact have a duty of care for the vehicle after it had been taken from the complainant. It was felt that matters were not helped by the delay in returning the car keys to the woman. The police officer was made subject to informal disciplinary action and given advice about how to deal with such issues in the future.

The Police Ombudsman took the view that the issue of compensation was a matter best pursued through civil proceedings.

“ INJURIES HAVE HAD IMPACT ON QUALITY OF LIVING ”

Road accident complaint

A woman complained to the Police Ombudsman’s Office that she was knocked down and badly injured by a motorist. She said the motorist was breathalysed and although he failed the test, was not arrested.

The woman said she had been crossing a normally busy road at a set of traffic lights and at a stage when there did not appear to be any traffic. She said she looked up and saw a car between eight and ten feet away. She said the car seemed to speed up and believed that the driver may have accidentally stepped on the accelerator rather than the break.

The car hit the woman causing her serious injury which has had a major impact on her life. Bones in her back were broken, her pelvis was fractured and she received lacerations to her head.

The woman said she later received a letter to say that the driver was not to be prosecuted. She alleged the decision not to prosecute was linked to the police investigation which she said was flawed. She said police had not arrested the driver and had not taken a statement from an independent witness.

Police Ombudsman investigators examined the police file in relation to this case. The file showed that the driver of the car claimed that the woman had been crossing the road when the lights were green. He said the woman appeared late in his line of sight and there was little he could do.

Police contacted the only possible witness to the accident but he advised that he did not actually see the collision. The police took the view that given the conflicting accounts of what happened and the fact there was no independent witnesses to the accident, it would have been difficult to investigate the matter any further.

The police file also showed that the detailed statement the woman had given on what happened raised the suspicion that the woman herself may have been ‘jaywalking’ and caused the accident. The file showed that the police decided not to pursue this aspect of the incident given the severity of the woman’s injuries.

The Police Ombudsman has praised a police officer for his quick thinking in discharging his firearm during an incident reminiscent of one of the most gruesome images of ‘the troubles.’

The incident began on March 6 last year when four men in a silver car stopped outside Tenant Street Police Station in Belfast, got out of their car and started throwing stones and bottles over its perimeter fence, before speeding off.

Police officers in an unmarked armoured car left the station in order to catch the men. They chased the men’s car which drove into the Shankill Road area and into Mossvale Street, where the men got out and ran off. Two police officers stopped their car, got out and chased the men on foot.

After a few seconds chasing the men the officers were faced with a hostile crowd, estimated to be between 40 and 50 people. The officers then turned around and ran for the safety of their car. They managed to make it to the vehicle and lock themselves inside, by which time the hostile crowd caught up with them and surrounded the car.

In a scene which echoed the attack in west Belfast in March 1988, when an angry crowd dragged two soldiers from their car and to their deaths, the crowd started to bang on the armoured car in their attempts to get inside and pull the officers out. They managed to break some of its armoured windows. The officers in the car radioed for help.

Several officers were in the area and made their way to Mossvale Street to help. The first officer on the scene saw the police car surrounded by the crowd. He discharged one shot into the air, followed a few seconds later by a second shot.

By this stage a number of other officers had arrived on the scene. On seeing the arrival of the additional police and hearing the sirens of other vehicles rushing to the area the crowd then ran off.

Several hours of rioting followed during which a number of police officers received minor injuries and several police vehicles were damaged.

The incident was referred to the Police Ombudsman’s Office to investigate, as are all instances when police weapons were fired.

Police Ombudsman investigators established that there was no CCTV camera in the area.

“WARNING SHOTS FIRED AS VIOLENT CROWD ATTEMPT TO ACCESS ARMoured CAR”

Police Ombudsman praises officer for firing gun

An examination of the police car in which the officers had been trapped showed that some of its armoured windows had been smashed and that a number of the armoured panels were dented.

