

impartial • independent • investigation



# Annual Report

and

# Statement of Accounts

April 2004 to March 2005

## GLOSSARY OF ABBREVIATIONS

CAJ	Committee on the Administration of Justice
CID	Criminal Investigation Department
CJI	Criminal Justice Inspectorate
DCU	District Command Unit
DPP	Director of Public Prosecutions
FOI	Freedom of Information
IPCC	Independent Police Complaints Commission
JNCC	Joint Negotiating and Consultative Committee
LAPD	Los Angeles Police Department
NIAC	Northern Ireland Affairs Committee
NIO	Northern Ireland Office
NGO	Non-Governmental Organisation
OOC	Office of the Oversight Commissioner
PSNI	Police Service of Northern Ireland
SOCA	Serious Organised Crime Agency
TSG	Tactical Support Group



# CONTENTS

	Page No.
<b>Foreword</b>	2-4
<b>Section 1</b>	
Report of the Police Ombudsman	5-14
<b>Section 2</b>	
The Work and Performance of the Office	15-58
<b>Section 3</b>	
Statement of Accounts	59-82

## Police Ombudsman for Northern Ireland

**Annual Report and Statement of Accounts 2004/05**  
together with the Report of the Comptroller and Auditor General

Laid before the Houses of Parliament by the Secretary of State for Northern Ireland in accordance with Paragraph 12(2) and (3) of Schedule 3 to the Police (Northern Ireland) Act 1998

14 July 2005

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## FOREWORD

Dear Secretary of State



I enclose my fourth Annual Report as Police Ombudsman for Northern Ireland.

This has been another busy and interesting year, and I trust that this Report provides detail and assurance that the police complaints system is working effectively and efficiently in the services of Parliament,

the people and the police of Northern Ireland. I am particularly pleased that, with the excellent co-operation of the Northern Ireland Audit Office, I am able to include audited accounts with this Report.

Our work has changed over the years since our establishment on 06 November 2000. Parliament has legislated to give us the duty, in certain circumstances, to investigate cases relating to incidents which occurred outside the normal limitation period of one year. In addition to this we have been given further responsibilities in respect of policy and practice investigations and the provision of management information to the Northern Ireland Policing Board and the Police Service of Northern Ireland. The consequence of this is that we have had to work very closely with the public and all our major stakeholders in ensuring that the systems created are "best calculated to secure the confidence of the people and of the police".

During the year we were the subject of a Northern Ireland Affairs Committee enquiry and we were pleased that the Report of the Committee acknowledged so much of the work which we have undertaken to establish this system which was described by the Committee as a "credible police complaints service".

I would like once again to place on record my appreciation of the work of all those who have contributed to the good professional relationships which exist between my Office and the Police Service, and with all the other agencies and departments involved in the Criminal Justice System with whom we work closely. Independence and impartiality are of enormous importance, and it is clearly in the interests of all in Northern Ireland that the different parts can work together, whilst respecting the independence of the various organisations.

Finally, I wish to acknowledge the commitment and dedication of all my staff over the past year in circumstances which are, on occasion, quite sensitive and difficult. They have achieved much and I commend this account of our work and performance to you.

Yours sincerely

Mrs Nuala O'Loan  
Police Ombudsman for Northern Ireland



## STATUTORY DUTIES

### THE POLICE OMBUDSMAN FOR NORTHERN IRELAND IS:

- established by the Police (NI) Act 1998;
- accountable to Parliament through the Secretary of State;
- constituted and operated independently of the Northern Ireland Policing Board (NIPB) and the Chief Constable;
- required to have regard to any guidance given by the Secretary of State;
- an executive non-departmental public body financed by a Grant in Aid from the Northern Ireland Office.

### THE POLICE (NI) ACT 1998 DIRECTS THE POLICE OMBUDSMAN TO:

- secure an efficient, effective and independent complaints system;
- secure the confidence of the public and of members of the Police Service;
- observe all requirements as to confidentiality;
- receive complaints and other referred matters and to decide how to deal with them;
- receive and record policy complaints and refer them to the Chief Constable;
- make recommendations to the Director of Public Prosecutions (DPP) for criminal prosecution;
- make recommendations and directions in respect of disciplinary action against police officers;
- notify the Secretary of State, NIPB and Chief Constable of the outcome of certain complaints, referred matters and any investigation which the Ombudsman initiates without a complaint;
- report to the Secretary of State annually.

### THE POLICE (NI) ACT 2000 DIRECTS THE POLICE OMBUDSMAN TO:

- carry out inquiries as directed by the Secretary of State;
- supply statistical information to the NIPB.

### THE POLICE (NI) ACT 2003 DIRECTS THE POLICE OMBUDSMAN TO:

- investigate a current practice or policy of the police if:-
  - the practice or policy comes to her attention under the Act, and
  - she has reason to believe that it would be in the public interest to investigate the practice or policy.



## **PUBLIC VALUES**

### **INDEPENDENCE AND INTEGRITY**

The Police Ombudsman operates independently of the Police Service and the NIPB in Northern Ireland and strives to investigate all complaints objectively.

The Police Ombudsman requires her staff to operate with integrity in all their dealings with the public and the police.

### **IMPARTIALITY AND FAIRNESS**

The Police Ombudsman and her staff handle and investigate complaints impartially, free of bias or influence.

The Police Ombudsman will give all complainants and police officers an opportunity to state their case and will consider each complaint fairly and even-handedly.

### **OPENNESS AND ACCESSIBILITY**

The Police Ombudsman is determined that the police complaints system will be as open and transparent as possible within the requirements of the law.

The Office is open to the public during normal working hours and there is also a dedicated phone number for complainants. The Office will also respond to referrals of serious matters by the Chief Constable 24 hours a day.

### **HUMAN RIGHTS AND CONFIDENTIALITY**

The Police Ombudsman complies with relevant international principles and standards on policing and human rights.

The Police Ombudsman must not disclose any information in relation to any matter except as provided by the Police (NI) 1998.

### **SATISFACTION AND ACCOUNTABILITY**

The Police Ombudsman welcomes from members of the public and police officers any complaints, criticisms or comments in relation to the manner in which complaints have been handled.

The Police Ombudsman is accountable to Parliament, to the Secretary of State for Northern Ireland and to the courts. The Police Ombudsman is subject to inspection by the Surveillance Commissioner, the Criminal Justice Inspector and to audit by the Comptroller and Auditor General.

# Section 1

Report of the  
Police Ombudsman

1st April 2004 to 31st March 2005



## INTRODUCTION

The year 2004-2005 has been yet another challenging and eventful year for the office. Almost 14,000 complaints involving in excess of 19,000 allegations have been received between the opening of the Office on 06 November 2000 and 31 March 2005. In addition to this we have received many other matters by way of Chief Constable Referral, Policing Board Referral and those cases in which we initiated investigation without a complaint. The Complaints Office has also handled approximately 3264 miscellaneous matters, covering a wide range of issues of importance to complainants and police officers. Our staff are now well established and they are representative of the community whom we serve with 47% Protestants, 39% Catholics, and 14% not determined. Our processes are also well established, but subject to constant review and development. Occurring against a background of significant political instability, the corporate work of Office development and governance, and the investigative and research work has demanded much of those who strive to deliver the service.

### A year of oversight

The Office is really still quite young in corporate terms and yet over the past year there has been significant oversight of the work done by all the staff. We were advised of an enquiry into the functions of the Office to be conducted by the Northern Ireland Affairs Committee of the House of Commons. That enquiry took place. We had our annual inspection by the Surveillance Commissioner in respect of our obligations under the Regulation of Investigatory Powers Act. We were advised by the newly appointed Criminal Justice Inspector, who is responsible for some seventeen organisations including the Prison Service, the Public Prosecution Service and the Probation Service, that the inspection of this Office was a major priority in his work plan and would take place during 2005.

We were also informed by the CAJ that they were conducting an enquiry into the Office and would be reporting on their findings. They had already conducted a similar exercise in relation to the Policing Board, and were also engaged in an enquiry into the operation of the District Policing Partnerships. We welcome all these initiatives as an opportunity to demonstrate our achievement and to learn from the scrutiny of others.

### The Northern Ireland Affairs Committee: Report on the Functions of the Police Ombudsman for Northern Ireland

The process of enquiry by the Northern Ireland Affairs Committee was extensive and most interesting. The Committee spent a day in the Office in late April meeting and talking with staff; they received evidence from a wide variety of sources and conducted two oral hearings. The Committee reported on 23 February 2005. The Report is available at [www.parliament.uk](http://www.parliament.uk). Sending a copy of the Report to me, the Chairman of the Committee stated that "the office is to be congratulated on establishing a police complaints system in the last four years which commands the confidence of large numbers of the general public in Northern Ireland" and described the Report as "constructive and positive". The Northern Ireland Affairs Committee also stated "nowhere does the responsibility rest more heavily for ensuring that the public have confidence in their police service than on the Ombudsman and her staff. We do not underestimate the difficulties of her task."

The Northern Ireland Affairs Committee recommended that Government should "thoroughly consider proposals that the Office's powers should be enhanced to allow it to deal with complaints from police officers and about the army." They also urged government to legislate to enable the mediation of complaints, as an alternative process, (a process which we have been seeking since the Office was established), and called for the procurement of the new computerised Case Handling System which will enable us to meet all our statutory obligations in a more timely and effective manner. The Report also warmly welcomed agreement between my Office, the PSNI and the police staff associations to work closely together to improve officer confidence in the present system of complaints, and called on the Policing Board to work more closely with my Office.

*"Our inquiry has demonstrated that significant progress has been made by the Office in establishing an effective complaints system. We received strong evidence that the Ombudsman contributed to positive changes in policing policies and practices and, despite the difficult political context, has made good progress in gaining the confidence of many of the main communities in Northern Ireland." NIAC*



## The Patten Oversight Commissioner

Mr Al Hutchinson, the Patten Oversight Commissioner, is responsible for determining progress in the implementation of the 175 recommendations contained in the Report of the Independent Commission on Policing (the Patten Report)

The Oversight Commissioner has reported that this Office has complied with all its obligations under the Patten Report. As a professional former member of the Royal Canadian Mounted Police, and an international observer of policing we were pleased to see the Oversight Commissioner's evidence to the Northern Ireland Affairs Committee that he was personally impressed by the contribution to extending knowledge and learning on law enforcement and civilian oversight.

*"... She and her Office are meeting the Independent Commission's objectives. The only other relevant comment I can add is that the Ombudsman and members of her staff have always demonstrated a high level of professionalism, courtesy and cooperation in any dealings with myself and my evaluation team."*  
Office of the Oversight Commissioner

## The Surveillance Commissioner

The Office was inspected on its compliance with the Regulation of Investigatory Powers Act 2000 in March 2005 and although the formal report had not been received at the end of the year, there were no indicators of any failures by the Office.

## The Justice Oversight Commissioner

The Justice Oversight Commissioner Lord Clyde has responsibility for monitoring compliance with the Justice Implementation Plan. Although this plan makes very few direct requirements of the Office, we have been pleased to meet with Lord Clyde and to co-operate with his processes.

## Judicial Oversight

The past year saw a marked reduction in the number of legal challenges to this Office. Judgement was received in the case of the application by the CAJ for access to documents received in the course of the investigation of the complaint relating to the handling by police of threats to the late Mrs Rosemary Nelson. The

purpose of such access was "to enable the benefit which would flow from CAJ having access to the documents sought". The CAJ argued that the Police Ombudsman's failure constituted a breach of Article 2 of the European Convention on Human Rights. The Lord Chief Justice in his judgement rejected the application for judicial review stating that the decision made had been unimpeachable and that the Office,

*"was prepared to go to significant lengths to involve the applicants at all material stages of the investigation; they have been open to suggestion and comment and have met representatives of CAJ on a number of occasions. This approach betokens a willingness to listen and to reassure. Judged objectively I consider that it constitutes proper procedures for ensuring the accountability of agents of the state."*

This judgement was important clarification of the restrictions placed by law on me in the context of disclosure of documents to complainants.

## Mr Justice Cory

Mr Justice Cory conducted enquiries into three cases in which my Office had an interest – they relate to the murders of Mrs Rosemary Nelson, Mr Robert Hamill and Mr Billy Wright. With the consent of the Secretary of State we made available all papers to Judge Cory. We have now been asked to assist the various enquiries and have sought consent from the Secretary of State so to do.

## Appointment of independent non-executive members of Audit Committee

Our internal audits are conducted by the Southern Health and Social Services Trust, which reports to the Audit Committee. I was very pleased that Mr Sidney Ewing and Mr Edward Simpson agreed to accept Independent Non-Executive Membership of our Audit Committee, following a recruitment process. They both have long and distinguished experience in the public sector, and we have benefited from that expertise as the year has progressed. The Audit Committee meetings are now chaired by the Independent Non-Executive Members.

All members of the Senior Management Team, together with the Independent Non-Executive Members of the Audit Committee attended a



specially designed Corporate Governance Course, designed to ensure that we remain familiar with and adhere to the Nolan Principles of Public Life.

### The work of the Office

Independent surveys have demonstrated that there is now significant understanding among the public of the remit and functions of the Office. The responses to the Northern Ireland Affairs Committee by NGOs and the various stakeholder organisations indicate complete clarity in relation to the remit, although we accept that there are those who do not accept elements of the remit which Parliament has given the Office.

There is clear evidence that the ability, for example to conduct retrospective investigations is of enormous importance to many sections of the public, particularly those who have suffered as a consequence of terrorist murders. In this context we are currently investigating matters relating to the deaths of Catholics, Protestants, police officers, army officers and prison officers. The outcome of some of these investigations has been to assure people that the police did not collude in any way in a murder. Where that assurance can be given it has an enormous impact on levels of public confidence in the police. Where things have not been done properly and the police response to the investigation is to accept the findings and move into further investigation of the actual crime committed by a non-police officer, that too has a rapid impact in terms of enhancing confidence in policing. They are not easy cases, and the contribution which we can make to resolving the unsolved questions of our troubled past is limited, but its effect, we have been told, is enormous.

*"May I extend my thanks to you for your very kind assistance in arranging a meeting at very short notice ... it is quite clear to both myself and my client, that you have conducted this matter in an exemplary fashion and indeed have done your very best in difficult circumstances to make some headway with regard to the sinister claims raised ..."*

**Solicitor on behalf of complainant**

The complaints which we receive vary from rudeness to allegations of murder and perverting the course of justice. Different complaints require to be dealt with in different ways. The outcomes



*Police Ombudsman investigators at the scene of an incident.*

may vary, from a complaint which is satisfactorily informally resolved to a complaint which results in a recommendation that an officer face criminal charges. That spectrum of outcomes involves a vast range of complaints handling and investigative activity. In some cases people withdraw from the process whilst the investigation is underway simply because they are satisfied that an investigation is being conducted. That is all they wanted. In other cases people simply want to know what happened and do not want to proceed to disciplinary or criminal hearings. Some of our complaints attract international media interest, and there continues to be significant global interest in the processes of police reform and accountability in Northern Ireland.

### Working for the public

Consultation with and listening to the public is key to ensuring that the service which we provide meets their needs. Clearly those needs vary in differing situations. We continue to place great importance on our programme of public engagement. During the year our focus on young people continued and we also had a structured programme of engagements with District Policing Partnerships, which are a most important resource for us in terms of engagement on policing issues with local communities.

We have a policy that we never refuse a request for a speaker at a relevant event, and in this context we provided speakers for and engaged in dialogue with a wide variety of organisations. These included:

- Amnesty International;
- The Samaritans;
- British Irish Rights Watch;
- CAJ;



Members of the Northern Ireland Tenants Action Project with the Police Ombudsman.

- the Pat Finucane Centre;
- various Probus Groups;
- Rotary Groups;
- the Washington Ireland Youth Programme;
- the Northern Ireland Tenants Action Project;
- Employment Route 1;
- the Chief Executives Forum;
- University of Ulster Growing and Learning Diversity Programme;
- Northern Ireland Council for Integrated Education and;
- the YMCA.

### Police Officers and the Police Ombudsman

It is generally recognised, as articulated by the Northern Ireland Affairs Committee, that the task of securing the confidence of police officers is considerable.

*“the difficulty of the Ombudsman’s task in attempting to secure the confidence of police officers is considerable. Managing the relationship is unlikely ever to be straightforward”. NIAC*

We are determined to do all we can to develop police officer understanding of the functions of the Office and to listen to their needs in the development of our processes. To this end during the current year we have devoted significant resources to the issue and have taken every opportunity to meet with and engage with police officers. This engagement has taken a variety of formats – we have participated in PSNI training at various levels, including student officer training, in-service training of Senior Investigating Officers, CS Spray training and firearms training. We have held conferences and seminars, and we attend

regular meetings with the Police staff associations. There was a particular extensive programme of presentations for small groups of officers serving in District Command Units.

During the year we have met with in excess of 2500 officers at such events, which continue to be very useful mechanisms for enhancing knowledge and understanding of the police complaints service. They also provide a further opportunity for my staff to hear from officers about the context in which the policing service is delivered. During the business planning process for the forthcoming year we agreed the ongoing programme of police training events, with a focus in the first instance on the TSGs, which provide the response in situations of public disorder.

Evaluation of a significant number of these meetings disclosed that 96% of police officers felt as confident or more confident in the Police Ombudsman following the presentations. 69% of officers were confident that the Police Ombudsman was impartial before the presentations, and 87% were confident in the impartiality of the Office following the presentations.

I would like to place on record my appreciation to the Chief Constable, the Deputy Chief Constable



The Police Ombudsman meets officers on foot patrol.



At Magherafelt Police Station



who has particular responsibility for matters arising from my Office, and all the officers from Assistant Chief Constable to Constable who have worked with us during the year.

### Extract from letter to Office

*"I wanted to write to say that I appreciate, genuinely, the swiftness of the Police Ombudsman's response to my telephone requests. I know also that the ..... family are appreciative too of the very positive response of the Police Ombudsman.*

*I have no doubt that the very shocking nature of this crime and the esteem in which the .....family are held have all played a role. However, I am equally convinced that the positive response of the Police Ombudsman has also been a significant factor in that public response. Once again thank you."*

**Source: Detective Superintendent, PSNI**

### The Police Staff Associations

Our relationship with the Police Federation, involving multiple meetings and other events, has been good over the year. I particularly appreciated the opportunity to address the Police Federation Annual Conference, and to take questions from the very large audience who attended. In addition to this we continued our regular meetings with the Federation Constitution Legislation and Discipline Committee and a number of Regional Boards and these provided less formal occasions on which officers could raise issues with us.

We were also able to engage with the Superintendents' Association, meeting them on two occasions during the year and attending their Formal Conference Dinner.

### New communications mechanisms

Much work has been done in the Office to develop both internal and external communications processes. In the course of the year our website [www.policeombudsman.org](http://www.policeombudsman.org) has been further developed and there were 1,183,561 website hits in the course of the year. The website which is accredited for use by people with disabilities: W3c WAI-A standard, contains details of complaints in each district command area of Northern Ireland, online complaint forms in the four main languages, copies of published reports, and

synopses of some of the many different investigations which have been conducted during the past four years.

Much other work has been done to consolidate consultation and access arrangements with the police and public. Schools and youth work continues and there has been a big range of community meetings over the year. These meetings, which occur throughout Northern Ireland, have proved very useful in growing public understanding of the work of the Office.

A new communications process has been established with the PSNI which facilitates regular meetings at three different staffing levels and there is now also a Joint Communications Group chaired by the Chief Executive which meets quarterly to discuss matters of common interest.

We cannot yet email PSNI officers. We regard the development of email with the PSNI as an enormously important development as it should speed up interactions between the police and this Office, which should lead to a more speedy complaints handling and investigative processes.

Huge quantities of management information are provided to the PSNI, the Policing Board and the Chief Constable. Information is provided on a monthly and quarterly basis giving extensive detail such as when and where complaints arise, what is happening at the time, which units of the police are involved, and the age, gender and religion of complainants. This information tells me that 46% of our complaints come from Protestants, 37% from Catholics, 9% from people of other religions and 7% from people of no religion.

We have also developed our intranet which has proved to be enormously useful to staff and which enables rapid consultation of Office documents such as the Complaints and Investigations Manuals and Office policies. It also provides a space for more social communication such as the celebration of achievements of the 19 staff who participated in the Belfast Marathon to raise money for charity, the births of babies and other important events.

### Freedom of Information

One of the important developments during the year was the commencement of the Freedom of Information Act. In preparation for this event much training was required for staff and much



work was done to ensure that appropriate responses would be made to requests for access to papers held by the Office. This is an important development in citizen access to governance and we were determined to ensure that we complied fully with the Act whilst responding in accordance with the provisions of s.63 the Police (NI) Act which places significant restrictions on our ability to disclose information, making it a criminal offence to disclose information other than as permitted by the Police Act. We were pleased that we were able to avail of training by the Deputy Freedom of Information Commissioner prior to the commencement of the Act.

### Relationships with the Policing Board and the District Policing Partnerships

We have worked hard over the year to develop as best we can our relationships with the Northern Ireland Policing Board and the District Policing Partnerships. Following publication of the Northern Ireland Affairs Committee Reports on my Office, and on the Northern Ireland Policing Board, arrangements are in hand for more frequent meetings between the two organisations, something we have sought since the Policing Board was established. It is hoped that this will further facilitate the development of policing in Northern Ireland.

As regards the District Policing Partnerships, we have now been able to meet 26 of the Partnerships, some of them on more than one occasion, and have found this to be a very useful and constructive process. We provide to each District Policing Partnership which we meet the statistical "picture" of their area, and are in negotiation with them to identify any further needs which they have, with which we can assist.

*Chairman of the DPP, Councillor Jim Bingham, said he hoped that complaints would continue to fall. He welcomed the "frank and candid" way the Police Ombudsman had presented her report. "As far as the DPP is concerned, we will continue to press for the highest of professional standards by police officers in the borough", said Councillor Bingham. "I am personally encouraged by the assurance by Superintendent Ritchie that he will expect nothing less from his officers".*

**Newtownabbey Times**

### **"DPP chair praises O'Loan for 'frank' briefing"**

*Police Ombudsman, Ms Nuala O'Loan, has briefed members of Newtownabbey District Policing Partnership on the role and function of her office. During a private meeting, the Ombudsman also spoke about the number of complaints made by members of the public in relation to Newtownabbey District Command Unit. Statistics produced show that proportionally fewer people complained about police in Newtownabbey than in other areas of comparable size. During the financial year April 2003 to March 2004 there were a total of 84 complaints and from 1st April to December 2004, 56 complaints had been received.*

### Playing our part in policing policy developments nationally and globally

The Office is pleased to work co-operatively with Her Majesty's Inspector of Constabulary, who has the function of inspecting the police, seeking again to enhance the quality of policing in Northern Ireland. In addition to this our two most senior investigative staff have positions on the Association of Chief Police Officers' Firearms Committee and the Anti-Corruption Group. It is important that the Office holds these positions, as the Committees and their deliberations are critical to the development of best practice in policing across the United Kingdom. We are uniquely placed also to give a perspective on these issues as a consequence of the investigations conducted in the Office. In addition, the Executive Director of investigations, Mr David Wood, is a member of the International Law Enforcement Forum, and we have contributed speakers to a number of major policing oversight conferences, which have attracted a global audience.

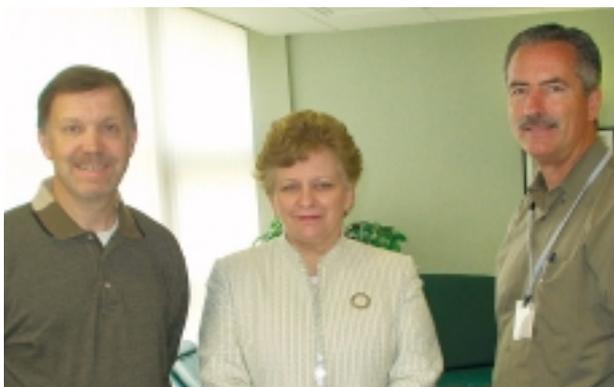
*"... society should not be satisfied with "weak" external control of the police based on compromises; in that sense the Police Ombudsman has a much broader significance ranging beyond its role in Northern Ireland. .... the public, and the police, have the right to a fully independent, impartial oversight agency with resources and sharp teeth. Anything else is second best; and given the vital issues that control over the police poses, that is just not good enough in a democratic society based on the rule of law and public accountability." Professor Maurice Punch*



### International visitors

There continues to be much interest internationally in the office. During the year, through the Foreign Office and the British Council we received visitors from Sweden, Brazil, the United States, Macedonia, Italy, Israel, Latvia, Canada and Georgia. In addition to this we welcomed foreign senior personnel attending the International Disaster Management Module run by Cranfield University for their third visit to the Office, and Ministry of Defence visitors from Russia. Two of our staff, at the request of the Government of Georgia through the British Council, went to Georgia to assist in the development of police accountability in the emerging state. Following our visit to Macedonia last year we were pleased to receive visitors from Macedonia who are responsible for police accountability and who came to observe in detail at first hand how the Office functions.

