

**SPEECH GIVEN BY DR MICHAEL MAGUIRE, POLICE OMBUDSMAN FOR  
NORTHERN IRELAND, TO THE POLICE SUPERINTENDENTS' ASSOCIATION  
OF NORTHERN IRELAND, MARCH 2015.**

Good afternoon.

I hope you have had an interesting day so far. You have no doubt been hearing about the many challenges facing policing in the months and years ahead which no doubt will fall on your shoulders as senior officers.

And then, as if things were not bad enough, you have to hear from the Police Ombudsman's Office – and after lunch at that !

Let me begin by giving a few examples of work we have dealt with recently:-

- A failure to designate a vulnerable person as a “high risk missing person” resulting in a series of poor investigative steps - the missing individual subsequently committed suicide
- A police officer involved in a Friday night fracas – not only did he use excessive force but lied about it - a contradiction which was apparent once the CCTV was examined. This case received high profile locally and was important in shaping some people's views of the police in that locality.

I give these examples simply to make the point that although the Police and the Police Ombudsman's Office are independent of each other, we share I hope common aims. I believe that:-

- Police officers who have been engaged in criminality or misconduct should be subject to independent investigation and if proven, sanctions should be applied – this can only but improve the service provided by the police – it is in your interest as well as mine that this is seen to work effectively.
- Secondly, an independent police complaints system - that is seen to be independent of the of the police - will contribute to helping provide a better police service for our community as it helps to contribute to community confidence in policing.
- And, like you, I want to work towards a situation where there are fewer justified complaints about police officers and fewer causes for those complaints. Last year we had more complaints to the Office (3,700) than at any time in its history. In the current year, while numbers are down, they are still higher than the year before. This is not sustainable.

There is another common bond between us. Both organisations are public sector bodies facing an uncertain financial future. This provides an important opportunity to reflect on where we are and to look to see if there are ways in which things can be done differently. Necessity can be the mother of invention !

There are several assumptions which it is safe to make. The first is that further cuts are on their way for all of us in the public sector, no matter which political party or coalition gets into Downing Street in May.

There is a common question. How does the public sector continue to provide its current level of services with a much reduced budget? Even that question is probably misplaced: the public are not going to want their 'current' level of service reduced – they will always be demands for more.

You have heard this morning – no doubt - about the hard resourcing decisions that will have to be made. We are facing very similar issues in the Police Ombudsman's Office.

You will also be aware that arising from the Stormont House agreement, a new body has been established to deal with contested issues from The Past. That will mean that the Police Ombudsman's Office will no longer deal with complaints about policing during 'The Troubles.'

I have welcomed the formation of the new body. One consequence will be that the police complaints system will for the first time in Northern Ireland, concentrate its efforts on current and future policing.

So we have a reducing resource, increasing demand and a refocusing on contemporary policing

What I want to talk about this afternoon are some thoughts / ideas as to how to work this situation to our common advantage.

It is also important that you know how I as Police Ombudsman will respond to the changing service agenda within the police and the changing context in which you provide that service.

## **Myth Busting**

But before I begin talking about the future for policing and the police complaints system, can I just take a few moments to talk about our collective past.

There have been myths about the Police Ombudsman's Office which I hope I have started to dismantle over the past few years and possibly dismantle even further today:

Myth One: The Police Ombudsman's Office is out to get police officers. The truth is that more than 70% of the complaints we investigated are not upheld. We also have a high degree of satisfaction from those officers who have actually been subject to investigation.

I can point to many public statements where we have been directly supportive of police activity in some difficult circumstances – three cases come to mind – Seamus Fox, Taser in Derry and shooting of Marc Ringland. These are cases where there

was considerable public concern and required independent and impartial investigation. It was important that our findings were made public.

The reality is also that according to our survey information the vast majority of Officers who engage with the Office are satisfied with the service they have received.

Myth Two: We don't understand the difficulty of the job you all face. The answer is that we do. I understand that policing is a very difficult job. I understand, for example, that the threats you face are far greater than the financial ones we are speaking about today.

The current 'austerity' programme has meant cuts across the entire public sector. I am very aware that police officers are the professionals who will be on the street at four in the morning, picking up the pieces from problems which normally rest elsewhere in the system.

For too long the police have been the "catcher's mitt" for failures elsewhere in society and for difficulties elsewhere in the public sector – examples include failures in mental health services or in the social and educational fields.

These pressures place considerable strain on operational policing and in the decisions that have to be taken on a day to day basis.

Myth Three: We help create the red tape and bureaucracy which gets in the way of you doing your job. Since becoming Police Ombudsman almost three years ago, I have spent much of my time trying to streamline things. My staff are engaged with senior police officers and officials within the Policing Board to help produce better, more effective recommendations.

Anyone who knows me knows how much I hate needless red tape but like death and taxes it will always be with us – particularly in a Northern Ireland public sector context. I think it was Sir Ken Bloomfield - ex head of the Northern Ireland Civil Service - who said "Northern Ireland is the size of an English county and had the administrative apparatus of a sovereign state" – if we can measure something here we tend to do so – and twice just to be sure !

As a farmer friend of mine used to say - "you don't fatten a cow by weighing it " – it is necessary and important that we regularly review and consider the way things are done around there to ensure that any regulation / oversight is appropriate and continues to be so given the demands of the day to day business.