It was later established that the car took several thousand pounds to repair. Investigators carried out house-to-house inquiries and a number of witnesses were identified. One man said he saw a mob attack a car. Some people said they heard police shouting warnings and saw shots being fired into the air.

The Police Ombudsman investigators spoke to all the officers involved. The officers inside the car said they had feared for their lives and said they believed if their colleague had not fired his weapon the crowds would have managed to get them out of the vehicle and injure or kill them.

The officer who fired the shots said he issued a warning to the crowd but this had no effect. He said he fired one shot and this caused the crowd to stop momentarily.

He said some of the crowd then shouted to each other that they were going to try and get his gun and began moving towards him. The officer said he feared for his own life and well as those of his colleagues and fired another shot into the air.

The Police Ombudsman has praised his action:

“There is no doubt that this officer was confronted by a very real and potentially life threatening situation. His quick thinking may well have prevented serious or even fatal injuries to his colleagues. He is to be commended,” said Mrs O’Loan.

“DISTURBANCE IN CITY CENTRE” Alleged Assault

Police officers attended an incident in Belfast city centre after a man was reported causing a disturbance in October 2006.

The man, who was waving his arms at passing traffic and swearing at pedestrians, was arrested at the scene and taken to a police station. While here the complainant alleged that he was punched in the ribs by custody staff in the main corridor of the station after he had been escorted to the toilet. He was examined by a Forensic Medical Officer, who noted tenderness around the rib-cage of the complainant.

Due to the serious nature of this allegation, and the apparent injuries sustained, this complaint was recommended for investigation. It was quickly established by Ombudsman investigators that the custody suite at the station in question was covered by CCTV. The footage was viewed, and the complainant shown clearly being escorted to and from the toilet.

Throughout the time-frame that the complainant alleges he was assaulted the video evidence does not show any of the escorting officers punch the complainant, or behave in any manner that would cause concern. As a result of this investigation the case was closed and the complaint not upheld.

“ MARCH GOES AHEAD DESPITE PARADES COMMISSION RULING”

Marchers dupe police



A senior member of a local Apprentice Boys Club is thought to have duped the police during a dispute about whether it should be allowed to march in a Nationalist area.

The issue came to light when the Police Ombudsman received a complaint that police allowed the march to go ahead, despite a ruling from the Parades Commission that it should not. Feelings were running high in the area and on the day of the disputed march police had formed officers in a line across a particular road on which the Parades Commission said there should be no march.

A small group of Nationalist protestors had staged a sit-down protest but police had persuaded them to move away. The protest group then increased in numbers, there was some violence and a number of arrests were made.

When the marchers reached that part of their route blocked by police officers, there was a ‘stand off. A senior official of the Club then began to address his supporters. He produced a letter from the Parades Commission which he said was the result of an appeal they had made against the decision to ban them from the route. He read from the letter and said the Commission had upheld their appeal and that they could now march along the disputed road, as they had been allowed to the previous year.

The police officer in question spoke to the two Parades Commission representatives present. They explained that Parades Commission decisions can only be set aside by a Judicial Review, a later determination or by a threat to public order.

They said that as the situation was developing into a public order issue, they would go along with any decision the police made. The police then decided that in the interests of preventing further public disorder, the Apprentice Boys Club march should be allowed to go ahead.

Police Ombudsman investigators spoke to Parades Commission personnel who said that the letter the Club official had waved in front of his supporters had rejected their application and actually said that the march should not go ahead. When interviewed by Police Ombudsman investigators the police officer who made the decision said he did so on the basis of the possible threat to ‘public order.’

He did say, however, that he felt the police had been ‘duped’ about the content of the letter. He said that when he finally saw the letter which the official had been brandishing it was obvious that he read to the crowd only those parts of the letter which suited him.

The officer said that he did not ask to see the letter and did not think he would be given it. He said that on reflection he should have made sure he got sight of the letter before making any decision. Although recognising he was faced with a difficult situation and that he made a decision in good faith, the Police Ombudsman recommended he be given advice and guidance on this matter.