We were asked to assist the Canadian Government's Public Enquiry into Accountability and National Security which is led by Justice Dennis O'Connor. Justice O'Connor's staff travelled to Northern Ireland to consult on a range of practical issues relating to the functioning of accountability. We were also consulted by Mr Justice Barron and Mr Justice Morris, both of whom are conducting enquiries in the Republic of Ireland. We are pleased to be able to make a contribution internationally and invariably find our engagements with other jurisdictions are useful to us in the work which we do.



Mrs O'Loan with Captains John Voge and Jim Egan of the LAPD

For the first time we have been able to arrange for two of our Deputy Senior Investigating Officers to spend time with the Los Angeles Police Department shadowing LAPD officers. This led to a return visit by members of the LAPD. We are

indebted to LAPD Police Chief Bill Bratton, for his involvement in this initiative.

### Working with the IPCC

The Independent Police Complaints Commission for England and Wales (the IPCC) came into existence on 01 April 2004. During the period of establishment of the IPCC this Office made resources available to assist in policy formulation and in training. We were very pleased to see that the IPCC decided to join in the Accredited Training Programme in Investigation, which we have established with Portsmouth University. This recognition of the importance of university accredited training for independent investigators, and of the quality of the programme which we have created with Portsmouth University is significant, not least because it will reduce the cost of this very necessary training. In their evidence to the Northern Ireland Affairs Committee the IPCC acknowledged the contribution made by this Office in the establishment of independent investigation of the police in England and Wales. During the year we were asked to carry out a review of the investigation by the IPCC of events outside Parliament during the passing of the Foxhunting Bill. We were pleased to carry out the review for them, and look forward to further co-operative activities in the future.

### Training others

We have dedicated an element of our resources to the training of staff of other organisations such as the new staff recruited by the Director of Public Prosecutions, the Forensic Science Service of Northern Ireland, Police Disciplinary Tribunals, the Law Society and the Legal Aid Board. We provide many hundreds of hours of training to the PSNI. We also contribute to training events hosted by other professional organisations such as the Association of Forensic Physicians. These are important initiatives as they are designed to ensure as seamless a criminal justice process as possible.

### The importance of our own training

Since this Office was established just over four years ago to provide the independent, impartial police complaints system, we have worked hard to provide training for all our staff. The significance of training can never be overestimated and we



dedicate a larger element of our resources to training than do many other organisations. During the past year we have provided training on 66 different occasions for our staff, in addition to the Accredited Training Programme for Investigators, and in addition also to the 15 staff studying for other accredited qualifications. This commitment to staff training reflects our determination to strive for excellence in the provision of the complaints service. Those training courses have been on matters as diverse as Source Management, Family Liaison, Records Management, Information Technology, Finance, Deaths in Custody and Risk Management.

### Criminal Justice developments

We operate in a rapidly changing environment. Government has committed itself to the fight against crime at all levels and has established a Serious and Organised Crime Agency (SOCA) which will operate throughout the United Kingdom in the fight against organised crime. In addition to this a new amalgamated organisation, Her Majesty's Customs and Revenue, has been formed to carry out the functions previously performed by the Inland Revenue and the Customs. Both these organisation will operate throughout the United Kingdom. It is anticipated that the IPCC will have responsibility for criminal allegations against staff of the organisations which arise in England and Wales, and this Office will assume responsibility for criminal allegations arising in Northern Ireland. We continue to co-operate with the Criminal Cases Review Commission which is responsible for the investigation of alleged wrongful convictions. Where police misconduct is identified that issue will be referred to this Office by the Criminal Cases Review Commission.

Under new legislation, the Director of Public Prosecutions has power to refer cases to the Office and we have therefore agreed a Protocol which will provide the processes through which this will happen.

### Preparing for change

As the Patten Commission's proposals for the civilianisation of positions within the PSNI rolls forward, Northern Ireland will see the introduction of civilian detention officers and escort officers. Civilian investigators are already employed by the PSNI. Under draft regulations the process for the

handling of complaints against these staff will be the responsibility of this Office. It is understood that these Regulations will become law in the very near future.

I am, however, concerned that whilst the PSNI are introducing civilian receptionists at police stations, those staff will not fall within the remit of the Office. Complaints against those staff will have to be made to the Chief Constable. Since those staff are effectively the first people whom the public will meet when they enter a police station, particularly if they do so to make a complaint, we are concerned at this oversight, and are seeking to amend the draft legislation to make civilian staff accountable for their actions to the Office. We believe that this will create a seamless complaints system for the public, who now expect to make complaints about the policing to this office.

### Misconduct proceedings

I can direct that a formal disciplinary tribunal is held if the Chief Constable declines to accept my recommendation for a formal disciplinary tribunal where there is evidence of misconduct. I had to do so on only one occasion. Formal misconduct hearings are quasi judicial and whilst a range of sanctions are available to a tribunal, there appears to be a reluctance to convene formal hearings. They appear to occur only if the alleged offence involves a possible sanction of dismissal, requirement to resign, reduction in rank or a fine. I am satisfied that hearings should only occur in the most serious of cases. I am however concerned that whilst understanding of the legislation, and commitment to compliance with it, is being well demonstrated at the top of the PSNI, it can not be said that this is the case throughout the organisation. I have no power to direct informal disciplinary action. Whilst in many cases the PSNI agree to administering informal action, in some they do not. There have been cases in which I have agreed, in the light of personal information relating to the accused officer, to a reduction in the recommendation for disciplinary action. There are other cases in which the PSNI have refused to follow my recommendations to provide advice and guidance or other action to accused officers, and they do not always consult on the actions which they are taking. This does not enhance my confidence in the processes of the Internal Investigations Branch of PSNI which makes these



decisions. I also have concerns regarding the number of officers who are allowed to retire on enhanced ill health pensions and avoid misconduct proceedings.

### Quality in process

As an organisation with a remit to investigate the conduct and practice of others, it is clearly incumbent on us to ensure, as best we can, that the processes which we adopt both independently, and with the police, are appropriate. To this end we have developed an extensive programme of quality assurance of our own processes, which has enabled us to identify training needs and process alterations. It is right that this programme of quality assurance should examine all aspects of the complaints system from receipt of complaints to closure. It is important that when a complaint is made the complainant has the assurance that it will be communicated to the Office as required by law, and that once inside the Office it will be dealt with professionally and impartially.

This year, as every year, in the process of our business planning we contemplated our achievements against the detailed targets we had set to enable us to measure our performance in relation to the strategic goals of the Office. Four and a half years on we can identify achievement against both goals and objectives. We recognise where we need to adapt and change, and the quality assurance process referred to above is critical to further improvement.

### Our new Code of Ethics

During the year we introduced our Code of Ethics. It was produced following extensive consultation both inside and outside the Office. It is modelled on the PSNI Code of Ethics, which incorporates all relevant international and European policing standards. It also reflects our publicly stated values and articulates clearly the standards of conduct expected of me and my staff. It is my hope that it will assist us to carry out our duties in accordance with the highest standards and in compliance with all our legal obligations.

### Less lethal options

In the course of this year's work we have encountered two cases where individuals were running amok armed, on one occasion with a sword, and on the other with a knife. On both occasions they were presenting a serious risk to

the public and to the police. These were not situations in which CS spray could be used. On both occasions police had to shoot the person to prevent death or serious injury. On both occasions they chose to shoot the individual in the leg. They did so and the individuals were overpowered and taken to hospital for treatment. In England and Wales in these circumstances police would have had access to baton guns. In Northern Ireland police do not have policy which facilitates the use of baton guns in this situation. The effect of this is that in England and Wales it would have been possible to shoot a baton round which would have caused much less injury. Here it was necessary to use live fire.

In the past there were 17 deaths as a consequence of the use of plastic bullets, the last death occurred in 1989. I am aware of the distress and injury which plastic bullets caused in the past. I do not in any way diminish the tragedy suffered by so many people. Nevertheless, I think that we should now consider the introduction of the new baton round as a less lethal option in the circumstances described above. Such change would have to be accompanied by stringent rules in relation to how and when baton rounds could be used, proper training, and an investigation of each occasion on which they were used for this purpose.

### Thanks

We have been enormously assisted during the year in providing this independent and impartial police complaints system by the people and police whom we serve, and by those with whom we interact in so many different ways. It is important to acknowledge that all the interventions we encounter, whether a comment from a member of the public in the course of one of our many public meetings or an observation at one of our many meetings with our stakeholders, assist and enable us in this most sensitive work. We thank them all.

**Mrs Nuala O'Loan**  
Police Ombudsman for Northern Ireland

# Section 2

The Work and Performance  
of the Office



## COMPLAINTS AND ALLEGATIONS

### Complaints and allegations received 2004-2005

During the year we received a total of 2885 complaints involving 4206 allegations and dealt with 4 matters which the Police Ombudsman decided to investigate in the public interest and a further 72 matters which the Chief Constable referred to the Office.

Incoming Work	
Complaints	2885
Allegations	4206
Police Ombudsman Call-ins	4
Chief Constable Referrals	72

### Additional miscellaneous work

In addition to the primary work of Complaints Officers in receiving, recording and handling complaints, there is a huge number of telephone calls to the Office from members of the public seeking information about specific police matters or clarification on issues which might relate to complaints, but which do not result in a complaint being registered. Other work which the Complaints Team must log for reference or cross checking includes the referral of civil claim files, Compensation Agency queries, or requests from the Director of Public Prosecutions for information on related matters.

Other Work of Complaints Team	
Miscellaneous complaints	129
Miscellaneous call logs	410
Referral of civil claim files	261
Compensation Agency queries	14
DPP material requests (no complaint)	25
<b>TOTAL</b>	<b>839</b>

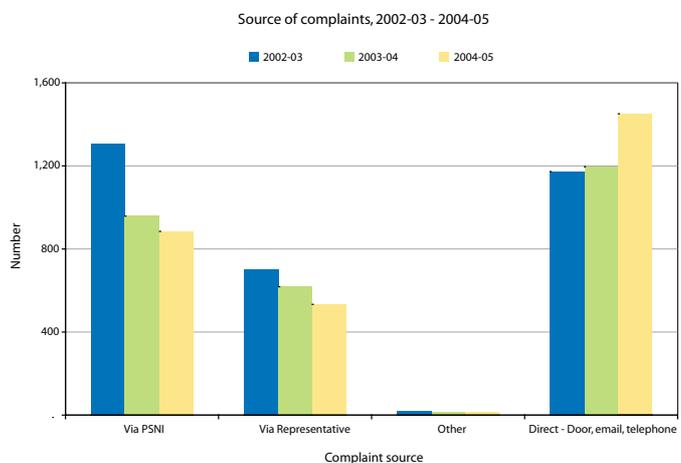
### Serving the public

The initial point of contact with the Office is normally with one of the Complaints Officers in the Complaints Team, and it is at this point that important advice and guidance is given to the public regarding their complaint or concern. A prompt and courteous service is extremely important. Customer service and satisfaction levels are the focus of continuous improvement.

The Police Ombudsman decides what constitutes a complaint against a police officer, under Section 52 of the Police (NI) Act 1998 and relevant regulations. Complaints must be about the specific conduct of a police officer and may be made by, or on behalf of, a member of the public.

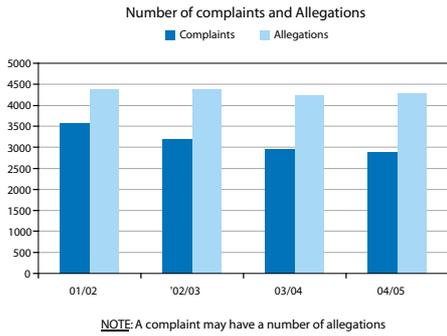
### Source of complaints

The majority of complaints (51%) are now received directly by the Office of the Police Ombudsman, whether by letter, email, telephone or in person at the Office. Correspondingly, complaints received through representatives or through PSNI are falling.



### A slight fall in complaints, but the level of allegations remain steady

In the last year 2885 complaints were received and recorded by the Office. This represented a fall of 91 (3%) over the previous period. A complainant may make more than one allegation in the course of a complaint. There are, therefore, normally more allegations than complaints. The level of specific allegations within complaints, however, has remained similar to the previous year at 4206.

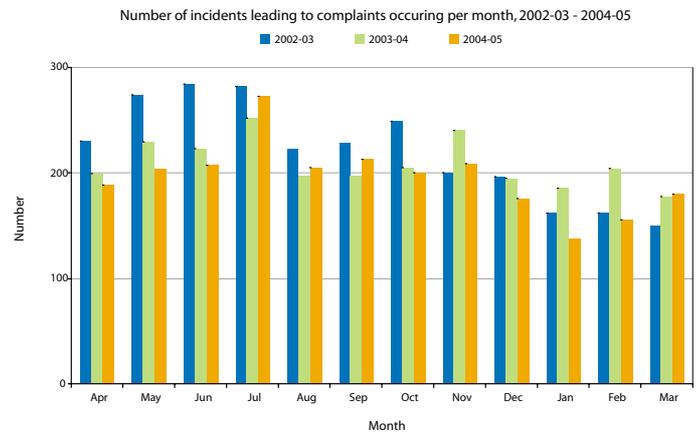
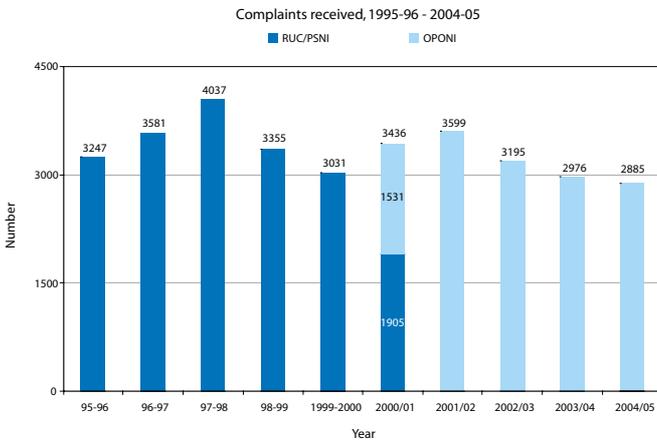


### Continuing downward trend over longer period

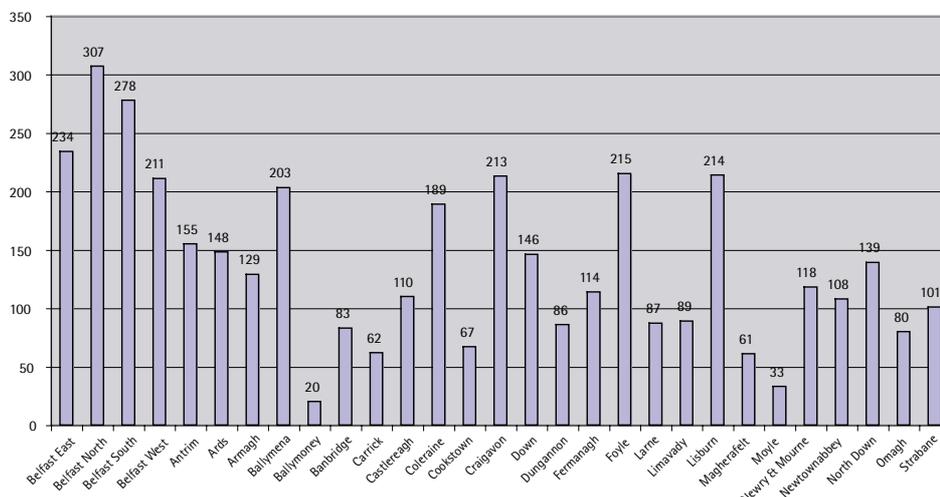
Over the last 4 years, and over the longer period of 10 years, there has been a continuing downward trend in the level of complaints, and also the number of incidents which lead to complaints. The highest period for complaints against the RUC was 1997-1998 with over 4000, now the level of complaints is falling below 3000.

### Communication with District Command Units and District Policing Partnerships

The Office has an important communication mechanism with District Commanders and also with District Policing Partnerships helping focus information in relation to local policing issues rising from complaints or allegations. The Office is able to give a profile of the level and nature of complaints against officers in each District, and some indication as to the density of complaints against police officer strength in proportion to population. The Office is also able to provide an ongoing indication of the frequency of complaints against officers. This is an important consideration for local managers. Information is provided to the Unit Commander on any officer who attracts 3 or more complaints in a rolling 12 month period. All this helps local police managers consider if there are particular issues which need to be addressed either with particular units or officers.



Allegations by DCU, 2004-05



DCU



Number of allegations arising from each DCU, 2004/05, and numbers of officers in each DCU							
					2002-03	2003-04	2004-05
	Allegations		Number of Officers		Allegations /100 officers	Allegations /100 officers	Allegation s/ 100 officers
	Number	%	Number	%			
Belfast East	234	5.6%	388	5.9%	74	49	60
Belfast North	307	7.3%	501	7.6%	83	57	61
Belfast South	278	6.6%	542	8.2%	71	64	51
Belfast West	211	5.0%	343	5.2%	59	39	62
<b>All Belfast: sub-total</b>	<b>1,030</b>	<b>24.5%</b>	<b>1,774</b>	<b>27.0%</b>	<b>73</b>	<b>54</b>	<b>58</b>
Antrim	155	3.7%	202	3.1%	73	103	77
Ards	148	3.5%	247	3.8%	67	55	60
Armagh	129	3.1%	185	2.8%	48	60	70
Ballymena	203	4.8%	198	3.0%	86	93	103
Ballymoney	20	0.5%	83	1.3%	12	32	24
Banbridge	83	2.0%	144	2.2%	56	60	58
Carrick	62	1.5%	144	2.2%	50	31	43
Castlereagh	110	2.6%	216	3.3%	38	49	51
Coleraine	189	4.5%	204	3.1%	65	90	93
Cookstown	67	1.6%	110	1.7%	32	42	61
Craigavon	213	5.1%	257	3.9%	62	67	83
Down	146	3.5%	224	3.4%	87	69	65
Dungannon	86	2.0%	178	2.7%	22	53	48
Fermanagh	114	2.7%	238	3.6%	36	44	48
Foyle	215	5.1%	331	5.0%	75	48	65
Larne	87	2.1%	108	1.6%	65	56	81
Limavady	89	2.1%	105	1.6%	84	54	85
Lisburn	214	5.1%	394	6.0%	54	58	54
Magherafelt	61	1.5%	136	2.1%	29	39	45
Moyle	33	0.8%	47	0.7%	50	81	70
Newry & Mourne	118	2.8%	251	3.8%	41	58	47
Newtownabbey	108	2.6%	233	3.5%	49	45	46
North Down	139	3.3%	226	3.4%	60	76	62
Omagh	80	1.9%	174	2.6%	35	55	46
Strabane	101	2.4%	167	2.5%	36	36	60
Belfast Harbour Police	2	0.0%	–	–	–	–	–
Northern Ireland Airport Police	1	0.0%	–	–	–	–	–
Unknown	203	4.8%	–	–	–	–	–
<b>TOTAL</b>	<b>4,206</b>	<b>100.0%</b>	<b>6,576</b>	<b>100.0%</b>	<b>64</b>	<b>61</b>	<b>64</b>
<b>Note: Number of officers taken at 31/03/05</b>							

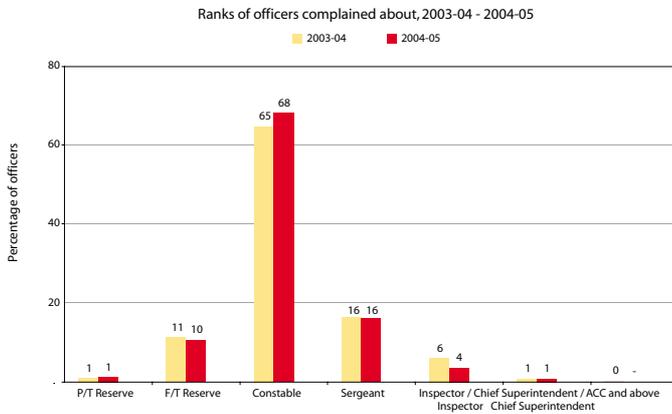


Number of complainants in each District Council area – 2004-2005		
District Council	Number of Complainants	% of Complainants
Antrim	80	2.77%
Ards	97	3.36%
Armagh	82	2.84%
Ballymena	119	4.12%
Ballymoney	24	0.83%
Banbridge	55	1.91%
Belfast	628	21.77%
Carrickfergus	43	1.49%
Castlereagh	78	2.70%
Coleraine	107	3.71%
Cookstown	50	1.73%
Craigavon	148	5.13%
Derry	129	4.47%
Down	94	3.26%
Dungannon	60	2.08%
Fermanagh	69	2.39%
Larne	58	2.01%
Limavady	64	2.22%
Lisburn	133	4.61%
Magherafelt	47	1.63%
Moyle	21	0.73%
Newry & Mourne	84	2.91%
Newtownabbey	88	3.05%
North Down	98	3.40%
Omagh	52	1.80%
Strabane	62	2.15%
Unknown/NA	315	10.93%
<b>TOTAL</b>	<b>2885</b>	<b>100%</b>



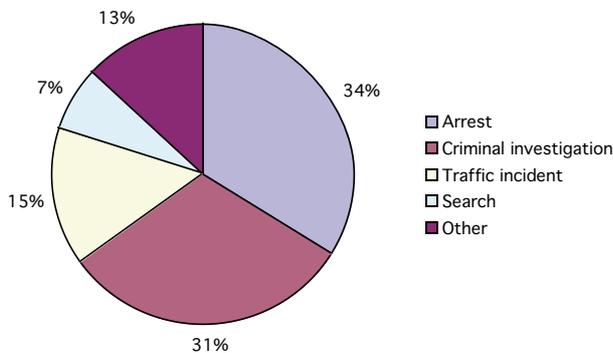
### Rank of Officers complained about

Constables are still the primary subject of complaint which is understandable in terms of their role and strength on the ground.

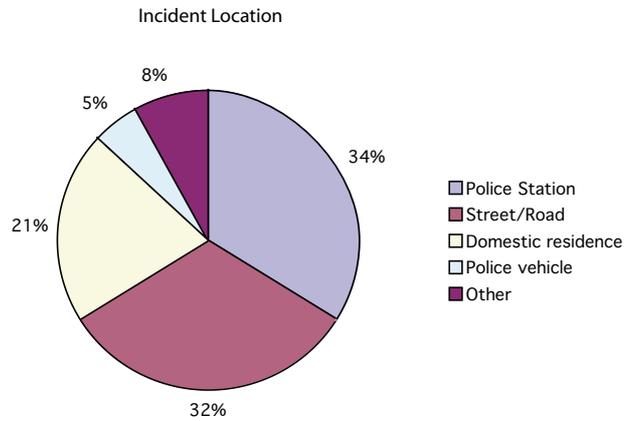


Complaints are recorded or categorised upon receipt where possible. Complaints regarding failure of duty are the most common, and relate generally to the person's view that the police have not performed in line with their expectation or that they have failed to comply with a process or procedure. In relation to complaints coming from members of the public directly involved with the police in an incident, of those complaints in respect of which the factor underlying the complaint was immediately classifiable, 34% of complaints relate to the arrest, 31% relate to the investigation of a crime and 15% relate to traffic incidents and the conduct of officers in those situations.

Factors underlying complaints

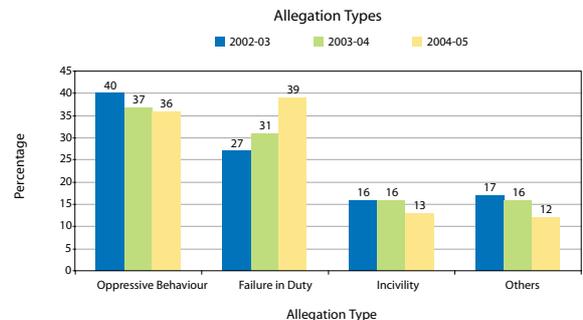


This chart indicates the location at which incidents giving rise to complaints occurred.



### Big change in the nature of the allegations

It is important to note a significant change in the nature of allegations being recorded and investigated. Four years ago 51% of allegations were in relation to oppressive behaviour covering allegations such as assault, intimidation or harassment. These types of complaints have fallen sharply to 36%. Now the pattern indicates that complaints with regard to failure of duty matters are in the majority (39%). These types of allegations involve members of the public believing that the police have not carried out their duty or that they did so poorly. Allegations may relate to issues such as breach of procedures, failure to respond or misuse of powers, for example, in the context of responding to crime. For the first time in the last 3 years there has been a slight fall in the number and the percentage of allegations in relation to incivility.





Allegation type	Allegation Sub-type	Total	%
Failure in Duty	Detention, treatment and questioning	75	1.8
	Failures in duty	1357	32.3
	Identification procedures	6	0.1
	Multiple or unspecified breaches which cannot be allocated	18	0.4
	Other irregularity in procedure	54	1.3
	Searching of premises and seizure of property	107	2.5
	Stop and Search	21	0.5
	Tape recording	1	0.0
	Unknown	7	0.2
	<b>Sub-total</b>		<b>1646</b>
Incivility	Incivility	538	12.8
	Sectarian Abuse	14	0.3
	<b>Sub-total</b>	<b>552</b>	<b>13.1</b>
Malpractice	Corrupt Practice	26	0.6
	Irregularity in relation to evidence/perjury	41	1.0
	Mishandling of Property	35	0.8
	<b>Sub-total</b>	<b>102</b>	<b>2.4</b>
Oppressive Behaviour	Other assault	854	20.3
	Serious non-sexual assault	9	0.2
	Sexual assault	12	0.3
	Oppressive conduct or harassment	516	12.3
	Unlawful/unnecessary arrest or detention	116	2.8
	Unknown	2	0.0
	<b>Sub-total</b>	<b>1509</b>	<b>35.9</b>
	Racial Discrimination	Racial discriminatory behaviour	11
Traffic	Traffic irregularity	30	0.7
Other	Other	356	8.5
<b>Total 2004-05</b>		<b>4206</b>	<b>100.0</b>



## Racist and sectarian complaints few but important

Racist and sectarian complaints are small in number, but represent significant matters coming to the Office. In 2004-2005, 8 complainants made allegations of racist conduct and 16 others referred to sectarian language or conduct.