## **A Change in Service?**

It is not only resources which are changing. The demands on service organisations – police, police ombudsman and others – are also increasing as expectations of the community continue to rise.

If people are unhappy with the service they receive they will make a complaint. This is particularly the case in relation to policing either on an individual level to my Office

or at a more political level to the Policing Board, to the Police and Community Safety Partnerships or to the media.

This creates an obvious tension – how can we meet increasing expectations at a time when resources are diminishing?

As Police Ombudsman, let me give you this assurance:

- I understand that the service police can provide is contracting and that you will have to make hard decisions which will have the potential to increase complaints.
- I will not criticise individual officers, for their failure to provide a service which it is no longer policy or practice to provide. I shall return to this point.
- But to be able to exercise that understanding I need to be kept informed of the changes to policies, procedures and personnel, I will need you, as senior officers in the PSNI, to play your part.

### **Opportunities to do things differently**

Looking to the future there are changes taking place which may well have an impact on the nature and types of complaints coming to the Office. Like you we cannot respond in the same way to increasing business with decreasing resources and deliver the same service. Something has to give.

But the direction of travel – potentially offers some opportunities to do things differently.

I know that you are moving from what has been described by some officers as a 'respond and move on' approach to one which is more focused on engagement and problem solving.

I applaud this approach. But you are all experienced enough to know that increased engagement has the potential to bring with it increased complaints, at least in the short term.

There are some opportunities to do things differently. One area where I think there is the potential for change is in relation to informal resolution to complaints – all too often a complaint is held by this office for a period of time when it could be more efficiently dealt with at local level. That is also real and meaningful problem solving.

Also could we be smarter on getting to the issue of the causes of complaints. I have the view that by getting to the problem at source we could head off issues before they become complaints. For example – why do some Response Teams have double or treble the number of complaints compared to others doing the same job. There may be valid reasons – there may be also issues at the team level which are driving inappropriate behaviours. Can we work together to share information which addresses the problems at source ?

In addition, the Chief Constable has been very clear and unequivocal from the outset of the latest round of funding cuts: if funding changes, then so too must the service provided by police.

Make no mistake. As the police service contracts, there is a fair possibility that the number of allegations that police officers have failed in their duty will increase.

The feedback we can provide on the nature and profile of complaints should form an important part of the decision making processes within the police in assessing the impact of decisions that are being made, sub-regional impacts. This should provide useful information in planning for the future.

We in the Police Ombudsman's Office will give every single complaint the consideration it deserves. But there will be complaints which have simply arisen because of the reduction in service.

So, what can we do about that? I think we all have a duty here – and by 'all' I mean the PSNI, the Policing Board, the Police and Community Safety Partnerships and my Office.

Let me tell you how my staff and I are tackling this issue. I believe the public need to be better informed about the role of a police officer and of my Office. Their expectations need to be rooted in accurate information. They need to know what it is reasonable to expect of a police officer. They need to know the powers open to a officer and those which are not.

We have started to provide the media with case studies which are the bread and butter of our work and of yours.

- For example, we explain time and time again, and to date have supported, the decisions by police officers to use tazers.
- We judged that police dealt with reports of a road collision properly, despite a complaint that they did not attend the scene.
- We found that police were perfectly justified in entering a man's house in the early hours of the morning to arrest him for the breach of a Non Molestation Order.

I could go on. These stories have started to appear in the media. That process will continue. I hope they will have a 'drip drip' effect, that the public will get a better understanding of the powers of a police officer.

Another 'action' or initiative I have begun is directed at the people who provide advice in our community – be it the Citizens' Advice Bureau or Independent Advice Centres. I have asked my public facing staff to compile an e learning package for such people, so that they can better help people who come to them with policing problems and complaints.

Part of that package will be about what they can reasonably expect from the police. I think there is an area here where we could work together.

## **Independence**

Let me be very clear. I think we can work together to improve the complaints system and public confidence in policing. That does not mean we should be – or give the impression that - we are in each other's pocket.

There is nothing wrong – indeed I would argue it is healthy that - there is an edge to the relationship between the police and the Ombudsman's Office.

I have two constituencies – the police as well as the community in Northern Ireland. Providing support to the vulnerable, those who have legitimate complaints and public recognition of such is extremely important.

As an independent Ombudsman that means there will be things I say that you like and things I say that you don't agree with – that's the nature of the business.

Let me stress, however, I have no agenda in relation to the outcomes of investigations.

While we have to be independent of each other, that does not mean we have to be isolated. We share a common aim, even if we get there by different means.

In this period of upheaval, perhaps we owe to the public to explore ways in which we can help each other provide a better service. Could we be working smarter? We have talked about increased engagement and problem solving with the public. Maybe we should try that approach out on ourselves too.

Ultimately, and you will know this as police officers, as Police Ombudsman I will not be able to meet all expectations – they are too wide and in some circumstances not reconcilable.

My overall message is that the Police and the Police Ombudsman have a shared goal in the complaints system as we move forward:-

- Financial constraints will force both organisations to think creatively about how we do more with less (or the same with less). There is a vested interest in bringing complaints down.
- Criminality and misconduct by police officers damages public confidence and offends those who are trying their best. Dealing with justified complaints robustly, fairly and independently is the only way to address this.
- Finally, the future profile of policing – more problem solving, for example, brings opportunities to do things differently

I firmly believe it is in both our interests that we succeed in this task. Doing so will build confidence in policing and confidence in the police complaints system.