“ALLEGATIONS OF SEXUAL COMMENTS MADE TO A MINOR ” Suspicious complaint

The Police Ombudsman has dismissed a complaint made by a member of public against a police officer and has said the circumstances which he alleged took place were suspicious.

The man who made the complaint said his 15 year old son had been arrested for attempted burglary of a derelict house and taken to the local police station. It was alleged that while the boy was waiting in the station a police officer came up to him and made sexual comments about his father and said his father had cried during an incident when he had been sprayed with CS spray.

The man said his son could not identify the officer who made these remarks to him but on describing him the man realised it was the same officer who had sprayed him during a previous incident. The Police Ombudsman decided that as the allegation included the suggestion that a sexual comment had been made to a ‘minor,’ it was deemed that it be the subject of a full investigation.

The Police Ombudsman investigators arranged to visit the man’s home and take further details of his complaint. When they arrived at the house, no one was present. They tried to call the man on his mobile phone but got no answer.

The investigators interviewed the officer concerned. He said he had sprayed the complainant during a previous incident and at that time was warned that a complaint would be made about him to the Police Ombudsman if the officer ever came in contact with his family. As regards the allegation that the officer made inappropriate remarks to the man’s son, the officer denied the allegation. He said that on the date in question he had been on leave and at the time in question he was at home. The Police Ombudsman investigators established that the officer had not been on duty on the day of the allegation.

The Police Ombudsman concluded that there was no evidence to substantiate the man’s complaint. She said that the method the man used to identify the officer was ‘suspicious, to say the least.’ Mrs O’Loan said it was clear that the complaint had been made for the sole purpose of causing annoyance to the officer.

“WRITTEN WARNING ISSUED TO CONSTABLE”

Stolen handbag

A complaint about the conduct of a female police constable was made to the Police Ombudsman in early 2006.

The complainant reported that in the summer of 2005 she had accidentally left her handbag behind in a branch of Tesco’s. When she arrived at the supermarket the following day to collect it she was informed that the bag had been stolen from the Customer Services desk. A female police constable called at her home address to take a statement, and she was informed that as the supermarket had video evidence showing the incident taking place, the police constable hoped to be charging a male in relation to the theft. The woman was reportedly advised by the Constable not to make an insurance claim until the case had been taken to court due

to the possibility of her being awarded compensation. Expecting to be kept informed about the progress of the case, the woman waited a few weeks. Having not heard anything by the end of August, she made a number of attempts to contact the Constable herself by writing and leaving telephone messages.

By February 2006 the complainant alleged that she had still not been told what was happening. After assessing the case and deciding it was suitable for investigation, Ombudsman investigators obtained the Constables’ notebook and a report on the events. From these details it transpired that the suspect in the case had actually voluntarily attended a police interview and denied the theft. As the video CCTV footage of the incident also turned out to be inconclusive, the Constable had recommended no prosecution of the suspect.

The investigators then attempted to arrange an interview with the Constable herself in order to find out when the complainant was last updated and the reasons for the apparent delay in interviewing the suspect. This interview finally took place in November.

The investigation found that indeed the Constable, upon her own admission, had failed to keep in touch with the complainant, had given inappropriate advice regarding the insurance claim, and had failed to conduct a proper investigation into the stolen handbag by waiting nearly 10 months until the suspect was interviewed.

As a result of this investigation a Police Ombudsman file recommending disciplinary action against the Constable for her conduct in this case was forwarded to the PSNI. Shortly afterwards the PSNI issued a written warning to the constable.



THE ROLE OF THE POLICE OMBUDSMAN

Visiting time!

The Police Ombudsman’s Office aims to secure the confidence of the public and of members of the police service.

One way in which this is done is to carry out presentations to all new Police recruits, and to schools and community groups.

These are interesting presentations which inform people about the work of OPONI.

Please contact **Andrew Ruston** on **028 9082 8603** if you would like somebody from the Police Ombudsman’s Office to visit your group.



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