It is important that ethnic minority communities in Northern Ireland report incidents of racism and

hatred to the police but, for a variety of reasons, they do not do so. It is equally important that if they experience racist behaviour by the police, they report it to this Office. This Office, with the Policing Board, has commissioned research into the attitudes and experiences of such communities or groups in the context of policing. We want an accurate picture of the problem. Services provided through the criminal justice system must be available and responsive to the needs of everyone.

Sample of racist and sectarian complaints	
Complainant	Details
Iraqi – Male	Complainant alleged that he was fined and given penalty points after a road accident and that a police officer took a long time to check his documents because of his nationality.
Asian – Male	Complainant alleged that police investigation of an assault upon him had been inadequate and "tainted by institutional racism".
Black – Male	Complainant alleged that police officer used racist and offensive language to him.
Traveller – Male	Complainant alleged that police officer did not assist him because he was a traveller.
Chinese – Female	Complainant alleged that she was given a Fixed Penalty Ticket because she was Chinese while four white drivers were let off.
Traveller – Male	Complainant alleged that he was assaulted, threatened and called a "gypsy b.....".
White – Male	"He called me a fenian b..... and threw me up against the driver's side of the jeep."
White – Male	"During my time in the cell a police officer was marching up and down singing loyalist songs."
White – Male	The arresting officer said to a landlord "if you get rid of the niggers (tenants) we may leave you alone".
Black – Male	"police called my son a black b..... on four occasions and said you lazy f.....".
Black – Male	"The officer I refer to elbowed me in the face and repeatedly called me black boy."



## INVESTIGATIONS

### CASE STUDY

#### Chief Constable referrals

The Chief Constable has referred 72 serious matters to the Police Ombudsman in the reporting year. Referrals are made for matters considered serious without the necessity of a complaint having been made. Each case is investigated and then a report (referred to as a Regulation 20 Report) is forwarded to the Chief Constable, Policing Board and Secretary of State under the provisions of Regulation 20 Royal Ulster Constabulary (Complaints etc.) Regulations 2000. The reports outline the details of the investigation and contain any recommendations to improve policing practice that were identified during the investigation.

It has been agreed with the Chief Constable that all discharges of firearms and baton rounds by officers will be referred to the Police Ombudsman. 3 such referrals were made during the year. Deaths where police conduct may be a relevant consideration must be referred by virtue of Section 55(2) Police (NI) Act 1998. During the reporting year three deaths have been referred for investigation.

#### Suspected fatality

Following a report from a member of the public in March 2005, police observed a car being driven in an erratic manner. Police stopped the car whereupon the driver ran from the car, jumped down an embankment and into an adjacent river where he disappeared from view. After an extensive search lasting four hours, the driver had not been located and was presumed drowned. At this juncture the Chief Constable called in the Police Ombudsman to investigate the circumstances surrounding the incident. Shortly afterwards the driver was found, cold and wet, but otherwise in reasonable health. The Police Ombudsman was satisfied that no further investigation was required.

Chief Constable referrals 2004-2005	
Factor Underlying Referral	Number
CS Spray	58
Firearms Discharge	3
Assault	2
Road traffic collision resulting in death	2
Discovered dead following contact with police	1
Suspected fatality	1
Attempt to Pervert the Course of Justice	1
Blackmail	1
Deception	1
Failure of Duty	1
Serious Injury	1
<b>TOTAL</b>	<b>72</b>



## Section 55 Regulation 20 Reports submitted 2004-2005

During the reporting year, a total of twenty (Regulation 20) Reports have been forwarded to the Chief Constable, Northern Ireland Policing Board and Secretary of State following full investigations of matters referred by the Chief Constable. These reports have contained a total of forty-seven recommendations for improvements to police policy and practice. The majority of those reports related to deaths investigated, firearms discharge incidents or use of CS Spray.

Referral	No
Discharge of baton rounds	1
Discharge of firearms	8
Discharge of CS Spray	4
Deaths	2
Fatal road traffic collisions	3
Parades Commission	1
Forensic Scientist	1
<b>TOTAL</b>	<b>20</b>

### CASE STUDY

#### Improving Policing: Recommendations following tragic death

**In March 2005 the Police Ombudsman's Office made 16 recommendations to police about the gates in police stations and the use of contractors and subcontractors who carry out work at police stations in Northern Ireland, following the death of a young man from injuries he had received when he was crushed by a large gate at a police station.**

A young man was chased and attacked by other young men who threatened to kill him. He ran into a police station, followed by two other young men, one of whom then tried to run out of the station and was caught between the gates as they began to close. A police officer, seeing what had happened, shouted to his colleague to open the gates and banged on their safety mechanism with his fist on the gates four or five times to stop them closing. The gates continued to close and the man was crushed. Police officers at the scene gave first aid but he died shortly afterwards in hospital from his injuries.

The Police Ombudsman and the Health and Safety Executive for Northern Ireland investigated and found that at some point 'an unauthorized, unknown individual' had carried out work on the gates which prevented the safety mechanism from working.

The Police Ombudsman found no evidence to link any individual police officer to the problems with the gate. She said the officers on duty that night did not bear responsibility for the death but said that the PSNI as an organization was guilty of corporate failure in their duty to maintain the gates so that they operated safely.

A number of problems were identified with the gates: their 'safety strips' had been disabled; the gates continued to move for about six inches after the open/close buttons were released; the person who pressed the button could not see the gates opening or closing and had to rely on a monitor positioned behind him, and access to an emergency cut-off switch was blocked by a trailer, containing sand to cover oil which was leaking from the gates.

The Police Ombudsman made a series of 16 recommendations designed to ensure that those gates, and those at other PSNI stations, were made safe and that such a terrible tragedy would not occur again.



## Reports in relation to deaths

Three fatal road traffic collisions were reported in which police conduct was relevant. One involved a police vehicle striking a pedestrian, causing his death, which the Police Ombudsman concluded was a tragic accident. The second involved the police following a suspect vehicle which took off at speed and collided with an agricultural vehicle, resulting in the death of the driver of the suspect vehicle. The Police Ombudsman concluded that there was no police misconduct but made recommendations with regard to PSNI policies relating to following suspect vehicles. The third involved an investigation following a fatal car accident, as to whether police should have taken more action on information provided before the accident occurred, which may have prevented it. The investigation could not identify an officer who had received a telephone call providing the relevant information, but concluded with recommendations on how to improve their call systems.

One referral from the Chief Constable involved the tragic death of a youth who was crushed by the closing gates of a police station (see previous page). The Police Ombudsman concluded that no blame could be apportioned to officers on duty that day but that there was corporate failure by the PSNI.

The second report related to a death which occurred when police were called to a building site where youths had been seen trying to start a heavy duty vehicle. As the police entered the site the youths ran away, but one of them collapsed. He was conveyed to the hospital, but died. It was established through investigation that the cause of the death was due to inhalation of volatile substances and no fault could be attributed to the actions of the police.

## Use of Firearms

There were eight Regulation 20 Reports forwarded regarding incidents where police discharged firearms. Four related to officers firing at vehicles perceived to pose a threat. The police discharge of firearms at vehicles is of considerable concern to the Police Ombudsman due to the dangers it causes to all concerned and the fact that alternative action is normally appropriate.

Recommendations were made to the PSNI regarding these incidents, to address training deficiencies and some disciplinary action was recommended. Three of the discharges related to warning shots being fired, but the Police Ombudsman was satisfied as to the proportionality of these discharges. The final discharge was at an individual who was perceived to be a threat, but was subsequently found to have an imitation firearm. The Police Ombudsman was satisfied that the police use of firearms was justified on this occasion.

## CS Spray now in use

On 13 July 2004 the PSNI first authorised officers to use CS Spray. The Chief Constable then decided to refer any use of CS Spray by his officers to the Police Ombudsman for investigation in order that any training gaps or bad practice were quickly identified and remedied. It was agreed that such referrals would take place until the end of 2004.

Fifty-eight referrals were made by 31 December 2004, but by 28 October 2004 sufficient investigation had taken place to enable the Police Ombudsman to identify trends and make recommendations to the PSNI relating to the use of CS Spray. These dealt with the potentially inappropriate use of the spray to disperse violent crowds, the likely contamination effects on officers, and that instructions be reinforced that CS Spray should not be used on restrained persons. Good practice identified was also brought to the attention of the Chief Constable. The PSNI reacted swiftly to the recommendations. An instruction was issued by the Deputy Chief Constable on 9 November 2004 and changes were immediately implemented in respect of the training delivered to officers.

Whilst some use of CS Spray caused concern, the vast majority of actions were found to be appropriate. Some of the referrals have shown circumstances where CS Spray was used where the use of a firearm may have been justified, but with much higher risks for everyone involved.

Such examples emphasise the critical importance of the availability of CS Spray in the range of options available to the police in such situations. The Police Ombudsman investigations have



## CASE STUDY

## CS Spray

An officer saw a male being attacked by two men in the early hours and went to the man's assistance. He was assisted by another officer. One of the two assailants was seen to drop a hammer behind a wall and he was arrested. The second officer then arrested his accomplice, who produced a claw hammer from his pocket with which he struck the officer on the side of the head. The officer wrestled with him and both fell to the ground. The suspect still had the hammer and was free to use it. The officer's colleague came to his assistance and discharged his CS Spray after a warning. This immediately incapacitated the suspect.

## CASE STUDY

## CS Spray

**The Police Ombudsman made a number of recommendations to police about the use of CS Spray following the investigation of an incident in Derry/Londonderry.**

In one incident the Police Ombudsman said an officer was right to use his spray when 4 police officers in a landrover came across a gang of 8 people attacking a man who lay on the ground with blood flowing from his head. After shouting at the men to stop attacking their victim and warning them that he would use CS Spray, the officer used his spray and the gang rang off. However, the man lying on the ground and the officer himself were also affected. The Police Ombudsman noted the difficulty of using the spray in 'public order' and 'street disorder situations' where it could increase the risk to bystanders and to the officers themselves, leaving them less able to defend themselves. This matter was brought to the attention of police who issued instructions.

## CASE STUDY

## CS Spray

CS Spray was used when, following a domestic disturbance, officers were confronted by a male with a large kitchen knife. He was in a highly agitated state and threatening to kill the officers. One of the officers drew his firearm but this had no impact. His colleague discharged CS Spray after due warning which resulted in the male retreating. An arrest was subsequently made.

vigorously tested the training, policy and practice applied in the introduction of the CS Spray and the Police Ombudsman has worked with the police to secure improvements. Whilst the use of CS Spray is not now routinely referred, if a complaint is made, then it will be investigated as normal.

### Police Ombudsman calls in matters for investigation

The Police Ombudsman has called in four cases for investigation in the reporting period.

One matter was referred to the Police Ombudsman after an apparent irregularity in an officer's notebook came to light during a court hearing. Given the circumstances pertaining to the case the Police Ombudsman decided to use her call in powers to investigate. Arising from the subsequent enquiry it was decided that there was no criminal offence of "perverting the course of justice". Notwithstanding, following recommendations by the Police Ombudsman, two officers involved were given a managerial discussion in relation to the completion of notebooks.

The Police Ombudsman called in a matter related to the circumstances surrounding an anonymous telephone being made to Omagh police station on 4 August 1998 which was relevant to the police enquiry team investigating the bombing of Omagh on 15 August 1998. This investigation is ongoing.

A case was called in for investigation by the Police Ombudsman following receipt of correspondence from the Director of Public Prosecution in respect



of allegations during a court hearing that police notebook entries, together with a witness statement, had been altered. The investigation is ongoing.

Following comment made by a judge in the Crown Court in June 2004 the Police Ombudsman decided to investigate, by way of call in, whether there had been any police misconduct. The investigation is ongoing.

### Other significant investigations

Chief Constable referrals place heavy demands on the Office, but in addition to those matters there are many other significant investigations undertaken by the Police Ombudsman. 'Significant' investigations are involving death or serious injury or other serious allegation or those which are high profile with significant public interest attached. In the past year 52 cases have been so classified. Serious cases often demand an immediate response, and investigators from the Office are on call twenty-four hours every day to meet such demands. Over the reporting period significant investigations have included:

- allegations of very serious assaults;
- allegations of partial policing in respect of the Lurgan Parade on 13 July 2004;
- similar allegations in respect of the Ardoyne Parade on 12 July 2004;
- issues regarding police searches relating to the Northern Bank Robbery;
- issues relating to the search of a politician's house by police on the day he was announcing his decision to stand for selection as a Member of Parliament;
- an investigation into a police investigation into serious terrorist activity which failed at the court hearing resulting in serious criticism directed at the police by the trial judge.

More details of the published reports referred to are available on the Police Ombudsman website: [www.policeombudsman.org](http://www.policeombudsman.org).

### Grave or exceptional matters now weighing heavily

The Police Ombudsman is under significant pressure in relation to complaints of a grave or exceptional nature which often date back many

## CASE STUDY

### Investigative opportunities lost

**In April 2004 the Police Ombudsman said she had found no evidence to support an allegation from a woman that police officers allowed several men who had assaulted her friends to just walk away.**

It is most important that an investigation begins as rapidly as possible after an incident, so that evidence can be recovered.

The woman said that on a certain date she had been with her friends in a night club. She said that she and two of her friends left in the early hours of the next morning. She alleged that as she walked along a street two men attacked her friends. She said the police arrived on the scene at that stage but despite her protest they allowed the men to just walk off. The Police Ombudsman investigators interviewed the officers concerned who said they had been dealing with a robbery when they had arrived on the scene. The officers said that they had not seen the alleged assault take place. They said they had talked to the woman and her friends, who were in a very excited state and it proved difficult to make sense of what they were saying. When Police Ombudsman investigators began to deal with the allegation it became evident that the woman had supplied the wrong date of when the incident took place. By the time investigators received the correct date they had lost the opportunity of securing any video evidence which may have been available. The Police Ombudsman's investigators also contacted the two friends who were alleged victims of the assault but they did not provide any evidence to support the allegation.

years. These allegations are referred to as retrospective, in that they are outside the 12 month period within which a complaint should normally be registered.

Most of those complaints relate to issues surrounding the police handling of murder and



### CASE STUDY

#### Sunday Times

In October 2004 the Police Ombudsman released details of an investigation into a complaint from The Sunday Times newspaper, two journalists and a former RUC officer about police searches of their properties. The investigation strongly criticised the handling of the searches at the homes of those involved and said the seizure of the journalists' material was unlawful. No evidence was found, however, to support an allegation that the Chief Constable had misled the Policing Board about the operation.

serious inquiries, and many of them concern incidents from Northern Ireland's troubled past. The people who make these complaints come from all parts of the community in Northern Ireland, from members of the public and also from families of members of the police, prison service and the army.

Government have provided significant additional resources to the police service to review and re-investigate unsolved murders which have occurred over the past thirty years. Some of the police investigations from the past will identify issues requiring the involvement of this Office which will place additional demands particularly on the investigative resources of the Office.

The retrospective investigations often require that officers involved in the original investigation be seen. Many have retired. Retired officers cannot be compelled to co-operate with such an investigation as witnesses, and whilst the majority do assist, some officers decline to co-operate for a variety of reasons, or without explanation. Contact has been made with the Northern Ireland Branch of the Retired Police Officers' Association with a view to seeking their assistance and involvement but as an Association they have declined to meet officials from the Office. Every effort is made to reassure ex-officers but the lack of co-operation can effectively leave questions unanswered and an investigation incomplete.

Where an officer, who is retired, is suspected of having committed a criminal offence the investigation will continue, even where the officer will not co-operate. The law in such circumstances provides powers to interview such officers.

The Police Ombudsman has received several allegations in relation to grave or exceptional matters where initial inquiries have been carried out and she believes that full-scale investigations are needed. Although the Police Ombudsman is compelled by law to carry out such investigations, and is committed to doing so, limited funds have meant that we have had to prioritise that work. During the year the prioritisation matrix was revised and developed. Looking for evidence from the past is a complex, painstaking and very labour intensive business. The passage of time can make it very difficult to find papers or material. People we may need to speak to may have died or be too ill or too old to recall incidents from the past or to be questioned about them. Some of the allegations involve other agencies, which adds to the complexity of the investigation.

#### A matter of grave concern

In February 2005 the Police Ombudsman reported on the investigation into complaints that Newry man Eoin Morley was murdered in 1990 at the instigation of police, that they knew who was responsible for the murder and that they sought to protect that person from being brought to justice. Investigators interviewed the RUC officers who handled the case and analysed the information and intelligence they had gathered. The investigation found nothing to indicate that police had prior knowledge of or involvement in Mr Morley's death. The Police Ombudsman did note, however, that the RUC Special Branch had not disseminated information held and this this had contributed to the failure to apprehend anyone. The Police Ombudsman believes the consequences of this inevitably led to suspicion that certain individuals were being protected from justice.



*"A Police Ombudsman investigation into the murder of a young Newry man 15 years ago has found no evidence to support an allegation that he was murdered at the instigation of police.*

*Forensic experts disclosed that a gun found in an unrelated house search was the murder weapon. A fingerprint, masks, overalls and gloves were also uncovered, but this significant development was not pursued.*

*Police information suggested a link between a named individual and the house when the material was found. There was no indication that this man was considered a suspect, or was checked against the fingerprint. A sample of his hair taken subsequently was not compared to the clothing found.*

*An examination of Special Branch files uncovered ten separate items of information which may have had some relevance to the murder investigation but which were not passed on to the investigating police officers."*

**Newry Reporter, February 2005**

## More reports due

Several of the current major retrospective investigations are expected to be completed during the year 2005-2006. Some of these matters will be reported directly to complainants, others will be the subject of published statements or Reports. Extensive summaries of our findings will be made available to the complainants and then to the public.

## Reviews relieve anxiety of relatives

During the year the Police Ombudsman undertook a major review of other serious matters and found that in a significant number of cases, despite the fears of the families concerned, police investigation into the deaths of their loved ones had been properly carried out.

The Police Ombudsman fully understands the need for police to respect next of kin status, but sometimes close family relations can feel left out of communication unnecessarily. Generally families bereaved through murder should be kept better informed.

## Key recommendations for improvement

Within the Investigations Directorate there are normally at least 700 investigations going on at any point in time. Many of these result in no further action being recommended, but a small number produce evidence which require recommendations to be made to the Director of Public Prosecutions and/or to the Chief Constable. Other important outcomes, however, from the range of investigations undertaken by the investigators include specific recommendations for changes in policy, practice, procedures or training which contribute directly or indirectly to the improvement in policing in Northern Ireland.

*"I think that in many of these cases a lack of information had caused people to doubt whether police had fulfilled their duty in carrying out proper investigations. I hope it helps in some small way that the police did properly investigate each of these cases." Police Ombudsman.*



### CASE STUDY

#### Death after car pursuit

In April 2004 investigators were called out to a 'sudden death' in County Antrim and to what was to be the first of the series of major new investigations in the year. The incident involved the tragic death of a 19-year-old man at an area known as The Glen near Whiteabbey. The young man's body was taken from a stream known locally as the Three Mile Water where it had been trapped under a police car. The Police Ombudsman will make public a statement of the findings when that investigation is complete.

### CASE STUDY

#### Threat to kill

In July 2004 the Police Ombudsman made public the main findings from the investigation into matters surrounding the death of Mr William Stobie. Mr Stobie, who was a Loyalist, was shot dead by Loyalist terrorists outside his home in the Glencairn area of north Belfast. The complaint alleged that police failed to protect Mr Stobie and did not make any attempt to deal with the threats against him. Our investigation concluded that police officers had alerted Mr Stobie to the threat against him and had tried to help him deal with those threats. They had offered him support to move home and offered him advice on personal security; both of which he declined.

### CASE STUDY

#### Stormont

In August of 2004 the Police Ombudsman released details of her investigation into complaints about the PSNI search of the Sinn Fein offices in Parliament Buildings, Stormont in 2002. During that investigation 35 people were interviewed, including police officers, security officers at Stormont, Sinn Fein members and the Justice of the Peace who granted the search warrant. No evidence was found to substantiate allegations that the searches were politically motivated but the Police Ombudsman noted that the scale and manner of the operation was totally disproportionate.

### CASE STUDY

#### Pressure on forensic scientist

Also in August 2004, the Police Ombudsman made public the main findings from our investigation into events following the collapse of a terrorist trial amid fears that police had tried to influence a forensic expert. The Chief Constable had referred the matter to us following concerns voiced during the trial of a man accused in relation to a gun attack on a polling station at Draperstown during the 2001 General Election, in which two police officers and a young girl were injured. We found no evidence that police had put improper pressure on the scientist but noted major failures in the police handling of forensic aspects of the case.



### CASE STUDY

#### Mother not informed

The mother of a man murdered in 2000 expressed concerns about the investigation of her son's murder. In particular, she was concerned about the delay in being advised of the death and the lack of information police had provided about the progress of their investigation. The Police Ombudsman concluded that the police had failed to provide information about the progress of the investigation, but without doubt a full and thorough investigation had been carried out.

### CASE STUDY

#### Killed in crossfire

The widow of a man who was killed when he got caught in crossfire during an exchange of shots between the security forces and terrorists in the early 1980s, was concerned that police had not properly investigated the case. Police files showed that the investigation had been conducted in line with relevant guidelines.

### CASE STUDY

#### Police Officer murder

The Police Ombudsman was contacted by the son of a police officer murdered in the 1970s. The complainant had never been told what steps the police had taken in investigating the case. Police Ombudsman investigators reviewed the case documentation and established that the murder had been properly investigated. We also concluded that the police had updated the family through the next of kin (who was not the son).

### CASE STUDY

#### Shooting at car

The Police Service of Northern Ireland is making a number of changes to its procedures governing situations where police cars are in pursuit of vehicles. These changes follow recommendations by the Police Ombudsman's Office.

In May 2004 the Police Ombudsman's Office made a number of recommendations following an investigation into an incident where police officers from several regions were involved in a high speed pursuit covering more than 13 miles, during which an officer fired two shots at the vehicle. The incident began when a resident noticed two men get into a neighbour's car and drive off. The man followed the car and phoned police to tell them what was happening.

The police pursuit began in Co. Down and continued onto the M1 towards Belfast. During that time the stolen car continued to swerve erratically, narrowly missing other cars and also rammed the police vehicle. At one stage when the car had been stopped, a police officer got out of his vehicle, but the stolen car drove towards him at speed, trapping him against the central reservation barrier. The officer fired his gun at the vehicle, which then sped off. The car was later recovered.

The Police Ombudsman concluded that police officer feared that his life was in danger and therefore was justified to shoot at the car. However the investigation raised issues about how the police pursuit was conducted and how officers had compromised their own safety. The police officer should not have used his gun in this way. The Police Ombudsman made a number of recommendations to the PSNI. They included a recommendation that police drivers who work in areas where there are motorways should receive particular training in motorway driving similar to that received by Traffic police officers.



**Sample of recommendations to PSNI for improvements in Policy, Practice and Procedures following investigation of serious matters**

Category	Recommendation and Response
Death	<ol style="list-style-type: none"> <li>1 The Hotline telephone (used for reporting car crime) should be a different colour from the other phones in the enquiry office at police stations.</li> <li>2 New instructions should be issued at police stations reminding officers of their responsibilities when answering the Hotline telephone.</li> </ol> <p><b><i>PSNI Response - Recommendations made in the Report concerning the Hotline have been implemented</i></b></p>
Death	<ol style="list-style-type: none"> <li>1 The safety sensor strips running down the edge of the vehicle gate entrance should be replaced and correctly wired to the control panel.</li> </ol> <p><b><i>PSNI Response – completed</i></b></p> <ol style="list-style-type: none"> <li>2 The ergonomics of the Sangar do not allow the gate operator a clear view of the vehicle from both sides. This Sangar should be totally redesigned and modernised, in line with recommendations by the Health and Safety Executive.</li> </ol> <p><b><i>PSNI Response – Under consideration</i></b></p>
Death	<ol style="list-style-type: none"> <li>1 That PSNI review the Urban Region instruction and provide for supervision by the Control Room in incidents such as the matter dealt with in this report, pending the introduction of the ACPO Policy on Pursuits.</li> </ol> <p><b><i>PSNI Response – Under consideration</i></b></p>
Shooting	<ol style="list-style-type: none"> <li>1 The working practice of the Headquarters Mobile Support Unit should be reviewed.</li> <li>2 There should be a review of officers' training records.</li> <li>3 PSNI should appoint a Tactical Firearms Adviser for each Firearms Operation in accordance with the ACPO Manual of Guidance.</li> <li>4 Steps should be taken to provide for Post Incident Managers and appropriate training be given.</li> </ol> <p><b><i>PSNI Response – Recommendations accepted</i></b></p>
Firearm	<ol style="list-style-type: none"> <li>1 Specialist commentary training should be an essential component of driver training.</li> </ol> <p><b><i>PSNI Response - Recommendation brought to the attention of PSNI during the course of the investigation and being addressed.</i></b></p>
Firearm	<ol style="list-style-type: none"> <li>1 That all police officers are familiarised through instruction or training with the basic forensic consideration with regards to the correct and appropriate packaging of exhibits such as clothing at scenes where firearms have been discharged.</li> <li>2 That training emphasises the need for operational police officers to give oral warnings prior to the discharge of police firearms.</li> </ol> <p><b><i>PSNI Response – Under consideration</i></b></p>
Firearm	<ol style="list-style-type: none"> <li>1 That the PSNI urgently review the use of the Automatic (three shot burst) on the Heckler and Koch MP5.</li> </ol> <p><b><i>PSNI Response – Under consideration</i></b></p>
Failure to Protect	<ol style="list-style-type: none"> <li>1 That panic type alarms should be made available for local use.</li> </ol> <p><b><i>PSNI Response - Looking at short term reassurance measures.</i></b></p> <ol style="list-style-type: none"> <li>2 That there should be a clear process and policy for conducting security audits of vulnerable premises.</li> </ol> <p><b><i>PSNI Response - Introducing Project Guardian alarms.</i></b></p>



**Sample of recommendations to PSNI for improvements in Policy,  
Practice and Procedures following investigation of serious matters**

Category	Recommendation and Response
Searching	<p>1 That the PSNI adopts a critical incident policy and methodology. <i>PSNI Response – Critical Incident Management training will be given to all Managers.</i></p> <p>2 That the PSNI policy in respect of policy logs is clarified and reinforced with all Investigators, particularly Senior Investigators. <i>PSNI Response – Formal directions issued by Head of Serious Crime Branch to deal with this.</i></p> <p>3 When searches are to be conducted and it is believed females may be present, a female officer should attend, unless there is good reason to prevent this. <i>PSNI Response – Accepted and DCC direction given.</i></p> <p>4 That planning or operations take into consideration the pressures on staff, particularly senior staff to ensure the need for excessive hours of continuous duty is avoided. <i>PSNI Response – Accepted in principle with operational caveat.</i></p> <p>5 That policy be implemented regarding the conduct and record of risk assessments prior to searches. <i>PSNI Response - PSNI Search Manual since been issued which deals with this.</i></p> <p>6 New legislation with operational impact should be prioritised for circulation. <i>PSNI Response – Criminal Justice Department to have this as target.</i></p> <p>7 Training of officers in relation to the whole issue of applying for and executing search warrants should be reviewed and adjusted as necessary. <i>PSNI Response – 3 additional Crime Trainers to ensure this is dealt with.</i></p>
CS Spray	<p>1 CS Spray should not be used as a 'dispersal' weapon in street disorder.</p> <p>2 That the fact that CS Spray should not be used on restrained prisoners be emphasised in training. <i>PSNI Response – Deputy Chief Constable directive dated 9 November 2004 issued dealing with this.</i></p>
Scene of Crime	<p>1 Scientific Support staff should receive training relating to forensic issues at major crime scenes.</p> <p>2 All Scientific Support Staff should receive training in the law relating to the CPIA 1996.</p> <p>3 The Senior Investigating Officer in charge of all major crime investigations should ensure that the crime scene is videoed before any forensic examinations take place.</p> <p>4 All SIOs should be made aware of the Service Level Agreement between PSNI and FSNI.</p> <p>5 All SIOs should define the parameters of a major crime scene, ensure that a search plan is considered and set a Forensic strategy.</p> <p>6 All exhibits taken during a Major Crime Investigation should be recorded and managed by a dedicated Exhibits Officer.</p> <p>7 Officers should be trained to undertake the role of Exhibits Officer during major crime investigations. <i>PSNI Response – Many of the recommendations have already been implemented by PSNI following an internal review of serious crime investigations. The remaining recommendations have now been closed.</i></p>



## OUTCOME OF COMPLAINTS AND INVESTIGATIONS

Of the 2885 complaints received and registered 1295 had specific information which required those matters to be referred to the Investigation Teams for formal investigation under Section 56 of the Act. The remaining 1590 were handled directly by the Complaints Team. 720 complaints involving less serious matters were assessed as suitable for referral for informal resolution, but before this can happen Regulations require that the complainant is asked to consent to that process. Of the 720 considered suitable, 456 were referred with consent to the PSNI. The PSNI then seek to conduct informal resolution of the complaint. If that is not possible the matter is returned to the Police Ombudsman.

Complaints received 2004-2005	
Complaints referred for formal investigation	1295
Complaints dealt with by Complaints Office	1590
<b>TOTAL</b>	<b>2885</b>

Of the remaining complaints, the information within the initial complaint, and further information ascertained from the complainant in

their statement or by interview, enables the Complaints Office to deal with the matter. In some cases in the light of the discussions undertaken, or information supplied, a complaint may be withdrawn.

A significant number of complaints, particularly those which come directly from the police station, cannot be further progressed because when attempts are made to contact the person or to gain more detail and information in relation to the complaint, there are difficulties in locating the person, obtaining the relevant information or sometimes the person does not wish to further co-operate with the complaints process. Every reasonable attempt is made to ensure that the member of public or the complainant knows that the system is available to respond to their concerns.

### Complaints and investigations closed during 2004-2005

The total number of complaints closed during 2004-2005 was 3052. This includes complaints received in previous reporting years. Complaints are closed according to Home Office categories.

During the year a total of 11% of complaints were returned by the PSNI as having been informally resolved in a satisfactory manner. 10% were considered ill-founded and 21% not substantiated.

### CASE STUDY

#### Medical evidence contradicts allegation

In February 2004 the Police Ombudsman concluded that an allegation that a police officer had grabbed a man by the throat and punched him was 'vexatious' and was made without proper cause.

A man complained that while he was being arrested a police officer grabbed him by the throat, pinned him against a landrover and punched him. The man alleged that he was then driven in the landrover to a police station but was then kept in the back of the vehicle for almost 30 minutes during which time he was assaulted. Police Ombudsman investigators looked at all the evidence including police documentation and medical reports. A Forensic Medical Officer said that the man's injuries were inconsistent with the injuries the man claimed to have received and said the injuries were more in line with those which would have been caused by struggling against handcuffs. The Police Custody record showed that the man had been arrested at 2.55 am and had arrived at the police station at 3.09 am. The medical report showed that the Forensic Medical Officer had begun his examination at 3.10 am, thereby contradicting a claim that he had been kept in the police landrover for almost 30 minutes. There were no independent witnesses to the incident.



Over 43% of complaints were closed following initial inquiries by Complaints Officers or Investigators without the need for further action. 4% of matters, in which there had been criminal allegations were referred to the DPP and in 7 cases criminal charges were recommended. A further 3% were referred to the Chief Constable with relevant disciplinary recommendations.

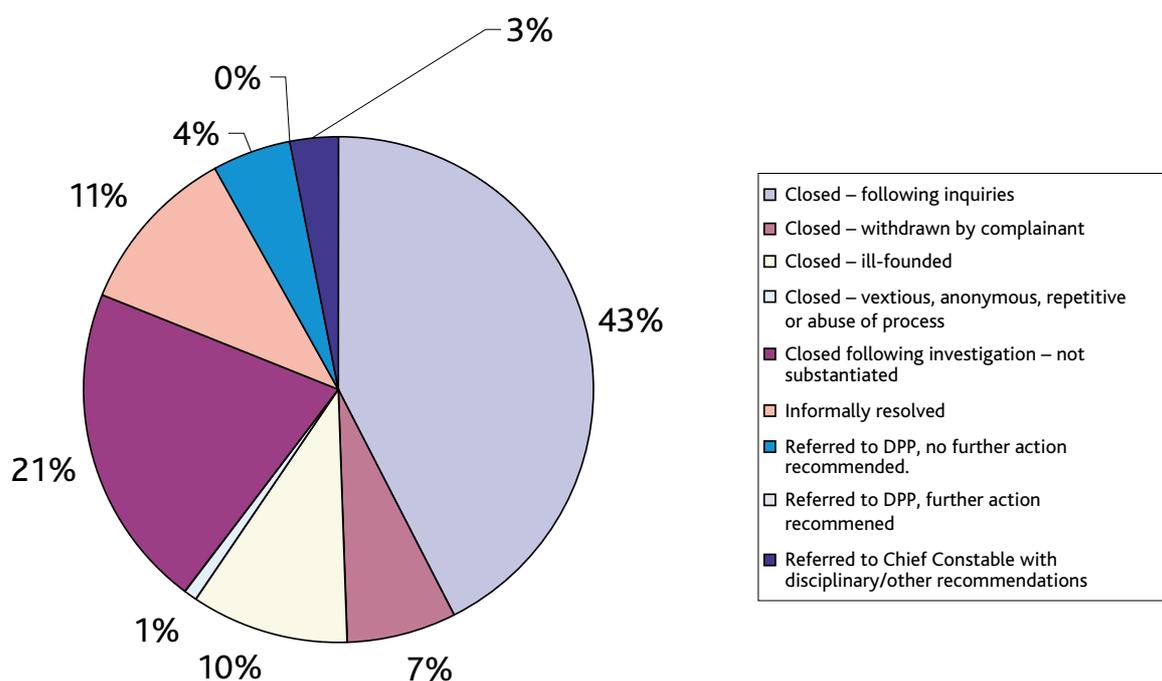
### Cases referred to Director of Public Prosecutions

During the year 149 cases were referred to the DPP for direction as to whether criminal charges should be preferred. In 7 cases the investigators of the Police Ombudsman recommended criminal prosecution. This involved 19 charges against 11 police officers. During this year directions have been received from the DPP regarding criminal prosecution against officers in 6 cases.

Overview of Complaint Closures and Outcomes 2004-2005	
Outcome	%
Closed – following inquiries	43%
Closed – withdrawn by complainant	7%
Closed – ill-founded	10%
Closed – vexatious, anonymous, repetitive or abuse of process	1%
Closed following investigation – not substantiated	21%
Informally resolved	11%
Referred to DPP, no further action recommended	4%
Referred to DPP, criminal charges recommended	0%(7)
Referred to Chief Constable with disciplinary/other recommendations	3%

Cases referred to Director of Public Prosecutions 2004-2005	
Total cases submitted	149
Cases with no recommendations for prosecution	142
Cases with recommendations for prosecution	7
Number of officers subject of recommendations	11
Number of charges recommended	19

OUTCOME OF COMPLAINTS AND INVESTIGATIONS





Recommendations of Prosecution to Director of Public Prosecutions 2004-2005	
Charge	Total
Offence under the Protection from Harassment (NI) Order (1997)	1
Attempting to pervert the course of justice	5
Obstruction of the Police Ombudsman	4
Discharge of firearm with intent to endangering life	1
Criminal damage	2
Common assault	1
Theft	1
Administering a noxious substance	1
Assault occasioning actual bodily harm	3
<b>TOTAL</b>	<b>19</b>

"...The experience of this Department is that such investigations are carried out in a thorough and rigorous manner. If further enquiries are necessary, the Police Ombudsman is receptive to such requests." **Department of the Director of Public Prosecutions** (Source: NIAC Report)

### CASE STUDY

#### Conviction at court relating to an off duty assault

In August 2002 a young man was trying to start his 50cc motorised tricycle. An off duty officer who lived nearby approached the young man, produced his warrant card and started to question him regarding insurance details. The police officer then told the young man he was arrested and physically took the man to his house where he punched him several times. The arrest was unlawful. The officer was subsequently prosecuted, and after many adjournments at court requested by his defence, convicted by the Resident Magistrate of assault on 9th November 2004. He was given a Conditional Discharge and ordered to pay £200 compensation. Disciplinary action has now been recommended against him and the outcome is awaited.

Number of Cases referred to Director of Public Prosecutions 2001-2005			
2001-02	2002-03	2003-04	2004-05
78	184	174	149

Number and type of direction by Director of Public Prosecutions 2001-2005	
Type of Charges	No of Charges
Assault incurring actual bodily harm	6
Common assault	6
Causing death by dangerous driving	2
Dangerous driving	3
Careless driving	1
Perverting the course of justice	8
Criminal damage	1
Malicious wounding	1
Possession of firearm with intent	1
Unlawful and injurious imprisonment	1
<b>TOTAL</b>	<b>30</b>

### CASE STUDY

#### Conviction at court of assault

A complaint was made in May 2004 that a police officer had violently pushed the complainant across the room, whilst he was in custody providing a sample of breath having been arrested on suspicion of drink driving. The complainant was thrown to the floor and knocked his head on the wall. An investigation commenced and CCTV film seized. The incident was recorded on the film. The officer was subsequently prosecuted for assault and convicted by a Resident Magistrate on 4th May 2005. He was fined £300. It has been established that the officer had two previous criminal convictions for assault, involving three assaults, a criminal conviction for dishonesty and disciplinary matters proven against him. Disciplinary action has been recommended by the Police Ombudsman and the outcome is awaited.



Recommendations for Prosecution submitted to DPP by year										
	2001/02		2002/03		2003/04		2004/05		Total	
	No. Cases	No. Offences								
Assault occasioning Grievous Bodily Harm	1	1	0	0	0	0	0	0	1	1
Assault occasioning Actual Bodily Harm	4	4	4	4	0	0	2	3	10	11
Common assault	0	0	5	5	3	3	1	1	9	9
Causing death by dangerous driving	0	0	1	2	0	0	0	0	1	2
Dangerous driving	0	0	1	1	2	2	0	0	3	3
Careless driving	0	0	1	1	0	0	0	0	1	1
Perverting the course of justice	1	1	2	9	0	0	2	5	5	15
Perjury	1	1	0	0	0	0	0	0	1	1
Kidnapping	1	1	0	0	0	0	0	0	1	1
Intimidation	0	0	0	0	1	1	0	0	1	1
Causing harassment alarm or distress	0	0	0	0	1	1	0	0	1	1
Racially or religiously aggravated	0	0	0	0	1	1	0	0	1	1
Breach of S. 55 Data Protection Act	0	0	0	0	1	1	0	0	1	1
Breach of S. 18 CPIA	0	0	0	0	1	1	0	0	1	1
Left for DPP to decide	4	4	1	1	0	0	0	0	5	5
Obstructing the Police Ombudsman	–	–	–	–	–	–	1	4	1	4
Theft	–	–	–	–	–	–	1	1	1	1
Administering a Noxious Substance	–	–	–	–	–	–	1	1	1	1
Criminal Damage	–	–	–	–	–	–	1	2	1	2
Discharge Firearm with intent	–	–	–	–	–	–	1	1	1	1
Offence under the Protection from Harassment (NI) Order	–	–	–	–	–	–	1	1	1	1
<b>Total</b>	<b>12</b>	<b>12</b>	<b>16</b>	<b>24</b>	<b>10</b>	<b>10</b>	<b>11</b>	<b>19</b>	<b>48</b>	<b>65</b>



## Disciplinary referrals to the Chief Constable

When it has been established that there is evidence that an officer may have committed a disciplinary offence, the following action may be recommended: that an officer receives Advice and Guidance in relation his/her conduct; that he/she receive a Superintendent's Written Warning, or that he/she appear before a Misconduct Panel and face specific Misconduct Charges.

The range of sanctions available to a misconduct panel is:

- Dismissal
- Requirement to resign
- Reduction in rank
- Reduction in pay
- Fine
- Reprimand
- Caution

Recommendations made to Chief Constable 2004-2005		
Charge	Cases	Officers Involved
Misconduct Charges	10	11
Advice and Guidance	35	42
Superintendent's Written Warning	12	16
<b>TOTAL</b>	<b>57</b>	<b>69</b>

### CASE STUDY

#### Misconduct hearing

A member appeared before a Misconduct Panel and admitted a charge of failing to meet General Conduct, which arose as the result of an investigation conducted by the Office of the Police Ombudsman. The charge related to the member's inappropriate comments towards members of the public and an assault on a member of the public for which the officer was not prosecuted. The incident occurred whilst the member was off duty. The Panel imposed a £200 fine.

### CASE STUDY

#### Misconduct hearing

A member appeared before a Misconduct Panel and admitted a charge of failing to meet General Conduct and a charge of Abuse of Authority which arose as the result of an investigation conducted by the Office of the Police Ombudsman. The charges related to the member's inappropriate behaviour whilst speaking with a minor and for threatening to arrest the minor without grounds for such action. The Panel imposed a £400 fine and a Reprimand respectively.

### CASE STUDY

#### Officer Fined £3000

A police officer was fined more than £3000 and transferred from his post to other duties after a disciplinary hearing arising from complaints made against him.

Two women complained to the Police Ombudsman's Office that they had been assaulted by a man who said he was an off duty police officer, and had shown them his warrant card. They said the man had also been verbally abusive to them. While the Police Ombudsman by law, does not normally investigate complaints against off duty police officers, the fact that the man in question was alleged to have shown his warrant card made the fact that he may have been a police officer relevant to the complaint. The Police Ombudsman's Office received statements from witnesses who were with the women and saw what happened. They also received medical evidence which supported the women's claims of assault. Following a disciplinary hearing at which the officer admitted to charges regarding his general conduct, the PSNI reduced his pay for a period of 12 months equal to a sum of more than £3000. The Constable was also transferred from his post to other duties.



Formal misconduct charges, arising from complaints heard 2004-2005			
Nature of Misconduct Charges	Officers involved	Nature of Plea	Sanction
Use of Force/Abuse of Authority	1	Guilty	Fined £500. Subject to Conflict Resolution Skills Assessment
Politeness and Tolerance General Conduct (2)	1	Guilty	Reduction in pay. Transferred
Performance of Duties	1	Guilty	Fined £800
Abuse of Authority General Conduct	1	Guilty	Fined £400
General Conduct	1	Guilty	Fined £200

### Cases referred to Chief Constable

During the year, following investigation, a total of 57 cases were referred to the Chief Constable with recommendations for discipline charges, Superintendent's Written Warnings or Advice and Guidance. 10 cases were the subject of a recommendation that formal Misconduct Charges be brought against 11 police officers.

In 12 cases it was recommended that 16 officers be given a Superintendent's Written Warning.

A further 35 cases recommended Advice and Guidance being given to 42 officers.



### Referrals for informal resolution

Informal resolution provides an opportunity, in those matters which are considered to be less serious, for a senior police officer to speak to the complainant and to the police officer separately, in an effort to resolve the matter informally. This process can only occur with the consent of the complainant.

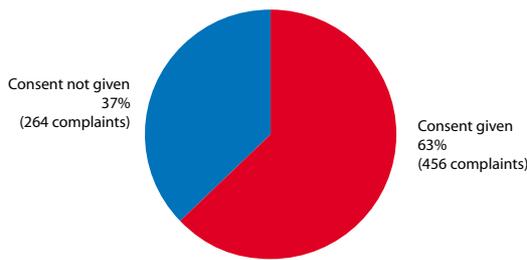
The number of complaints suitable for informal resolution in 2004/05 was 720 of which 456 (63%) had the consent of complainants to be referred to the PSNI for informal resolution.

### Successful informal resolution outcomes

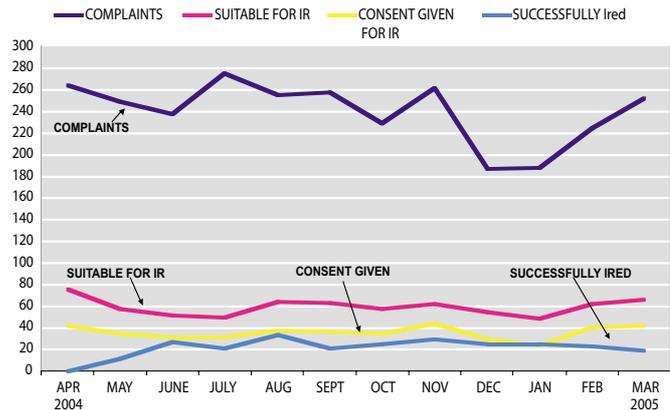
A high percentage of those cases which are progressed through informal resolution are successfully resolved. 278 of all cases in which consent was obtained in 2004/05 were successfully resolved with a further 92 ongoing. During the year a further 65 complaints, ongoing from the previous year 2003/2004, were also resolved, making a total of 343 for the year. This represents 74% resolution of all those complaints referred.

The outcome of the informal resolution process includes apologies from the officer, apologies on behalf of PSNI, explanations and expressions of regret.

Consent levels for complaints suitable for informal resolution

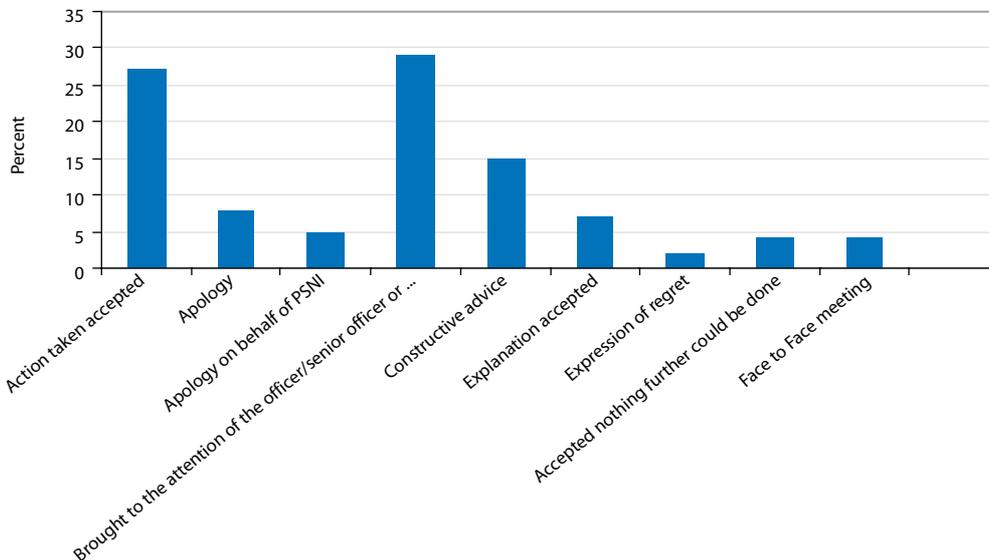


Profile of Informal Resolution April 2004 - March 2005



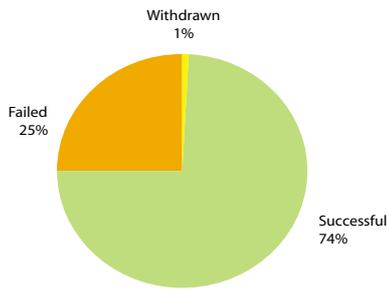
OUTCOME OF COMPLAINTS AND INVESTIGATIONS

Outcomes of Informal Resolution





Outcome of informal resolution where consent was given, 2004/05



**CASE STUDY**

**Informal Resolution: Neighbourhood Dispute**

**In August 2004 the Police Ombudsman’s Office helped to resolve a complaint from a man who alleged that a police officer had treated him unfairly in what was a neighbourhood dispute.**

The complaint arose after the police officer had spoken to a man during a neighbourhood dispute. The man’s neighbours had made a serious allegation against him. He alleged that the police officer had previously talked to his neighbours, had taken their ‘side’ of the story, had not given him a chance to explain his version of events and had given him a ‘caution’. The man further alleged that when he had made complaints against his neighbours, they had not been treated in this way. The Police Ombudsman’s Office initiated the Informal Resolution process during which a senior police officer met with the man making the complaint and was provided with information about his side of the story. The police officer in question acknowledged he had not acted impartially, he should not have issued a ‘caution’ which was then withdrawn. The senior police officer also spoke to the man making the complaint and explained to him the problems police officers often have in knowing who to believe in neighbourhood disputes. The man who had made the complaint said he was satisfied with the way it had been handled and said he regarded the matter as being resolved.

**CASE STUDY**

**Informal Resolution: One Way Street**

**In July 2004 a police officer apologised to a motorist who had complained to the Police Ombudsman’s Office about an incident in which he was involved.**

The member of the public had made a complaint that while driving along a street in Belfast a police officer had stopped him, told him he was driving the wrong way down a one-way street and told him to reverse out of the street. The man complained to the Police Ombudsman that he had felt bullied by the police officer and that the road in question was not a one-way street. Through the Informal Resolution process the police officer accepted that he had been in the wrong and apologised to the motorist. The man said he viewed the matter as being resolved. The police officer was given advice on the importance of being courteous at all times.



## CORPORATE SUPPORT

### Legal matters

#### Judicial Reviews

Over the past four years some 23 applications have been made to the High Court for judicial review of decisions of the Police Ombudsman. The Police Ombudsman has not been found to have erred in any of those decisions.

One judgement was received during the year in the case of the application by the CAJ for access to documents received in the course of the investigation of the complaint relating to the handling by police of threats to the late Mrs Rosemary Nelson. The purpose of the access sought by CAJ was to better inform them as complainants so they can make submissions. The CAJ argued that the Police Ombudsman failure constituted a breach of Article 2 of the European Convention on Human Rights. The Lord Chief Justice in his written judgement rejected the application for judicial review stating that the decision made had been unimpeachable and that the Office:-

*“was prepared to go to significant lengths to involve the applicants at all material stages of the investigation; they have been open to suggestion and comment and have met representatives of CAJ on a number of occasions. This approach betokens a willingness to listen and to reassure. Judged objectively I consider that it constitutes proper procedures for ensuring the accountability of agents of the state.”*

One application was made during the year by a complainant for judicial review of the Police Ombudsman’s refusal to disclose statements made by police officers in the course of an investigation. That application was dismissed by the Judge.

#### Civil Actions

A claim for damages was received from a minor and the case has been adjourned awaiting medical evidence. Part of the claim has been withdrawn.

A claim for damages was received from three police officers alleging false imprisonment in October 2001. That claim was withdrawn during the year.

#### Industrial Tribunal

Two claims have been made to an Industrial Tribunal: one for unfair dismissal in which a hearing was held and a decision is awaited, and the other was a challenge to a decision in relation to vetting. That case is the subject of a new judicial review application for disclosure.

### Complaints against the Office

During the year, under the Satisfaction Policy, 13 complaints against the Police Ombudsman or members of staff were received by the Chief Executive. Nine of these complaints were from members of the public, four were from police officers. The majority were regarding the outcome of investigations.

One complaint was rejected as having no foundation. Two complaints are ongoing and one complaint is the subject of external litigation. One of these complaints was also subject of a complaint to the NIO alleging mal administration and a full response was provided to the NIO.

In one case the Police Ombudsman agreed to reopen an investigation because of new information and in two matters, apologies were given for inadequate or unsatisfactory service. The remainder of the complaints were dealt with through correspondence where explanations or clarification was provided and accepted.

### Police policy and practice issues

On 1 April 2004 a new system for recording, retrieving and reporting on police policy and practice issues arising from complaints received, was introduced. It is now the case that all new complaints recorded are analysed for the purpose of identifying trends and patterns in complaints relating to police policy and practice issues. Of the 2885 complaints analysed during the year 871 (26%) were viewed as involving an issue relating to police policy and practice. The four areas identified by complainants as causing them most concern are: -

- failure by police to properly investigate reports of criminal offences
- failure by police to update victims of crime
- failure by police to respond or react effectively to incidents reported to them
- application and misuse of handcuffs



## Identification of complaint trends and patterns

The Police Ombudsman is under a statutory duty to provide the Northern Ireland Policing Board and the Police Service of Northern Ireland with statistical information in connection with trends and patterns arising from complaints received. Reports are issued on a monthly and quarterly basis to key stakeholders. These provide details, on a cumulative basis of:-

- the number of complaints received,
- the overall numbers and types of allegations received,
- factors underlying complaints,
- what is happening at the time of the incident,
- nature of allegations emerging from each of the 29 District Command Units,
- complaint locations,
- allegations involving the use of a weapon or equipment by police,
- complaints closed,
- recommendations to the Director of Public Prosecutions
- recommendations to the Chief Constable.

In addition, the Police Ombudsman, on a monthly basis, provides police with details of all officers having 3 or more complaints against them during a rolling 12-month period. This information is disseminated to all Command Units and records the nature of the allegations made and the current status in respect of each complaint. The purpose of this tracking and trending information is to give the Commander management information to be used in conjunction with other available management information in relation to the officer, such as welfare and internal disciplinary issues, and sickness and absence records. The information available should be used to inform decision making so as to achieve effective and proper policing.

## Researching the quality of experience of informal resolution

During the course of the year the Office carried out a number of research projects including a report on the informal resolution of complaints. The aim of the report was to ascertain whether the informal resolution is being properly used and in doing so identify opportunities for improving

the quality of service and public satisfaction with this aspect of the complaints procedure. The report will be published shortly.

## Non heterosexual and ethnic community research

A second major research project, jointly undertaken with the Northern Ireland Policing Board, sought the views of the non heterosexual and ethnic communities on the new policing arrangements. This Report is awaited.

Other areas where research is currently ongoing include:-

- the use of CS spray
- a final analysis of all baton rounds discharged by police during 2001/2002
- the reasons why, having made allegations against police, complainants fail to co-operate with the subsequent investigation into the matter.

It is anticipated that reports on all ongoing research will be made public during 2005.

## Police policy and practice investigations

Under section 60A of the Police ( NI ) Act 1998 the Police Ombudsman may investigate a current police policy and practice if it comes to her attention under the Act, and she has reason to believe that it would be in the public interest to investigate the policy or practice. During the year the Police Ombudsman decided to conduct a policy and practice investigation into the area of police identification. The investigation comprised five key elements:-

- consultation with the public
- consultation with police officers
- semi structured focus group with interested parties
- in depth interviews with consultees
- benchmarking using a sample of police services throughout the UK

It is anticipated the final report will be published during the summer of 2005.

In conjunction with police a second policy and practice investigation into the manner police plan and conduct searches of residential properties was initiated during the early part of 2005.



### Improving standards in the Office

During the year a series of quality assurance inspections were conducted on key areas of work. The accuracy of all closures by Investigating Officers was subject to thematic inspection each month from April to October 2004. Cases are closed using Home Office closure categories. During this period both the consistency and accuracy of case closures improved. This area was revisited in March 2005, and of the closed cases subject to inspection there was an accuracy rate of 97%.

Under Regulation 6 of the RUC (Complaints etc) Regulations 2000 the Office has a duty to notify police officers that a complaint has been made. Quality assurance inspection highlighted a less than satisfactory compliance rate during April, May and June 2004. By the end of the year, however, compliance had improved to 85%.

The purpose of quality assurance exercises is to identify areas for improvement in performance and processes, and to recommend action for improvement. Other areas subject to quality assurance inspections include:

- six-week complainant and police officer update compliance
- accuracy of computer data input
- suitability of informal resolution referrals
- timely provision of documentation from police
- timeliness of response to requests to police officers for interview

### Timeliness under focus

The quality assurance exercises on timeliness involved analysis of questionnaires issued to Police Ombudsman Investigation staff, and information extracted from the Office's Case Management System.

The following represent just a few of the findings:

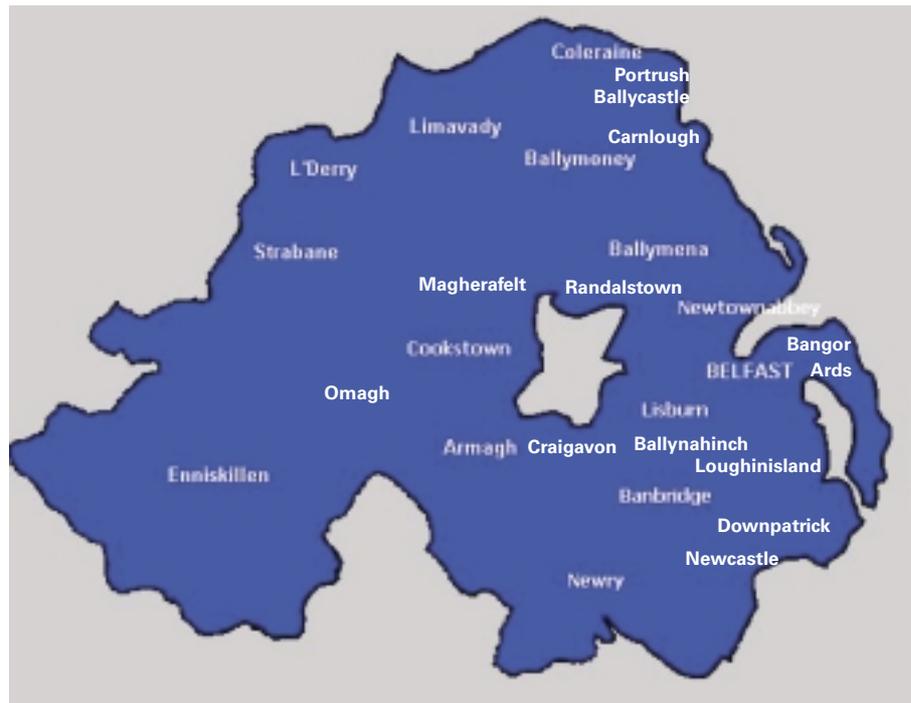
- 75% of investigators stated it took 4 weeks or less to arrange police officer interviews.
- 65% of investigators indicated that PSNI shift patterns, training commitments or sick/annual leave were responsible for delays.
- 65% of investigators indicated it took up to 8 weeks to secure documentation requested from police.
- In 71% of cases sampled, reminder letters seeking documentation were required to be issued by Police Ombudsman Investigating Officers and in 50% of cases sampled more than one reminder need to be issued.

The Police Ombudsman's Report incorporates a number of recommendations aimed at improving timeliness. It is intended to share the Report with police and it is hoped that remedial action will be taken.

### Informing the public and the police

Staff in the Office have worked hard during the year to keep people as fully informed as possible about the work of the police complaints system. During the year members of staff travelled across the towns and villages in Northern Ireland to meet people interested in our work and hear their views

### Presentations within the community





Samples of Community Meetings and Visits	
Fleming Fulton, Belfast	Hunter House College, Belfast
Limavady Grammar School	Joint NIPB/PSNI Youth event, Belfast
Assumption Grammar, Ballynahinch	CCMS Enniskillen
Royal Belfast Academic Institution	CCMS Down and Connor
Arvalee Special School, Omagh	CCMS Banbridge
City of Armagh High School	CCMS Derry
Campbell College, Belfast	North Down DPP
Antrim Grammar	Ballymena DPP
St. Michael's College, Enniskillen	Newry and Mourne DPP
Dominican College, Portstewart	Maghera DPP
Larne Grammar School	Ards DPP
Ulidia Integrated College, Belfast	Castlereagh DPP
St. Bridgid's High School, Armagh	Moyle DPP
St. Patrick's Grammar School	Newtownabbey DPP
Coleraine College (X 2)	Omagh DPP
Bangor Grammar School	NI Tenants Assoc. Project, Ballymena
Ballymena Academy	NI Tenants Assoc. Project, Omagh
Portora, Enniskillen	NI Tenants Assoc. Project, Belfast
St. Columba's, Portaferry	Victim Support, Belfast
St. John's Church Coleraine	St. Mary's Church Creggan
Loreto College Coleraine	Ballymoney Probus Club
Ballynahinch Probus Club	Assumption Grammar School Ballynahinch
St Olcan's School Randalstown	Employment Route 1 Belfast
Women Chief Executives, Belfast	Common Purpose, Belfast
Women in Leadership, Newcastle	Ulster Human Rights Watch
Ballymena Academy	University of Ulster Growing and Learning Diversity – Carnlough
NICIE & YMCA Living with Diversity – Newcastle	Ballymoney, Limavady and Coleraine Rotary Club

on the police complaints system. A new initiative was taken with the Northern Ireland Tenants' Action Project to meet community groups in housing estates and during the year we held five such meetings.

### Focusing on youth

The Police Ombudsman's continued her commitment to the youth programme and staff visited more than 20 schools. The Northern Ireland Affairs Committee in its Report into the Office underlined the importance of this work saying:

*"The importance of the Office actively engaging with young people and increasing their awareness of the Office cannot be overestimated... We expect these efforts to continue to develop."*  
(Source: NI Affairs Committee Report)

### Supporting the work of District Policing Partnerships

The Police Ombudsman also continued the programme to support the work of the District Policing Partnerships. During the year statistics posted onto the website ([www.policeombudsman.org](http://www.policeombudsman.org)) in relation to



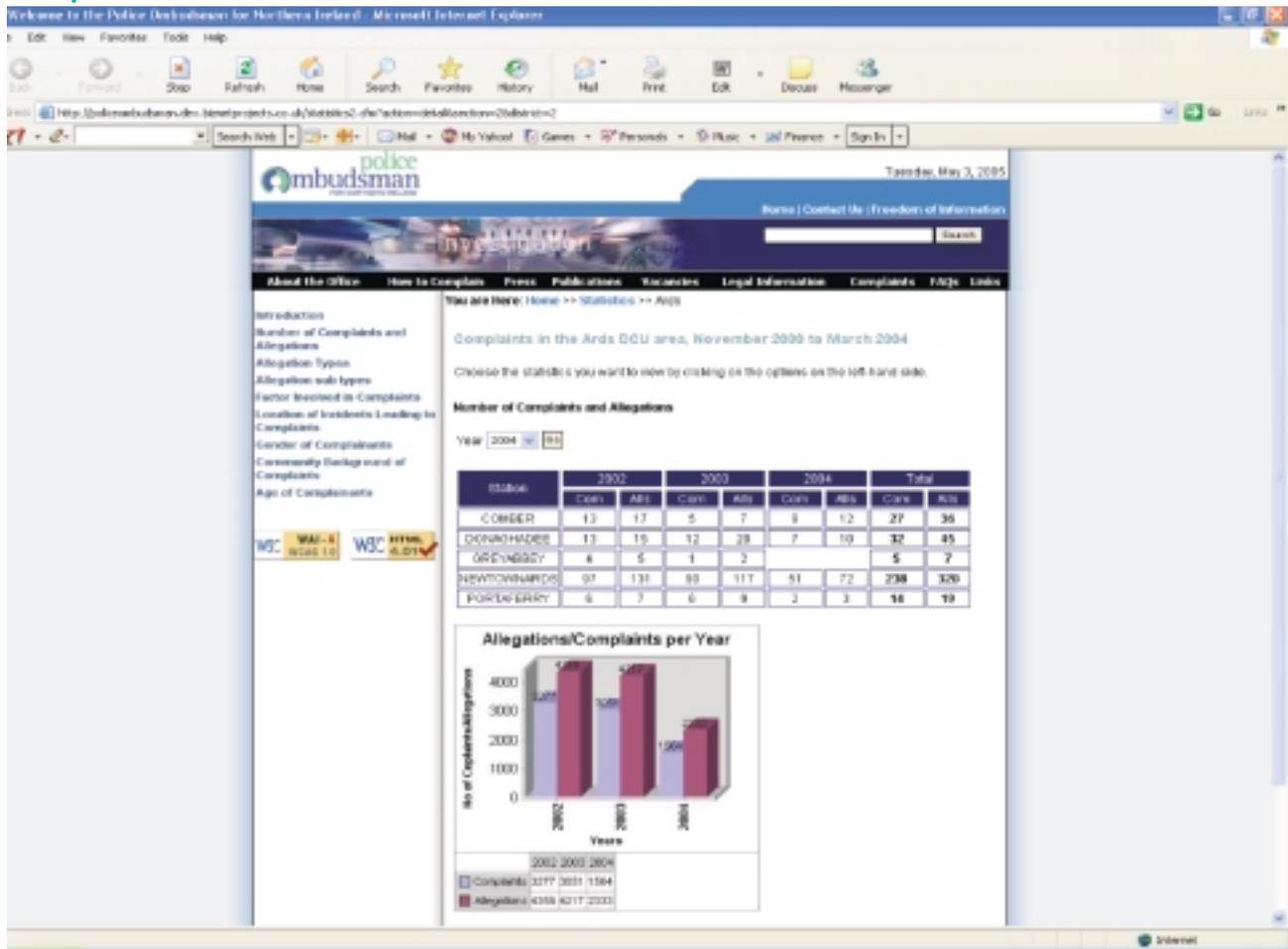
districts across Northern Ireland. Meetings have been held with 26 District Policing Partnerships to give members information about the police complaints profile in their area and to answer their questions.

### Being open and transparent

The Police Ombudsman uses the media in all its forms to provide people with as much detailed

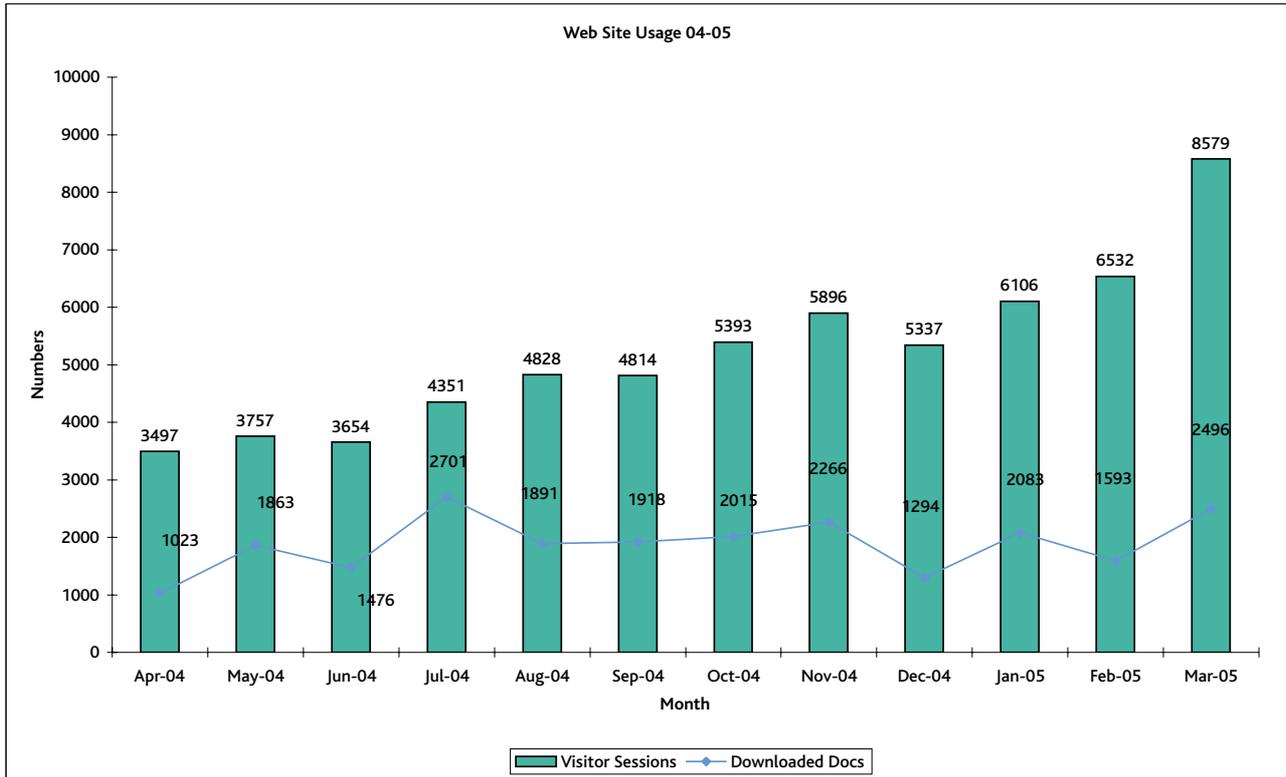
information as we can about our work. 17 press releases were issued during the year and many hundreds of questions from the media, the public and their representatives were answered. Detailed reports on many of the major investigations completed were posted onto the website. More than 22,000 documents were downloaded from the website during the year.

### Sample of District Information on the Police Ombudsman's Website



CORPORATE SUPPORT

Web Site Usage 2004-2005					
	Quarter 1	Quarter 2	Quarter 3	Quarter 4	Total
Hits	247,781	313,679	290,273	331,828	1,183,561
Page views	73,992	83,670	66,579	81,038	305,279
Visitor sessions	10,908	13,993	16,626	21,217	62,744
Unique visitors	3,056	3,841	4,485	6,342	17,723
Downloaded documents	4,362	6,510	5,575	6,172	22,619



### Freedom of Information

Procedures were established to deal with official requests made under the Freedom of Information Act 2000, which came into full operation on 1st January 2005. (Details about how to make such requests are available on our website.) To date we have received 17 requests.

*“an appetite for constructive discussion and debate on police practice and police complaints procedures on the part of the PSNI, the police staff associations and the Police Ombudsman’s Office”. NIAC*

### Informing the police

The Police Ombudsman is committed to ensuring that police officers are informed about the work of the office. She is aware that some police officers have particular concerns about the work and during the year began a further initiative to visit and make presentations to police officers in police stations.

During the year members of staff met with and listened to more than 2500 officers. The officers stated that these events had been useful. Between September and March 1800 officers were asked for feedback in relation to their views before and after the meetings. 90% of them indicated that the meetings had addressed their concerns, 87% said that at the end of the meetings they were satisfied that the Office is impartial. The Northern Ireland Affairs Committee in its Report commented on this aspect of our work that there was:

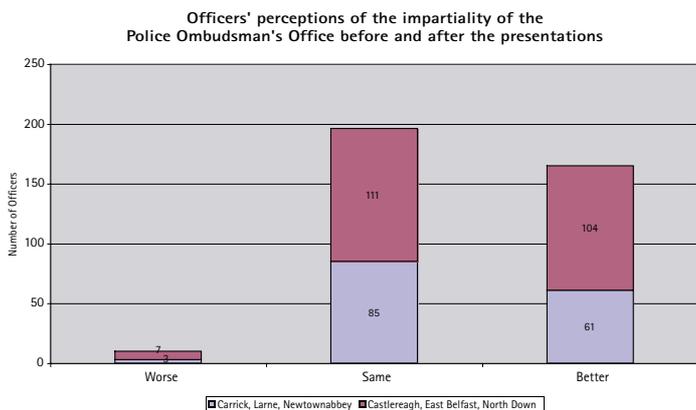
### Sample of presentations and training to PSNI, September 2004-March 2005

- 379 officers during DCU presentations in East Belfast, North Down, Castlereagh, Carrickfergus, Newtownabbey (43 sessions over 6 months)
- 570 (approximately) officers at 42 firearms presentations at Garnerville
- 200 officers: Gender Action Day 14 September 2004
- 240 officers: Student Officer Training at Garnerville
- 260 officers Phase Four Student Officer training
- 23 officers – “Ask the Ombudsman” event
- 70 senior officers (approximately) – Joint OPONI/PSNI conference
- 30 officers – SIO Crime Training
- 25 officers – CS Spray Training

CORPORATE SUPPORT



### Officers' views of the presentations



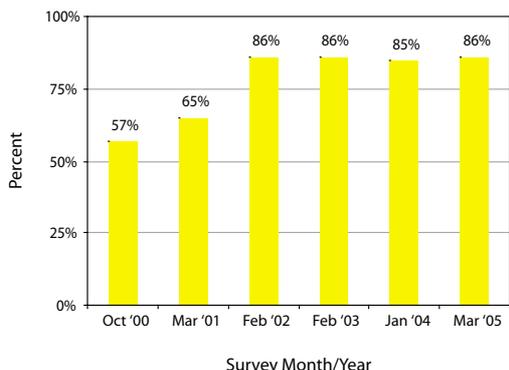
### Public attitudes to the Police Ombudsman's Office, March 2005

Fourteen questions were commissioned by the Police Ombudsman for inclusion in the March 2005 NISRA Omnibus Survey. The fieldwork took place between early March and early April 2005, with nearly 1,100 respondents being interviewed.

#### Awareness of the Police Ombudsman

- 86% of respondents said they had heard of the Police Ombudsman, a similar proportion to those seen in previous surveys.
- Protestants were marginally more likely than were Catholics to be aware of the Police Ombudsman
- Respondents aged less than 25 showed lower levels of awareness of the Police Ombudsman than did older age groups.
- The source of information about the Police Ombudsman most frequently cited by respondents was television (89%).

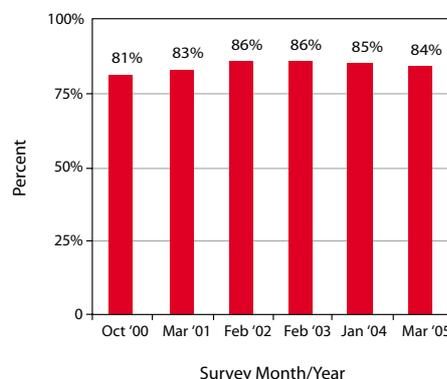
Proportions of Respondents aware of the Police Ombudsman, October 2000 to March 2005



#### Awareness of the independence of the Police Ombudsman

- 85% of those respondents who had heard of the Police Ombudsman thought that she was independent of the police; this figure has varied only slightly since October 2000.
- 11% thought that the Police Ombudsman was part of the police.
- Protestants and Catholics had similar levels of awareness of the Police Ombudsman's independence.

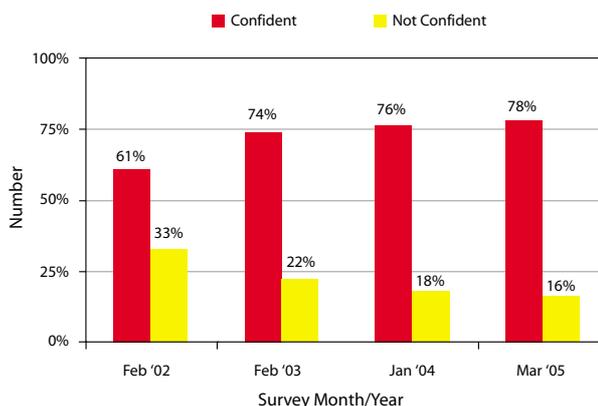
Proportions of Respondents aware of the independence of the Police Ombudsman, October 2000 to March 2005



#### Impartiality of Investigation

- 78% of respondents were confident that the Police Ombudsman deals with complaints in an impartial way, up from 61% in 2002;
- 16% were not confident that investigations were impartial.
- 81% of Catholics and 74% of Protestants were confident that the Police Ombudsman deals with complaints impartially; the latter figure has risen from 51% in 2002.

Confidence in the impartiality of the Police Ombudsman's Investigations, February 2002 to March 2005

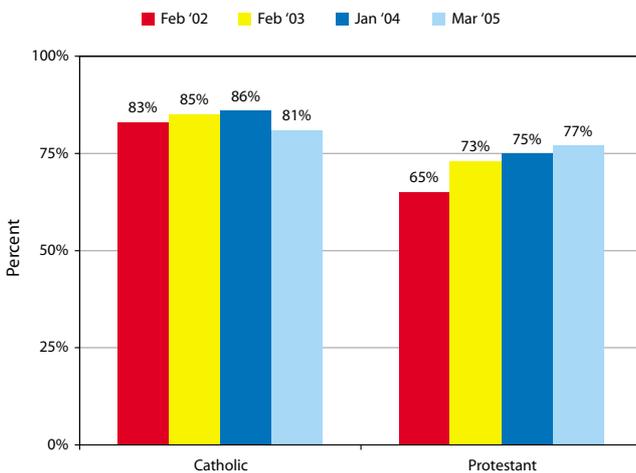




### Effect of the Police Ombudsman on policing

- 78% of respondents thought the Police Ombudsman would help ensure that the police do a good job.
- Catholics were more likely than Protestants to hold this view (81% compared to 77%).
- The main reasons given by respondents were:
  - police would treat the communities in Northern Ireland more impartially;
  - police would give less cause for complaints from the public; and
  - police would investigate crime better.

Proportions of Catholic and Protestant respondents thinking that the Police Ombudsman would help the police do a good job, February 2002 to March 2005



*“... We believe that the Police Ombudsman’s Office has successfully established itself as an approachable, impartial and independent agency in Northern Ireland .....”*

*Citizens Advice in Northern Ireland  
(Source: NIAC Report)*

### Complainant satisfaction high

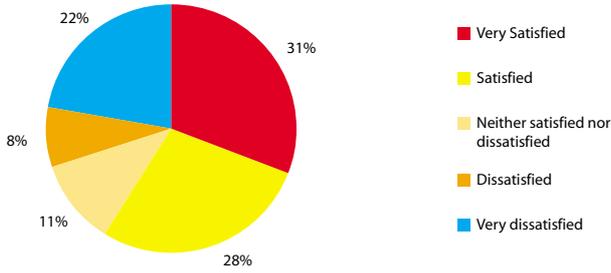
The Complainant Satisfaction Survey for the Police Ombudsman’s Office was carried out between April 2004 and March 2005. All complainants whose cases were closed during the first week of each quarter were surveyed as to their experience.

Respondents were presented with 23 statements, 13 of which were yes/no answers, 8 were on a scale, very satisfied to very dissatisfied, and 2 were open-ended statements. Complainant were asked whether they would use the complaints system again?

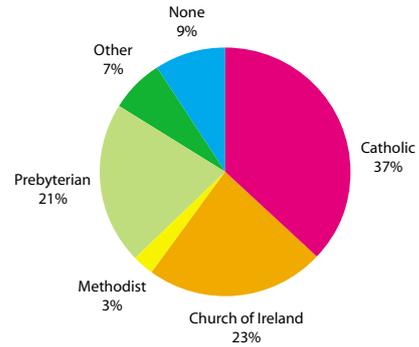
- 66% of respondents think they were treated fairly by the Police Ombudsman’s Office.
- 58% of respondents, taking everything into account, were satisfied with the service they received. This includes 31% who were very satisfied.
- 75% of respondents would use the complaints system again.
- 94% of respondents thought staff were polite.
- 84% of respondents thought staff were knowledgeable.
- 83% of respondents thought staff were professional.
- 70% of respondents thought staff seemed impartial.
- 77% of respondents were satisfied with how long the Office took to reply after they first reported the incident.
- 75% of respondents were satisfied with how clearly the complaint process was explained.



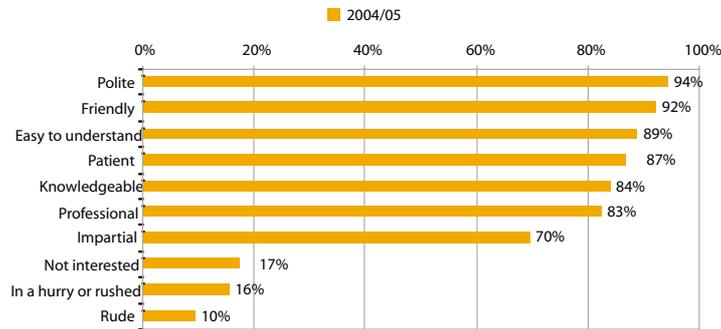
Overall, taking everything into account, how satisfied or dissatisfied were you with the services you received?



Complainants' Community Background, 2004-05



How did staff seem to you?



### Complainant diversity

Various demographic aspects of complainants are monitored as a means of fulfilling the obligations laid upon the Police Ombudsman by Section 75 of the Northern Ireland Act 1998. The majority of the data is collected by means of a monitoring form which complainants complete voluntarily at the end of the process.

### Community background

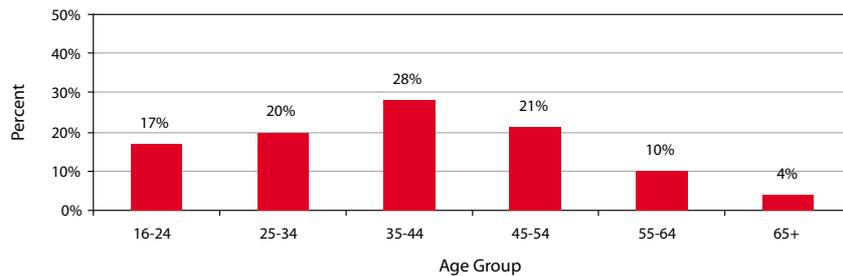
Out of the 846 complainants who provided information about their community background, 37% said they were Catholic (37% in 2003-04), 47% identified their background as Presbyterian, Church of Ireland or Methodist (48% in 2003-04), and 16% said they were of other or no religion (15% in 2003-04).

### Gender

Of those complainants whose gender was known, 71% were male (73% in 2003-04) and 29% were female (27% in 2003-04).

Gender of Complainants		
Gender	Number	%
Male	1977	71
Female	804	29
Total	2781	100

Complainants' Age, 2004-05

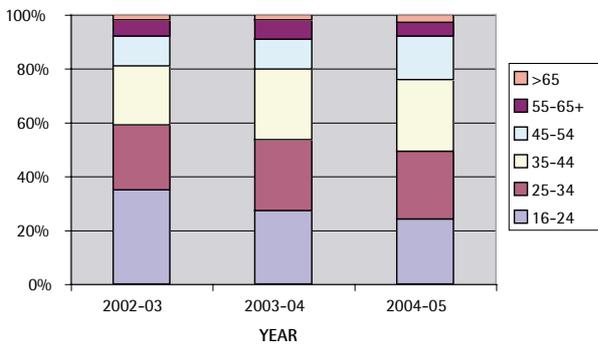




### Age

Of those complainants whose ages were known, more than a quarter (27%) fell into the 35-44 age group. The proportion of complainants who are aged under 25 (24%) has been falling annually, accounting for 27% in 2003-04 and 35% in 2002-03. This change in profile is probably related to the fall in the number of allegations of Oppressive Behaviour and the increase in allegations of Failure in Duty mentioned previously.

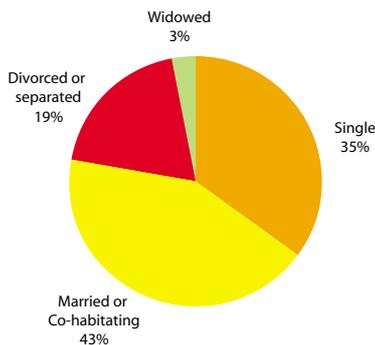
Age of Complainants



### Marital status

The largest proportion of complainants (43%) said they were married or co-habiting, while 35% said they were single and 19% were divorced or separated.

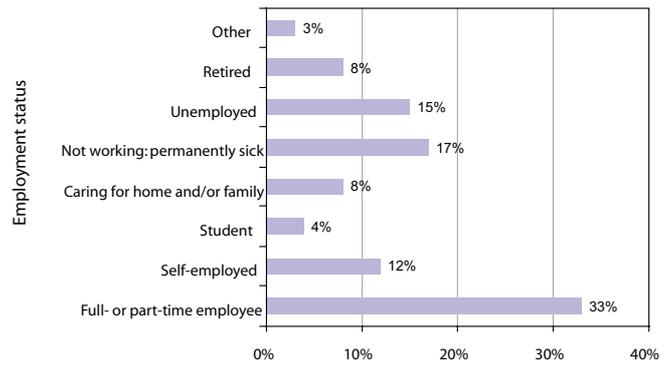
Complainants marital status, 2004 - 05



### Employment status

Monitoring of complainants' employment status shows that in 2004-05 45% of complainants were working either full-or part-time or as self-employed persons. 17% said they were unable to work because they were permanently sick, while 15% said they were unemployed.

Complainants' Employment Status, 2004-05



### Staff equality profiles

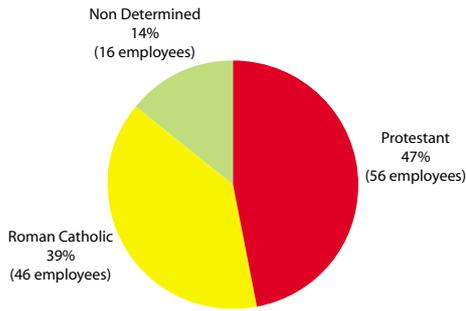
Information taken from the Fair Employment Monitoring Return as at 1 January 2005 indicates that 62% of the staff employed in the Office are male and 38% are female. This represents a shift from 59% male and 41% female as at 1 January 2004. The Office recognises that it employs more males than females and continues to strive to attract more applications for positions within the Office from female candidates.

The community background of staff employed in the Office indicates that 47% of staff employed in the Office at 1 January 2005 are Protestant, 39% are Roman Catholic and 14% are not determined.

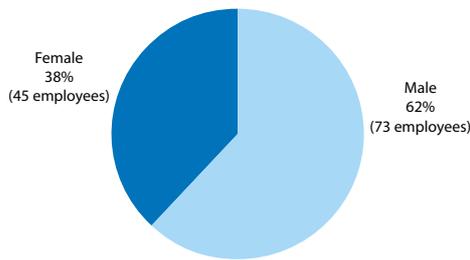
Composition of Workforce	Number of Employees	%
Number of Males	73	62%
Number of Females	45	38%
Number of Protestants	56	47%
Number of Roman Catholics	46	39%
Number not determined	16	14%
Number of Protestant Males	31	26%
Number of Protestant Females	25	21%
Number of Roman Catholic Males	28	24%
Number of Roman Catholic Females	18	15%
Number of non determined Males	14	12%
Number of non determined Females	2	2%



Breakdown of staff by Community Background as at 01/01/05



Breakdown of Staff by Gender as at 01/01/05



### Employment and recruitment

The numbers of staff in post within the Office has now stabilised. During the early years of the life of the Office the staff numbers grew and by the end of March 2005 there were 119 fixed or permanent staff employed within the Office, supplemented by a number of agency staff, against an approved complement of 128 staff.

### Training and development of investigators a priority

The Office continues to invest significant resources into the training and development of all its staff to enable them to fulfil the functions of the Office competently. One of the most significant training investments by the Office has been the Accredited Training Programme which has been developed with the University of Portsmouth. The Office enrolled a second cohort of staff during the 2004/05 year. The programme which builds upon the existing investigative experience and training of staff, is designed to provide an independently assessed qualification which demonstrates competence in investigation. The Office is pleased to be able to recognise achievement on this programme. 34 staff have been trained in the first two cohorts and 10 staff have now achieved full accredited investigator status during the reporting period.

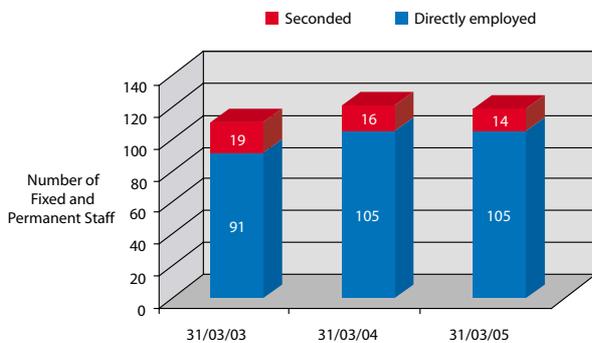
*“Recognition of the integrity of the Ombudsman herself has been a recurring theme amongst our discussions with people within Northern Ireland and across the world. She and her staff are recognised as world leaders in civilian oversight.”*  
*Independent Police Complaints Commission – England*  
 (Source: NIAC Report)

### Other Training

Staff currently receiving study support	
Type of course	Number of staff attending
Public Services Management	3
Legal Qualification	1
Management Qualification	2
Social Research Methods	1
Professional Development Scheme	1
Law and Government	2
Criminology and Criminal Justice	1
Investigation and Evidence	2
Executive Secretary’s Diploma	1
Business and Finance Qualification	1

CORPORATE SUPPORT

Establishment of Staff in Post





Training courses 2004-2005	
Name of Course	No attending
Itel User & Administrator Course	2
Adapting Police Training to Change: Achieving Competency And Standards	2
Professional Standards Unit SIO Course	1
Research in the Evidence Based Age – 2nd Annual Best Practice Conference	1
Study School at Manchester University	1
The Vulnerable Witness Interview/Best Evidence Training and Tech Show	1
Health and Safety Hot Topics	1
Getting the Most from Today's Employees – Project Management Overview	1
Getting the Most from Today's Employees – Front Line Manager	1
Source Management Course	1
Skills for Successful Mediation	1
Family Liaison Officers Course for investigations	3
Research & Updated Professional Knowledge Seminar (CIPD)	1
Jane's Less Lethal Weapons 2004 Conference	1
Handling Uncertainty and Managing Risk	1
Forensic Science Society Conference	1
Managers of Analysts Course	1
PRINCE 2 Foundation Course	5
Developing Inclusive Organisation Cultures Seminar	1
Annual Review of Employment Law	1
SIO Development Programme	3
HR Implications of Change in the Public Sector	1
Restorative Justice the next decade – Conference	2
Supervisory Programme	9
Conference for Police Force Librarians	1
Accredited Family Liaison Coordinator	1
Lancashire Police National Analysts Conference	1
Records Management Seminar	1
Into to SPSS and Statistics	1
Introduction to Excel 2000	2
The Future of Public Administration	1
ACPO Single Point of Contact Communications Accredited Course	2
Accountability in the Modern Police Force	2
Data Protection Act	1
Health and Safety in the Office	3
Manual Handling	1
Finance for the Non-Financial Manager	1
Resource Budgeting Workshop	1
BIALL – Changing Times, New Challenges	1
UK Government Websites	1
Deaths in Police Care	2
Deaths in Custody	6
Criminal Evidence and Procedure "Rights and Obligations"	1
Managing and Maintaining an MS Windows Server 2003 Environment	1
Clue 2 Training	21
On-Board Training	7
Court Training – Giving Evidence	23
SpoC Training	1
Intermediation MS Excel 2000	2
Advanced MS Excel 2000	5
Data Protection A-Z Guide	1
Implementing Records Management	1
Dealing with Uncertainty Conference	1
Review Officers Course	8
Forensic Scene Advisors	15
Developing a classification scheme for information and filing	1
SIO Course – Hydra Week	1
Introduction to MS PowerPoint 2000	1
Risk Awareness Sessions	66
<b>TOTAL</b>	<b>188</b>



## Staff contribution to Marie Curie Cancer Care



Police Ombudsman staff take part in a variety of social events within the community. A team from the Office took part in the Belfast Marathon to help raise funds for Marie Curie Cancer Care. Here our Director of Investigations, Mr Justin Felice, presents a cheque for £560 to the charity's Lynne Davidson.

## Joint Negotiating Consultative Committee

The Joint Negotiating Consultative Committee (JNCC) mechanism within the Office provides a forum through which issues which relate to or impact on the staff of the Office can be discussed. During the year there were 5 formal meetings of the JNCC and significantly the joint recognition agreement was amended to formally recognise both NIPSA and UNISON within one meeting structure.

A standing sub committee to the JNCC on health and safety has been established. Other sub Committees are established as required to supplement the work of the Committee.

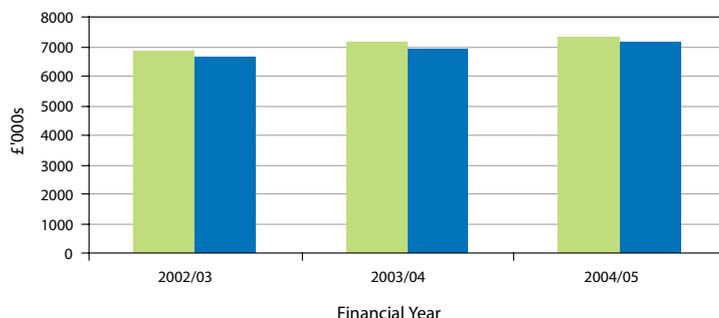
## Financial performance in line with Grant in Aid

Section 3 of this Annual Report contains the full Audited Accounts of the Office for the reporting period. What follows here is a synopsis of those accounts.

The Office continued to operate within the constraints of the budget allocated to it from the Northern Ireland Office. The cash budget for 2004/05 was £7,333k. The Office drew down £7,150k having made an easement to the NIO of £150k in December 2004.

	2002/03	2003/04	2004/05
Cash Budget	6838	7120	7333
Cash Drawdown	6643	6930	7150

Cash Drawdown against Cash Budget



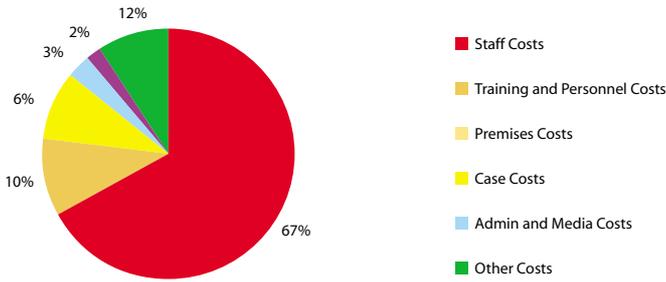
## Staff costs, the primary commitment

Staff costs, including training and personnel costs, represented 77% of the expenditure of the Office (excluding depreciation, diminution on revaluation of fixed assets and notional costs). The staff of the Office remain the most significant asset of the Office.

Cash Expenditure 2004/05	Total	%
<b>Staff Costs</b>	4,784,035	67%
<b>Training and Personnel Costs</b>	680,358	10%
<b>Premises Costs</b>	391,623	6%
<b>Case Costs</b>	219,988	3%
<b>Admin and Media Costs</b>	177,477	2%
<b>Other Costs</b>	852,832	12%
<b>Total Cash Costs</b>	<u>7,106,313</u>	



Resource by Expenditure Category



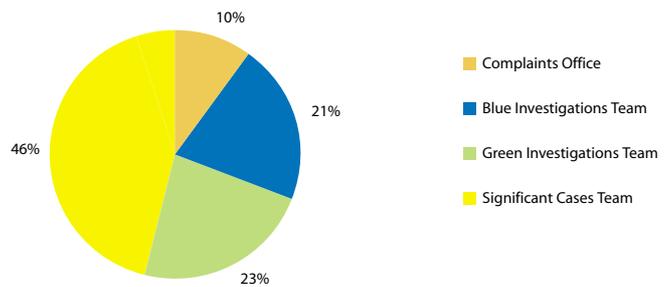
### Targeting resources in investigators

The main work of the Office is delivered through the Complaints and Investigations Directorate which is supported by the Policy and Practice Directorate, Legal Services Directorate, Information Directorate, Corporate Services Directorate and Executive Management Team. 59% of the total expenditure (excluding depreciation, diminution on revaluation of fixed assets and notional costs) has been incurred by the Investigations Directorate.

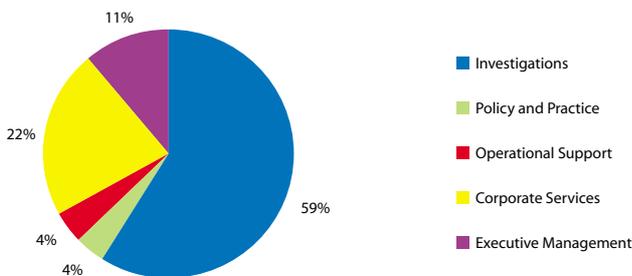
### Significant cases and investigations well resourced

The Investigations Directorate allocation of staffing resource for 2004-05 was 10% to the initial complaints office, 21% and 23% respectively to Blue and Green investigations teams which undertake most of the formal investigation and 46% is then allocated to the investigation of the grave or exceptional and significant cases. The Office was able to focus staffing resource on these matters during the year and some additional resources had been made available by the NIO. Whilst we will strive to maximise the amount of resource which can be allocated to these matters it is unlikely that this balance of resource allocation can be maintained.

Investigations Staff Resource by Team



Resource by Functional Area





KEY PERFORMANCE INDICATORS AND TARGETS		
Key Performance Indicators (Targets 2004 – 2005)	Current performance 2004 – 2005	Targets 2005 - 2006
Prompt response to calls from members of the public (Within 20 secs)	Average response time 8 seconds	Within 20 seconds
Prompt response in reception of visitors (Within 5 minutes)	<i>Average waiting time 4 minutes</i>	Within 5 minutes
Responsiveness of complaints being acknowledged and allocated (90% in 4 days)	<i>90% achievement in 4 days</i>	Within 4 days 95%
Time to administer complaints not referred for investigation (New target)	Average time to administer complaints not referred for investigation 33.1 days	Average 30 days
Time taken to refer suitable complaints with consent of complainant for Informal Resolution (90% in 3 days)	<i>93% achievement in 3 days</i>	3 days 95%
Initiate contact with complainant by investigation officer (90% in 3 days)	<i>88% achievement in 3 days</i>	3 days 90%
Time to investigate matters excluding grave or exceptional (Improve average 104 days)	<i>Current average time 84 days</i>	Average 80 days
Rapid response to emergency Chief Constable referrals (1.5 hrs Belfast, 3 hrs Regions)	Target achieved 100%	Within 1.5 hours Belfast, 3 hours in Region
Complainants kept informed of complaint progress regularly (Improve performance)	<i>77% of complainants were updated on progress within 6 weeks</i>	Within 6 weeks 85%
Police officers kept informed of progress of the investigation (Improve performance)	<i>81% of police officers were updated on progress within 6 weeks</i>	Within 6 weeks 85%
Satisfaction of complainant with service given by complaints and investigation officers (Improve satisfaction levels)	<i>75% of complainants satisfied and would use system again</i>	Min 80% satisfaction
Monthly supply of statistical reports of all complaints to PSNI and NIPB (Within 10 days)	<i>Targets achieved</i>	Within 10 days of month end
Responsiveness to Freedom of Information 2004 Act requests (New target)	<i>Complied with all requests</i>	Within 20 days
Public awareness and confidence in the Office (Maintain level of confidence)	<i>High level of confidence as measured in Survey</i>	Maintain current results
Accreditation of investigators through Portsmouth University (Further 15 officers)	<i>34 investigators engaged, 10 externally accredited</i>	Further 15 officers
Staff skills and training development (80% response to staff training needs)	<i>477 staff participation on 87 training events</i>	80% staff training complete
Compliance with Section 75 NI Act 1998 and Article 55 FETO 1998 (Reports as required)	<i>Complied with deadlines for returns</i>	Monitoring return May Progress report August
Risk management controls (Quarterly reviews of register)	<i>Audit Committee approved reviews 3 times during year</i>	Register updated quarterly
Grant-in-Aid compliance (Within 2% limits)	<i>Achieved with 1% of budget</i>	Within 2% limits
Published Corporate Plan and Annual Report (Target dates with NIO)	<i>Achieved target dates</i>	Before 30th June



## PROGRESS AND ACHIEVEMENT OF OBJECTIVES FOR 2004-2005

### OBJECTIVE 1 To provide information about the nature and outcomes of police complaints and developments in policing practice

- Give presentations within the community on the work of the Police Ombudsman, having regard to the needs of Section 75 groups  
*High level of achievement and compliance.*
- Inform the public through the media and the website ([www.policeombudsman.org](http://www.policeombudsman.org)) about the nature of complaints against the police, their outcomes and recommendations for development in policing practice  
*Website updated and site information indicates high level of use.*
- Make resources available for the purposes of the Review of the Office by Northern Ireland Affairs Committee of Houses of Parliament  
*Full compliance.*
- Report as required to Equality Commission, OOC, Surveillance Commissioner, Criminal Justice Inspector, Information Commissioner, Criminal Justice Commissioner  
*Full compliance.*
- Publish the Corporate Plan and the Annual Business Plan  
*Achieved.*
- Publish Annual Report and the Statement of Accounts  
*Achieved.*

### OBJECTIVE 2 To communicate to the Chief Constable and key stakeholders recommendations for the improvement of policing matters

- Communicate trends and patterns issues arising from complaints to the Chief Constable, NIPB and NIO  
*Achieved. Regular monthly and quarterly reports supplied to stakeholders.*
- Monitor and report on multiple complaints against officers to PSNI and District Command Units  
*Achieved.*
- Monitor and communicate all recommendations made by this Office and the relevant responses of PSNI  
*Achieved. Monitoring of recommendations and responses in place.*

- Give presentations to NIPB, District Policing Partnerships and key policing stakeholders on opportunities for improving policing policy and practice  
*High level of achievement.*

*High level of achievement.*

- Comply with Patten Recommendations and report accordingly to the Oversight Commissioner  
*Full compliance.*

### OBJECTIVE 3 To enhance the communication to and confidence of members of the PSNI

- Review communication procedures for the dissemination of information to PSNI  
*Achieved.*
- Further develop a corporate and co-ordinated programme to meet the information needs of PSNI officers, including the use of presentations, staff literature and 'policenet'  
*High level of achievement, programme of presentations and information reaching over 2,500 PSNI officers.*
- Establish a Working Committee in conjunction with Police and police staff associations and strengthen working arrangements  
*Achieved, Joint Committee established in July 2004 has met on three occasions with agreed agenda and actions in progress.*
- Maintain procedures for consultation and liaison with Staff Associations, the Police Federation of Northern Ireland, the Chief Police Officers' Staff Association and the Superintendents' Association  
*Ongoing progress, regular meetings and attendance at appropriate events by Police Ombudsman and key staff.*
- Keeping police officers informed on investigation progress  
*Significant improvement 81% of officers updated within six weeks.*

### OBJECTIVE 4 To conduct complex and retrospective investigations in line with resources and priorities

- Prioritise and maximise the ability of the Office to address complex investigations within available resources  
*Achieved, 46% of staff investigation resources allocated to significant investigations.*
- Inform complainants with regard to realistic timescales in relation to the commencement of investigations  
*Achieved.*



- Provide progress reports on retrospective or complex investigations to complainants  
*Achieved, complainants updated regularly on key investigations.*

**OBJECTIVE 5 To develop the framework for policy and practice investigations**

- Review the existing system for recording policy and practice complaints  
*Achieved, policy and practice framework in place in August 2004.*
- Identify patterns and trends arising from policy/practice complaints  
*Achieved. First report of Directorate in relation to patterns and trends issued December 2004.*
- Maintain a database on policy/practice investigations and outcomes  
*Achieved, database on investigations and outcomes in place.*
- Research, analyse and report on key policing complaints issues  
*High level of achievement in trend and pattern analysis.*

**OBJECTIVE 6 To improve organisational policies, structure, security and ICT support**

- Realign the structure and staffing resource to meet new operational and statutory requirements  
*Achieved.*
- Review internal policies in compliance with Section 75 of the Northern Ireland Act 1998  
*Full compliance, Section 75 progress report issued August 2004.*
- Improve the communication policy and procedures within the Office  
*Achieved, revised policy to JNCC in January 2005 but not agreed until April 2005.*
- Review the effectiveness of the ICT strategy and support systems  
*Achieved.*
- Analyse and improve risks management controls in line with the Risk Management Strategy  
*Achieved.*
- Conduct review of security policy and procedures in compliance with Manual of Protective Security  
*Fully achieved, review of Security Policy and Procedures carried out in line with Manual of Protective Security and made available to the Northern Ireland Office in June 2004.*
- Review staff consultation machinery, occupational health and health and safety regimes

*Achieved, new agreement involving two Unions in place November 2004.*

**OBJECTIVE 7 To develop the knowledge and skills of all staff to deliver an effective and efficient police complaints system**

- Expand the programme for participation in the University of Portsmouth accredited training for investigation staff  
*Achieved, further 19 staff enrolled and first 10 students received full accreditation in January 2005.*
- Approve relevant competence based or specialist training for other staff  
*Achieved further 15 staff engaged in job related study. 188 attendees at training courses.*
- Provide for a high level of staff training needs identified in performance development plans  
*High level of achievement.*
- Introduce a new role of trainee investigator  
*Achieved.*
- Conduct quality assurance exercises on complaints and investigations processes  
*Achieved.*

**OBJECTIVE 8 To achieve operating costs targets in line with Business Plan 2004-2005**

- Plan, manage and monitor expenditure within the conditions attached to Grant in Aid  
*Achieved, budget on target within 1%.*
- Develop the delegation of budgets and revision of cost centre structures within the Office  
*Progressed.*
- Develop performance management information for managers within the Office  
*Well progressed and achieved.*
- Extend the internal audit programme to undertake value for money studies  
*First value for money exercise authorised but not yet finalised.*
- Comply with internal and external audit requirements and recommendations  
*Full compliance.*
- Finalise the business case for a new or enhanced Case Handling System. Secure appropriate funding and procure  
*Progressed but not on target. Procurement and tendering process now progressing.*

# Section 3

## Statement of Accounts

1st April 2004 to 31st March 2005



## FOREWORD

### History and statutory background



The Office of the Police Ombudsman for Northern Ireland was established under the Police (Northern Ireland) Act 1998. It is an executive Non-Departmental Public Body financed by Grant in Aid from the Northern Ireland Office and is

accountable to Parliament through the Secretary of State for Northern Ireland.

The Office of the Police Ombudsman operates under a management framework governed by the Police (Northern Ireland) Act 1998 as amended by the Police (Northern Ireland) Act 2000 and 2003. The Office of the Police Ombudsman became a legal entity on 6 November 2000 by virtue of Statutory Rule 2000 No. 399, Police (Northern Ireland) Act 1998 (Commencement) Order (Northern Ireland) 2000.

The Office of the Police Ombudsman for Northern Ireland does not have a Board but is headed by the Police Ombudsman who is appointed by Royal Warrant and serves for a period of seven years. The current Police Ombudsman was appointed on 01 January 2000 as Police Ombudsman designate, with appointment as Police Ombudsman taking effect from 6 November 2000.

The Permanent Under Secretary of State, who is the Principal Accounting Officer of the Northern Ireland Office, has designated the Chief Executive as NDPB Accounting Officer for the Office of the Police Ombudsman for Northern Ireland.

### Statutory Duties

#### THE POLICE OMBUDSMAN FOR NORTHERN IRELAND IS:

- established by the Police (NI) Act 1998;
- accountable to Parliament through the Secretary of State;
- constituted and operated independently of the Northern Ireland Policing Board (NIPB) and the

Chief Constable;

- required to have regard to any guidance given by the Secretary of State;
- an executive non-departmental public body financed by a Grant in Aid from the Northern Ireland Office

#### THE POLICE (NI) ACT 1998

##### DIRECTS THE POLICE OMBUDSMAN TO:

- secure an efficient, effective and independent complaints system;
- secure the confidence of the public and of members of the police force;
- observe all requirements as to confidentiality;
- receive complaints and other referred matters and to decide how to deal with them;
- receive and record policy complaints and refer them to the Chief Constable;
- make recommendations to the Director of Public Prosecutions (DPP) for criminal action;
- make recommendations and directions in respect of disciplinary action against police officers;
- notify the Secretary of State, NIPB and Chief Constable of the outcome of certain complaints, referred matters and any investigation which the Ombudsman initiates without a complaint;
- report to the Secretary of State annually.

#### THE POLICE (NI) ACT 2000

##### DIRECTS THE POLICE OMBUDSMAN TO:

- carry out inquiries as directed by the Secretary of State;
- supply statistical information to the NIPB.

#### THE POLICE (NI) ACT 2003

##### DIRECTS THE POLICE OMBUDSMAN TO:

- investigate a current practice or policy of the police if the practice or policy comes to her attention under the Act, and she has reason to believe that it would be in the public interest to investigate the practice or policy.



## Funding and financial position

The Office of the Police Ombudsman is financed by a Grant in Aid from the Northern Ireland Office, Request for Resources 1; Playing a full part in implementing the Good Friday Agreement and representing the interests of Northern Ireland in the United Kingdom Government; supporting and developing an efficient, effective and responsive Criminal Justice System; upholding and sustaining the rule of law and preventing crime; maintaining a secure and humane prison service and reducing the risk of re-offending. The statutory authority to incur expenditure is Schedule 3, Paragraph 11 of the Police (Northern Ireland) Act 1998.

The accounts have been prepared in a form directed by the Secretary of State for Northern Ireland in accordance with Schedule 3 paragraph 12 of the Police (Northern Ireland) Act 1998.

The financial position at the year end is set out in the Income and Expenditure Account included on page 70. The deficit for the year was £99,231.

## Events since the end of the financial year

There have been no significant events since the end of the financial year which would affect the results for the year or the assets and liabilities at the year end.

## Future developments

Details of future developments are contained in the Corporate and Business Plan prepared by the Office of the Police Ombudsman and which is available as a separate document.

## Fixed assets

Fixed assets are valued at cost, adjusted as appropriate to reflect current replacement costs. The leasehold interest in respect of leasehold improvements carried out to New Cathedral Buildings has been capitalised under land and buildings and valued on the basis of existing use value at £1,000,000 at 31 March 2005 (£1,250,000 at 31 March 2004). The open market value of the leasehold interest in New Cathedral Buildings has been valued at £nil at 31 March 2005. (£100,000 at 31 March 2004).

Details of the movement of fixed assets are set out in Note 7 to the Financial Statements.

## Senior Management

The Police Ombudsman for Northern Ireland is supported by a Chief Executive and a Senior Management Team. The management structure at 31 March 2005 was as follows:

Mrs N O'Loan	Police Ombudsman
Mr S Pollock	Chief Executive
Mr D Wood	Executive Director of Investigations
Mr J Felice	Director of Investigations
Mrs O Laird	Director of Corporate Services
Mr G Mullan	Director of Policy & Practice
Mr T Gracey	Director of Information (appointed 19 May 2004)

### Note

Mr E McMullan (Director of Legal Services) has been on a career break since 1 January 2004.

## Disabled employees and equal opportunities

It is the policy of the Office of the Police Ombudsman to promote equality of opportunity. The Office will provide equal opportunity for all job applicants and employees. All recruitment, promotion and training will be based on a person's ability and job performance and will exclude any consideration of an applicant's/employee's religious beliefs, political opinion, sex, marital status or disability.

The Office of the Police Ombudsman submitted an Equality Scheme in accordance with Section 75 of the Northern Ireland Act 1998. In line with its obligations, the Office has recently undertaken a review under article 55 of the Fair Employment and Treatment (NI) Order 1998. The Police Ombudsman and her Senior Management Team are fully committed to the promotion of equality and will continue to consult extensively in the development and implementation of the Equality Scheme.

## Employee involvement

The Office of the Police Ombudsman recognises the importance of good industrial relations and is committed to effective employee communications. Trade Union representation is open to all employees and the Office has an established Joint Negotiating Consultative Committee with formal recognition of two staff unions.



### Payment of suppliers

In line with the Better Payment Practice Code it is the policy of the Office of the Police Ombudsman for Northern Ireland to pay all invoices not in dispute within 30 days of receipt or if stated otherwise in accordance with agreed contractual terms. The Office aims to pay 100% of invoices, including disputed invoices, once the dispute has been settled, on time within these terms. During the year 1 April 2004 to 31 March 2005 the Office of the Police Ombudsman paid 98% of suppliers within 30 days, (99% for the year ended 31 March 2004).

### Health and safety

The Office of the Police Ombudsman is committed to providing for staff and visitors an environment that is as far as possible safe and free from risk to health.

A standing sub-committee on health and safety has been established under the Joint Negotiating Consultative Committee.

### Auditors

The financial statements are audited by the Comptroller and Auditor General. (C&AG)

His certificate and report are reproduced on pages 66 and 67.

The audit fee for the work performed by his staff during the reporting period and which relates solely to the audit of these financial statements was £15,000.

The C&AG may also undertake other statutory activities that are not related to the audit of the Office of the Police Ombudsman's financial statements such as value for money reports. No such activity by the C&AG was undertaken during the year.

**Samuel D. Pollock, O.B.E.**  
**BSc (Hons), Dip. App. Soc. Studies,**  
**Chief Executive**  
**3 June 2005**



## STATEMENT OF THE RESPONSIBILITIES OF THE POLICE OMBUDSMAN FOR NORTHERN IRELAND AND THE CHIEF EXECUTIVE

Under paragraph 12 of Schedule 3 of the Police (Northern Ireland) Act 1998 the Police Ombudsman for Northern Ireland is required to prepare a statement of accounts for each financial year in the form and on the basis directed by the Secretary of State.

The accounts are prepared on an accruals basis and must include an income and expenditure account, balance sheet and a cash flow statement. The accounts are required to give a true and fair view of the income and expenditure for the financial year and the balances held at the year end.

In preparing the accounts the Office of the Police Ombudsman for Northern Ireland is required to:

- observe the accounts direction issued by the Northern Ireland Office, including the relevant accounting and disclosure requirements, and apply suitable accounting policies on a consistent basis;
- make judgements and estimates on a reasonable basis;
- state whether applicable accounting standards have been followed and disclose and explain any material departures in the financial statements; and
- prepare the financial statements on the going concern basis.

The Accounting Officer of the Northern Ireland Office has designated the Chief Executive as Accounting Officer of the Office of the Police Ombudsman for Northern Ireland. The Chief Executive's relevant responsibilities as Accounting Officer, including his responsibility for the propriety and regularity of the public finances and for the keeping of proper records, are set out in the Non-Departmental Public Bodies' Accounting Officer Memorandum issued by HM Treasury and published in Government Accounting.



## STATEMENT ON INTERNAL CONTROL

### 1. Scope of Responsibility

As Accounting Officer, I have responsibility for maintaining a sound system of internal control that supports the achievement of the Office of the Police Ombudsman's policies, aims and objectives, as set out in the Annual Business Plan and agreed with the Northern Ireland Office, whilst safeguarding the public funds and the Office's assets for which I am personally responsible, in accordance with the responsibilities assigned to me in my letter of designation as Accounting Officer.

In addition I report on a quarterly basis to the Permanent Under Secretary of the Northern Ireland Office on progress towards business objectives, financial objectives, staffing and other matters.

### 2. Purpose of the System of Internal Control

The system of internal control is designed to manage risk to a reasonable level rather than to eliminate the risk of failure to achieve policies, aims and objectives; it can therefore only provide reasonable and not absolute assurance of effectiveness.

The system of internal control is based on an ongoing process designed to identify and prioritise the risks to the achievement the policies, aims and objectives of the Office, to evaluate the likelihood of those risks being realised and the impact should they be realised, and to manage them efficiently, effectively and economically. This system of internal control has been in place in the Office of the Police Ombudsman for the year ended 31 March 2005 and up to the date of approval of the annual report and accounts, and accords with treasury guidance.

### 3. Capacity to Handle Risk

The Office of the Police Ombudsman's Senior Management Team is committed to achieving high standards of corporate governance throughout the organisation and to integrity and high ethical standards in all its dealings. Responsibility for implementing the risk management process rests

with me, as Accounting Officer, supported by the Senior Management Team. A risk management policy and strategy has been established and has been communicated to all staff.

### 4. Risk Control Framework

In order to ensure risk management is embedded throughout the Office it is incorporated into the corporate planning process. In addition, during the year to 31 March 2005 all staff in the Office were provided with risk awareness training to more fully embed risk management throughout the Office.

A risk register has been established which includes key risks prioritised by likelihood and impact. Each risk is assessed for additional actions required to fully address the risk and such actions have been assigned, with an owner who is responsible for ensuring that appropriate measures are undertaken within an established timescale. The risk register and actions are regularly reviewed and updated accordingly. All updates to the risk register are reviewed by SMT and the Audit Committee of the Office.

The risk register is available to all staff through the internal website.

### 5. Review of Effectiveness

As Accounting Officer, I also have responsibility for reviewing the effectiveness of the system of internal control. My review of the effectiveness of the system of internal control is informed by the work of the internal auditors and the executive managers within the Office of the Police Ombudsman who have responsibility for the development and maintenance of the internal control framework, and comments made by the external auditors in their management letters and other reports. I have been advised on the implications of the result of my review of the effectiveness of the system of internal control by the Audit Committee and a plan to ensure continuous improvement of the system is in place. The system of internal control is based on a framework of regular management information, financial and administrative procedures including



the segregation of duties, management supervision and a system of delegation and accountability. In particular the system includes:

- business planning and objective setting processes, including the setting of targets to measure financial and other performance;
- the operation of a performance management system for staff;
- financial planning and budgeting systems;
- internal audit arrangements and an audit committee;
- financial accounting systems and administrative procedures, including delegated levels of authority;
- capital investment control guidelines.

### Audit Committee

The Audit Committee continues to provide an essential oversight of the controls and good governance of the Office. The Committee is self standing with a terms of reference and comprises representatives of the Office of the Police Ombudsman, representatives from the Department (Northern Ireland Office) and two independent non-executive members who were appointed to enhance the independence of the Committee in the financial year ended 31 March 2005. The Audit Committee is chaired by an independent non-executive member. During the year all members of the Audit Committee and Senior Management Team were provided with Corporate Governance training. I am required to report to this Committee quarterly or more often if required.

### Internal Audit

The Office of the Police Ombudsman for Northern Ireland has an internal audit service, which operates to standards defined in the Government Internal Audit Manual. The work of the internal audit service is informed by the risk management process and the internal audit plans are based on the risk register. The analysis of risk and the internal audit plans are endorsed by the Police Ombudsman's Audit Committee and approved by me. The internal audit arrangements require the Head of Internal Audit (HIA), at least annually, to provide me with an annual report on internal audit activity in the Office.

The report includes the HIA's independent opinion on the adequacy and effectiveness of the Office's system of internal control. The internal audit report, completed during the period of the accounts, provided assurance that controls were operating adequately in respect of financial management, ICT and complaints and investigations. There were no high risk issues arising from this report. This builds further on reviews of systems carried out in previous years. In a review of risk management internal audit noted action taken to be in accordance with Treasury guidance and highlighted a need to further develop Business Continuity Plans. This matter is now being addressed by the Office.

**Samuel D. Pollock, O.B.E.**  
**BSc (Hons), Dip. App. Soc. Studies,**  
**Chief Executive**  
**3 June 2005**



## THE CERTIFICATE AND REPORT OF THE COMPTROLLER AND AUDITOR GENERAL TO THE HOUSES OF PARLIAMENT

I certify that I have audited the financial statements on pages 68 to 82 under the Police (Northern Ireland) Act 1998. These financial statements have been prepared under the historical cost convention as modified by the revaluation of certain fixed assets and the accounting policies set out on pages 71 and 72.

### **Respective responsibilities of the Office of the Police Ombudsman for Northern Ireland, Chief Executive and Auditor.**

As described on page 63, the Office of the Police Ombudsman for Northern Ireland and Accounting Officer are responsible for the preparation of the financial statements in accordance with the Police (Northern Ireland) Act 1998 and directions made thereunder by the Secretary of State for Northern Ireland and for ensuring the regularity of financial transactions. The Office of the Police Ombudsman for Northern Ireland and Chief Executive are also responsible for the preparation of the other contents of the Annual Report. My responsibilities, as independent auditor, are established by statute and I have regard to the standards and guidance issued by the Auditing Practices Board and the ethical guidance applicable to the auditing profession.

I report my opinion as to whether the financial statements give a true and fair view and are properly prepared in accordance with the Police (Northern Ireland) Act 1998 and directions made thereunder by the Secretary of State for Northern Ireland and whether in all material respects the expenditure and income have been applied to the purposes intended by Parliament and the financial transactions conform to the authorities which govern them. I also report if, in my opinion, the Foreword is not consistent with the financial statements, if the Office of the Police Ombudsman has not kept proper accounting records, or if I have not received all the information and explanations I require for my audit.

I read the other information contained in the Annual Report and consider whether it is consistent with the audited financial statements. I consider the implications for my certificate if I become aware of any apparent misstatements or material inconsistencies with the financial statements.

I review whether the statement on pages 64 and 65 reflects the Office of the Police Ombudsman's compliance with Treasury's guidance on the Statement on Internal Control. I report if it does not meet the requirements specified by Treasury, or if the statement is misleading or inconsistent with other information I am aware of from my audit of the financial statements. I am not required to consider, nor have I considered whether the Accounting Officer's Statement on Internal Control covers all risks and controls. I am also not required to form an opinion on the effectiveness of the Office of the Police Ombudsman's corporate governance procedures or its risk and control procedures.

### **Basis of audit opinion**

I conducted my audit in accordance with United Kingdom Auditing Standards issued by the Auditing Practices Board. An audit includes examination, on a test basis, of evidence relevant to the amounts, disclosures and regularity of financial transactions included in the financial statements. It also includes an assessment of the significant estimates and judgements made by the Office of the Police Ombudsman for Northern Ireland and Chief Executive in the preparation of the financial statements, and of whether the accounting policies are appropriate to the Office of the Police Ombudsman's circumstances, consistently applied and adequately disclosed.



I planned and performed my audit so as to obtain all the information and explanations which I considered necessary in order to provide me with sufficient evidence to give reasonable assurance that the financial statements are free from material misstatement, whether caused by error, or by fraud or other irregularity and that, in all material respects, the expenditure and income have been applied to the purposes intended by Parliament and the financial transactions conform to the authorities which govern them. In forming my opinion I have also evaluated the overall adequacy of the presentation of information in the financial statements.

### **Opinion**

In my opinion:

- the financial statements give a true and fair view of the state of affairs of the Office of the Police Ombudsman for Northern Ireland at 31 March 2005 and of the deficit, total recognised gains and losses and cash flows for the year then ended and have been properly prepared in accordance with the Police (Northern Ireland) Act 1998 and directions made thereunder by the Secretary of State for Northern Ireland; and
- in all material respects the expenditure and income have been applied to the purposes intended by Parliament and the financial transactions conform to the authorities which govern them.

I have no observations to make on these financial statements.

John Bourn  
**Comptroller and Auditor General**  
27 June 2005

National Audit Office  
**157-197 Buckingham Palace Road**  
Victoria  
London SW1W 9SP



**OFFICE OF THE POLICE OMBUDSMAN FOR NORTHERN IRELAND**  
**Income and Expenditure Account for the year ended 31 March 2005**

	Note	2004/05 £	Restated 2003/04 £
<b>Income</b>			
Revenue Grant in Aid	1.2, 3	7,006,419	6,639,132
<b>Expenditure</b>			
	Note		
Salaries and Wages	4	4,784,035	4,151,432
Depreciation	7	300,926	291,605
Other Operating Costs	5	2,321,615	2,230,833
Permanent diminution on revaluation of fixed assets	7, 12	274,684	76,358
Notional cost of capital	6	68,851	72,153
<b>Total expenditure</b>		<u>7,750,111</u>	<u>6,822,381</u>
<b>Deficit of Income over Operating Expenditure</b>		<u>(743,692)</u>	<u>(183,249)</u>
Release from Government Grant Reserve re depreciation & diminution	12	575,610	367,963
Credit in respect of notional costs and cost of capital	6	68,851	72,153
<b>Retained (Deficit)/Surplus for the year</b>		<u>(99,231)</u>	<u>256,867</u>

This deficit relates to the continuing activities of the Office of the Police Ombudsman for Northern Ireland.

The movement on the General Fund and reserves is set out in Note 12.

**Statement of Total Recognised Gains and Losses**

Retained (Deficit) / Surplus for the year		(99,231)	256,867
Unrealised gain on revaluation	12	4,145	158,663
<b>Total recognised gains and (losses) relating to the year</b>		<u>(95,086)</u>	<u>415,530</u>

The notes on pages 71 to 82 form part of these accounts.



**OFFICE OF THE POLICE OMBUDSMAN FOR NORTHERN IRELAND**  
**Balance Sheet as at 31 March 2005**

	Note	as at 31 March 2005 £	as at 31 March 2004 £
<b>Fixed Assets</b>			
Tangible assets	7	1,363,907	1,767,760
Intangible assets	7	151,389	175,420
		<u>1,515,296</u>	<u>1,943,180</u>
<b>Current Assets</b>			
Debtors and prepayments	8	150,873	128,59
Cash at bank and in hand	9	290,851	377,977
		<u>441,724</u>	<u>506,570</u>
<b>Creditors - amounts falling due within one year</b>	10	<u>(183,573)</u>	<u>(145,518)</u>
<b>Net Current Assets/(Liabilities)</b>		<u>258,151</u>	<u>361,052</u>
<b>Total Assets less Current Liabilities</b>		<u>1,773,447</u>	<u>2,304,232</u>
Creditors - amounts falling due after more than one year	10	–	–
Provisions for liabilities and charges	11	(69,830)	(73,500)
		<u>1,703,617</u>	<u>2,230,732</u>
<b>Financed By:</b>			
<b>Capital and Reserves</b>			
General Fund	12	188,321	272,281
Government Grant reserve		1,515,296	1,958,451
		<u>1,703,617</u>	<u>2,230,732</u>

The notes on pages 71 to 82 form part of these accounts.

**Samuel D. Pollock, O.B.E.**  
**BSc (Hons), Dip. App. Soc. Studies,**  
**Chief Executive**  
**3 June 2005**



**OFFICE OF THE POLICE OMBUDSMAN FOR NORTHERN IRELAND**  
**Cash Flow Statement for the year ended 31 March 2005**

	Note	2004/05 £	2003/04 £
Net cash inflow/(outflow) from continuing operating activities	15	(87,126)	136,250
Capital expenditure	7	(143,581)	(290,868)
Net cash outflow before financing		(230,707)	(154,618)
<b>Financing</b>			
Grant in Aid to fund capital expenditure	12	143,581	290,868
Increase /(Decrease) in cash and cash equivalents	16	(87,126)	136,250

The notes on pages 71 to 82 form part of these accounts.



## NOTES TO THE ACCOUNTS

### 1. ACCOUNTING POLICIES

These financial statements have been prepared on an accruals basis in accordance with the Accounts Direction given by the Secretary of State for Northern Ireland and the requirements of the Annual Reports and Accounts Guidance for Executive Non-Departmental Public Bodies issued by HM Treasury. The particular accounting policies adopted by the Office of the Police Ombudsman for Northern Ireland are described below. They have been applied consistently in dealing with items considered material in relation to the accounts.

#### 1.1 Accounting Convention

The financial statements are prepared under the historical cost convention modified to include the revaluation of tangible fixed assets by reference to their current cost.

Without limiting the information given, the accounts meet:

- the accounting and disclosure requirements of the Companies (Northern Ireland) Order 1986;
- the accounting standards issued or adopted by the Accounting Standards Board;
- the accounting and disclosure requirements of the Accounts Direction, the Management Statement, Financial Delegations and Conditions of Grant issued to the Office of the Police Ombudsman by the Secretary of State for Northern Ireland; and
- disclosure and accounting requirements of HM Treasury

in so far as those requirements are appropriate.

#### 1.2 Grant in Aid

The Office of the Police Ombudsman for Northern Ireland is funded by Grant in Aid from the Northern Ireland Office, Request for resources 1. Grant in Aid received for revenue expenditure is credited to income in the year to which it relates. Grant in Aid for capital expenditure is credited to a Government Grant Reserve. The value of some assets paid for by the Northern Ireland Office, prior to 6 November 2000, has also been credited to the Government Grant Reserve. Each year an amount equal to the depreciation charge in respect of each category of fixed assets and any deficit on their revaluation in excess of any prior revaluation increase, will be released from the Government Grant Reserve to the Income and Expenditure Account.

#### 1.3 Value Added Tax

The Office of the Police Ombudsman for Northern Ireland is not registered for Value Added Tax, (VAT). All transactions are therefore stated inclusive of VAT.

#### 1.4 Fixed Assets

Assets are capitalised as fixed assets if they are intended for use on a continuous basis and their individual original purchase cost is £1,000 or more. Items with an individual cost of less than £1,000 but which, when taken together, represent a significant fixed asset investment will be grouped to form an asset group. The materiality threshold for a group of assets is £3,500.

Items costing less than £1,000 and which are not part of an asset group are written off in the year of purchase.

Leasehold improvement expenditure has been capitalised and is restated at current cost using professional valuations every year. Valuations are carried out each year by professional external valuers, employed by the Valuation and Lands Agency, in accordance with the Appraisal and Valuation Manual



prepared and published by the Royal Institution of Chartered Surveyors, as at 31 March. The unexpired term in respect of the lease for New Cathedral Buildings is ten years, with an option to extend it for a further ten years.

Other fixed assets have been stated at current cost using appropriate indices compiled by the Office for National Statistics. Any surplus on revaluation is credited to the Government Grant Reserve. A deficit on revaluation is debited to the Income and Expenditure Account.

Computer hardware and in-house developed software are classified under Information Technology Assets and included under the heading of Tangible Assets on the Balance Sheet. Purchased software licences have been accounted for as intangible assets.

Depreciation is provided at rates calculated to write-off the valuation of fixed assets by equal installments (straight-line depreciation) over their estimated useful lives.

The estimated useful lives of fixed assets are summarised under each category below:

Category	Estimated useful lives
Land and buildings – leasehold improvement expenditure	The remaining term of the lease
Furniture and fittings	3 - 10 years
Information Technology:	
– PCs, peripherals and other related equipment	4 - 7 years
– Servers	7 years
– Software	4 - 7 years

The threshold levels will be reviewed regularly and revised to reflect the effect of inflation on asset values. The estimated useful lives of assets will also be reviewed regularly and when necessary revised.

## 1.6 Pension Costs

Past and present employees are covered by the provisions of the Civil Service Pension Schemes which are described at Note 4.5. The defined benefit elements of the schemes are unfunded and are non-contributory except in respect of dependants' benefits. The organisation recognises the expected cost of these elements on a systematic and rational basis over the period during which it benefits from employees' services by payment to the Principal Civil Service Pension Schemes (PCSPS) of amounts calculated on an accruing basis. Liability for payment of future benefits is a charge on the PCSPS. In respect of the defined contribution elements of the schemes, the organisation recognises the contributions payable for the year.

## 1.6 Leases

Rentals paid under operating leases are charged to operating costs on a straight-line basis over the term of the lease.

## 2. FINANCIAL TARGETS

The Office of the Police Ombudsman for Northern Ireland has no formally agreed financial targets.



### 3. INCOME

	2004/05	2003/04
	£	£
<b>HMG</b>		
Grant in Aid received, from the Northern Ireland Office, Request for resources 1, for revenue expenditure	7,006,419	6,639,132
<b>HMG</b>		
Grant in Aid received, from the Northern Ireland Office, Request for resources 1, for capital expenditure	143,581	290,868
<b>Total Grant in Aid received</b>	<u>7,150,000</u>	<u>6,930,000</u>

### 4. STAFF COSTS AND NUMBERS

#### 4.1 Staff costs incurred during the period were as follows:

	2004/05	Restated 2003/04
	£	£
<b>Amounts payable in respect of directly employed Police Ombudsman staff</b>		
Wages and salaries	2,523,295	2,392,551
Social security costs	197,132	182,877
Employer's pension contributions	343,059	315,511
<b>Total direct employee staff costs</b>	<u>3,063,486</u>	<u>2,890,939</u>
<b>Amounts payable in respect of staff on secondment, agency/temporary staff and contract staff</b>	<u>1,720,549</u>	<u>1,260,493</u>
<b>Total staff costs</b>	<u>4,784,035</u>	<u>4,151,432</u>

In line with revised disclosure requirements, amounts payable in respect of staff on secondment, agency/temporary staff and contract staff is now reported together. The 2003/04 figures have been restated accordingly. For 2003/04, £47,062 which related to administrative agency staff costs which had previously been included as other operating costs within training, recruitment and other personnel costs is now included within this figure and the other operating costs (note 5) restated accordingly. In addition £148,737 which related to contract staff in 2003/04 which was reported within directly employed staff costs in 2003/04 has also been included within this figure.

The Office of the Police Ombudsman meets all of the staff costs for seconded staff as these are incurred. Although these costs are fully re-charged to the Office of the Police Ombudsman for Northern Ireland, the seconding organisation remains the permanent employer with responsibility for their pay, allowances and pension.



## 4.2 The average number of full time equivalent persons employed during the period were as follows:

	2004/05 No.	Restated 2003/04 No.
<b>Directly employed Police Ombudsman staff</b>		
Management and executive	5	5
Administrative and support staff	33	40
Complaints and investigation officers	65	57
<b>Seconded, agency/temporary and contract staff</b>		
Management and executive	2	2
Administrative and support staff	1	3
Complaints and investigation officers	23	17
<b>Total</b>	<b>129</b>	<b>124</b>

## 4.3 Police Ombudsman's Remuneration

During the year the Police Ombudsman's total remuneration, excluding pension contributions, was £91,384 (£89,155 for the year ended 31 March 2004). The Police Ombudsman is an ordinary member of the Principal Civil Service Pension Scheme.

## 4.4 Senior Management Team and Independent Non-Executive Members of the Audit Committee

The salary, pension entitlements and the value of any taxable benefits in kind of the senior management team and independent non-executive members of the Audit Committee, during the year, are disclosed below:

Name / Title	Column 1 Salary (as defined below)  (£'000)	Column 2 Benefits in Kind (rounded to nearest £100)	Column 3 Real increase in pension and related lump sum at age 60  (£'000)	Column 4 Total accrued pension at Age 60 at 31/03/05 and related lump sum  (£'000)	Column 5 CETV at 31/03/04 (nearest £k)	Column 6 CETV at 31/3/05 (nearest £k)	Column 7 Real increase in CETV after adjustment for inflation and changes in market investment factors (nearest £k)	Column 8 Employer contribution to partnership pension account including risk benefit cover - to nearest £100
Mrs. Nuala O'Loan Police Ombudsman	90 - 95	N/A	0 - 2.5 plus 2.5 - 5 lump sum	20 - 25 plus 70 - 75 lump sum	381	422	16	N/A
Mr. Samuel Pollock Chief Executive	70 - 75	N/A	0 - 2.5 plus 2.5 - 5 lump sum	0 - 5 plus 10 - 15 lump sum	46	65	16	N/A
Mr. David Wood Executive Director of Investigations	130 - 135	£32,000	*Note 1	* Note 1	*Note 1	*Note 1	*Note 1	N/A
Mrs. Olwen Laird Director of Corporate Services	40 - 45	N/A	*Note 1	* Note 1	*Note 1	*Note 1	*Note 1	N/A
Mr. Eunan McMullan Director of Legal Services (Career Break since 01/01/04)	N/A	N/A	0 - 2.5 plus 0 - 2.5 lump sum	5 - 10 plus 15 - 20 lump sum	83	86	3	N/A
Mr. Justin Felice Director of Investigations	60 - 65	£16,400	*Note 1	* Note 1	*Note 1	*Note 1	*Note 1	N/A
Mr. Greg Mullan Director of Policy & Practice	40 - 45	N/A	0 - 2.5 plus 5 - 7.5 lump sum	10 - 15 plus 35 - 40 lump sum	165	203	27	N/A
Mr. Tim Gracey Director of Information (Appointed 19/05/04)	45 - 50	N/A	0 - 2.5 plus 0 - 2.5 lump sum	5 - 10 plus 15 - 20 lump sum	72	84	7	N/A
*Note 2 Mr Sidney Ewing Non-Executive Audit Committee Member (Appointed 30/06/04)	0 - 5	N/A	N/A	N/A	N/A	N/A	N/A	N/A
*Note 2 Mr Edward Simpson Non-Executive Audit Committee Member (Appointed 30/06/04)	0 - 5	N/A	N/A	N/A	N/A	N/A	N/A	N/A



#### 4.4 Senior Management Team and independent non-executive members of the Audit Committee (Continued)

##### Pension

\*Note 1: Members of the Premium scheme with less than 2 years service; therefore only a refund of contributions are due.

##### Independent Non-Executive Members of the Audit Committee

\* Note 2: Independent non-executive members of the Audit Committee are remunerated on the basis of actual hours of work undertaken on the basis that the role will require a minimum of 4 days per annum at a remuneration rate of £250 per day.

##### Salary

'Salary' includes gross salary; performance pay or bonuses; overtime; reserved rights to London weighting or London allowances; recruitment and retention allowances; private office allowances and any other allowance to the extent that it is subject to UK taxation. The salary range reflects remuneration for the months in office.

##### Benefits in Kind

The monetary value of benefits in kind covers any benefits provided by the employer and treated by the Inland Revenue as a taxable emolument.

Mr. David Wood, Executive Director of Investigations, was seconded to the Office of the Police Ombudsman for Northern Ireland from the Metropolitan Police Service. As an employee of that organisation his salary costs reflected the amount reimbursed by the Office of the Police Ombudsman to the Metropolitan Police Service in respect of his salary and allowances. During the year benefits in kind, arising from the provision of a vehicle, the payment of a rent and utilities allowance and the associated taxation costs, amounting to £32,000 (£32,600 for the year ended 31 March 2004) were met by this Office.

Mr. Justin Felice, Director of Investigations, was seconded to the Office of the Police Ombudsman for Northern Ireland from the Lancashire Constabulary. As an employee of that organisation his salary costs reflected the amount reimbursed by the Office of the Police Ombudsman to the Lancashire Constabulary in respect of his salary and allowances. During the year benefits in kind, arising from the payment of a rent and utilities allowance and the associated taxation costs, amounting to £16,400 (£10,100 for the year ended 31 March 2004) were met by this Office.

#### 4.5 Pensions

The Principal Civil Service Pension Scheme (PCSPS) is an unfunded multi-employer defined benefit scheme but the Office of the Police Ombudsman is unable to identify its share of the underlying assets and liabilities. A full actuarial valuation was carried out as at 31 March 2003. Details can be found in the resource accounts of the Cabinet Office: Civil Superannuation ([www.civilservice-pensions.gov.uk](http://www.civilservice-pensions.gov.uk)).

Pension benefits are provided through the Civil Service Pension (CSP) arrangements. From 1 October 2002, civil servants may be in one of three statutory based 'final salary' defined benefit schemes (classic, premium and classic plus). The Schemes are unfunded with the cost of benefits met by monies voted by Parliament each year. Pensions payable under classic, premium, and classic plus are increased annually in line with changes in the Retail Prices Index. New entrants after 1 October 2002 may choose between membership of premium or joining a good quality 'money purchase' stakeholder arrangement with a significant employer contribution (partnership pension account).

Employee contributions are set at the rate of 1.5% of pensionable earnings for classic and 3.5% for premium and classic plus. Benefits in classic accrue at the rate of 1/80th of pensionable salary for



each year of service. In addition, a lump sum equivalent to three years' pension is payable on retirement. For premium, benefits accrue at the rate of 1/60th of final pensionable earnings for each year of service. Unlike classic, there is no automatic lump sum (but members may give up (commute) some of their pension to provide a lump sum). Classic plus is essentially a variation of premium, but with benefits in respect of service before 1 October 2002 calculated broadly as per classic.

The partnership pension account is a stakeholder pension arrangement. The employer makes a basic contribution of between 3% and 12.5% (depending on the age of the member) into a stakeholder pension product chosen by the employee. The employee does not have to contribute but where they do make contributions, the employer will match these up to a limit of 3% of pensionable salary (in addition to the employer's basic contribution). Employers also contribute a further 0.8% of pensionable salary to cover the cost of centrally-provided risk benefit cover (death in service and ill health retirement).

Column 5 (CETV at 31/03/04) and Column 6 (CETV at 31/03/05) of the table at note 4.4 show the member's cash equivalent transfer value (CETV) accrued at the beginning and the end of the reporting period. Column 7 (Real increase in CETV after adjustment for inflation and changes in market investment factors) reflects the increase in CETV effectively funded by the employer. It takes account of the increase in accrued pension due to inflation, contributions paid by the employee (including the value of any benefits transferred from another pension scheme or arrangement) and uses common market valuation factors for the start and end of the period.

A Cash Equivalent Transfer Value (CETV) is the actuarially assessed capitalised value of the pension scheme benefits accrued by a member at a particular point in time. The benefits valued are the member's accrued benefits and any contingent spouse's pension payable from the scheme. A CETV is a payment made by a pension scheme or arrangement to secure pension benefits in another pension scheme or arrangement when the member leaves a scheme and chooses to transfer the benefits accrued in their former scheme. The pension figures shown relate to the benefits that the individual has accrued as a consequence of their total membership of the pension scheme, not just their service in a senior capacity to which disclosure applies.

The CETV figures, and from 2003-04 the other pension details, include the value of any pension benefit in another scheme or arrangement which the individual has transferred to the CSP arrangements and for which the CS Vote has received a transfer payment commensurate to the additional pension liabilities being assumed. They also include any additional pension benefit accrued to the member as a result of their purchasing additional years of pension service in the scheme at their own cost. CETVs are calculated within the guidelines and framework prescribed by the Institute and Faculty of Actuaries.

For the year employers' contributions of £343,059 were payable to the Principal Civil Service Pension Scheme (£315,511 for the year ended 31 March 2004) at one of four rates in the range 12 to 18.5 per cent of pensionable pay, based on salary bands. From 1 April 2005 these rates have increased as a result of the latest actuarial valuation to between 16.5% and 23.5%. The contribution rates reflect benefits as they are accrued, not when costs are actually incurred, and reflect past experience of the scheme.



## 5. OTHER OPERATING COSTS

	2004/05	Restated 2003/04
	£	£
Travel and subsistence	333,941	333,509
Training, recruitment and other personnel costs	680,358	522,133
Redundancy Costs	–	15,788
Rates, maintenance, electricity and other accommodation costs	332,226	338,712
Consultancy and legal costs	88,682	90,563
Information and media	85,229	107,323
Printing, stationery, postage and office equipment	80,023	102,635
Direct case investigation costs	118,132	90,084
Computer support including maintenance and telecommunications	245,254	282,340
Operating leases; photocopying machines	20,368	18,023
Operating leases; other	249,981	254,574
Other costs	71,583	57,949
External audit fee	16,500	14,500
Provisions - provided in year	(662)	2,700
<b>Total</b>	<b><u>2,321,615</u></b>	<b><u>2,230,833</u></b>

In line with revised disclosure requirements, amounts payable in respect of staff on secondment, agency/temporary staff and contract staff is now reported together within note 4. In 2003/04 £47,062 of the costs within training, recruitment and other personnel costs related to administrative agency staff costs. These costs have now been removed from other operating costs and transferred to staff costs and the figures restated accordingly.

## 6. NOTIONAL COST OF CAPITAL

A capital charge, reflecting the cost of capital utilised by the Office of the Police Ombudsman, is included in the Income and Expenditure Account along with a reversing notional income to finance the charge. The charge is calculated at the Government's standard rate of 3.5% of the average capital employed, defined as total assets less total liabilities.

For the purpose of this calculation the opening capital employed as at the 1 April 2004 and the closing capital employed as at 31 March 2005 have been used.

	2004/05	2003/04
	£	£
Interest on capital employed	<u>68,851</u>	<u>72,153</u>

A notional credit equal to the interest on capital employed and other notional costs is included in the income and Expenditure Account:

**7. FIXED ASSETS**

	Land & buildings, leasehold improvements New Cathedral Buildings £	Furniture & fittings £	Information technology £	Total tangibles £	Intangible assets purchased software licences £	Total assets £
<b>Cost or Valuation</b>						
At 1 April 2004	1,250,000	171,943	793,866	2,215,809	261,423	2,477,232
Additions	68,277	13,744	28,153	110,174	33,407	143,581
Revaluation	(318,277)	5,366	(75,234)	(388,145)	(29,757)	(417,902)
<b>At 31 March 2005</b>	<b>1,000,000</b>	<b>191,053</b>	<b>746,785</b>	<b>1,937,838</b>	<b>265,073</b>	<b>2,202,911</b>
<b>Depreciation</b>						
At 1 April 2004	0	47,166	400,883	448,049	86,003	534,052
Charge for year	110,759	18,801	136,614	266,174	34,752	300,926
Backlog	(110,759)	1,221	(30,754)	(140,292)	(7,071)	(147,363)
<b>At 31 March 2005</b>	<b>0</b>	<b>67,188</b>	<b>506,743</b>	<b>573,931</b>	<b>113,684</b>	<b>687,615</b>
<b>Net Book Value</b>						
At 1 April 2004	1,250,000	124,777	392,983	1,767,760	175,420	1,943,180
<b>At 31 March 2005</b>	<b>1,000,000</b>	<b>123,865</b>	<b>240,042</b>	<b>1,363,907</b>	<b>151,389</b>	<b>1,515,296</b>

Leasehold improvements have been valued by Valuation and Lands Agency on the existing use basis at £1,000,000 at 31 March 2005. The open market valuation at that date was £nil.



## 8. DEBTORS

	as at 31 March 2005 £	as at 31 March 2004 £
Debtors	5,505	17,814
Prepayments	145,368	110,779
	<u>150,873</u>	<u>128,593</u>

### Amounts falling due after one year

There are no amounts falling due in more than one year.

## 9. CASH AT BANK AND IN HAND

	as at 31 March 2005 £	as at 31 March 2004 £
Bank	290,451	377,577
Cash	400	400
	<u>290,851</u>	<u>377,977</u>

## 10. CREDITORS

	as at 31 March 2005 £	as at 31 March 2004 £
<b>Amounts falling due within one year</b>		
Taxation, pension and social security accruals	79,369	2,269
Creditors	61,680	92,032
Other accruals	42,524	51,217
	<u>183,573</u>	<u>145,518</u>

### Amounts falling due after one year

There are no creditors falling due for payment after more than one year.

**11. PROVISION FOR LIABILITIES AND CHARGES**

	as at 31 March 2005 £	as at 31 March 2004 £
Balance as at 1 April 2004	73,500	70,800
Movement in the year	(3,670)	2,700
<b>Balance as at 31 March 2005</b>	<b>69,830</b>	<b>73,500</b>

**Legal Claims**

Provision has been made for various legal claims against the organisation. The provision reflects a reliable estimate, based on legal advice, of the amount of the claims. The amount provided is on a percentage expected probability basis. The provision reflects the estimated legal costs on a case by case basis. Expenditure is likely to be incurred within one year. No re-imburement is likely to be received in respect of any of these claims.

There are six legal claims totalling £155,550. A provision of £69,830 has been included to cover the estimated liability at 31 March 2005.

**12. RECONCILIATION OF MOVEMENT ON GENERAL FUND AND RESERVES**

	General Fund Grant £	Government Reserve £	2004/2005 Total £	2003/2004 £
Opening balance at 1 April 2004	272,281	1,958,451	2,230,732	1,892,297
Adjustment to correct difference arising from previous years	15,271	(15,271)	–	–
Grant in Aid received to fund capital assets	–	143,581	143,581	290,868
Transfer from Income and Expenditure Account	(99,231)	–	(99,231)	256,867
Diminution arising on revaluation of fixed assets	–	(274,684)	(274,684)	(76,358)
Depreciation transferred to Income and Expenditure Account	–	(300,926)	(300,926)	(291,605)
Unrealised surplus on revaluation of fixed assets	–	4,145	4,145	158,663
<b>Balance at 31 March 2005</b>	<b>188,321</b>	<b>1,515,296</b>	<b>1,703,617</b>	<b>2,230,732</b>

**Transfer to Income and Expenditure Account  
from the Government Grant Reserve:**

	2004/05 £	2003/04 £
Diminution arising on revaluation of fixed assets	274,684	76,358
Depreciation transferred to Income and Expenditure Account	300,926	291,605
	<b>575,610</b>	<b>367,963</b>

**13. CAPITAL COMMITMENTS**

As at 31 March 2005 the Office of the Police Ombudsman for Northern Ireland had contracted capital commitments with four suppliers amounting to approximately £55,000 (£42,000 as at 31 March 2004).



## 14. COMMITMENTS UNDER OPERATING LEASES

	Buildings	Other	Total	as at 31 March 2004
	£	£	£	£
<b>Operating leases expiring:</b>				
Within one year	–	9,098	9,098	3,383
Between one and five years	–	21,943	21,943	16,837
After five years	223,250	–	223,250	223,250
<b>Total</b>	<b>223,250</b>	<b>31,041</b>	<b>254,291</b>	<b>243,470</b>

## 15. RECONCILIATION OF OPERATING SURPLUS/(DEFICIT) TO NET CASH INFLOW/(OUTFLOW) FROM OPERATING ACTIVITIES

	2004/05	2003/04
	£	£
Operating deficit	(743,692)	(183,249)
Depreciation charge	300,926	291,605
Permanent diminution in value of fixed assets	274,684	76,358
Notional costs/cost of capital	68,851	72,153
(Decrease)/Increase in provisions made in year	(3,670)	2,700
Increase in debtors and prepayments	(22,280)	(58,779)
Increase/(decrease) in creditors and accruals	38,055	(64,538)
Net cash inflow/(outflow) from operating activities	<u>(87,126)</u>	<u>136,250</u>

## 16. ANALYSIS OF CHANGES IN CASH

	as at 31 March 2005	as at 31 March 2004
	£	£
Opening balance at 1 April 2004	377,977	241,727
Increase/(decrease) in cash	<u>(87,126)</u>	<u>136,250</u>
Closing balance at 31 March 2005	<u>290,851</u>	<u>377,977</u>



## 17. RELATED PARTY TRANSACTIONS

The Office of the Police Ombudsman for Northern Ireland is an executive Non-Departmental Public Body sponsored by the Northern Ireland Office.

The Northern Ireland Office is regarded as a related party. During the year the Office of the Police Ombudsman has had various material transactions with the Department and with one other entity for which the Northern Ireland Office is regarded as the parent Department, namely Forensic Science Northern Ireland.

In addition the Office of the Police Ombudsman has had various transactions with other Government Departments and some GB police forces. Most of these transactions have been with the Cabinet Office and the Metropolitan Police Service.

During the year, none of the key management staff or other related parties has undertaken any material transaction with the Office.

## 18. FINANCIAL INSTRUMENTS

FRS 13, Derivatives and Other Financial Instruments, requires disclosure of the role which financial instruments have had during the year in creating or changing the risks an entity faces in undertaking its activities. Due to the non-trading nature of its activities and the way in which executive Non-Departmental Public Bodies are financed, the Office of the Police Ombudsman is not exposed to the degree of financial risk faced by business entities. Moreover, financial instruments play a much more limited role in creating or changing risk than would be typical of the listed companies to which FRS 13 mainly applies. The Office of the Police Ombudsman has no powers to borrow or invest surplus funds and has limited end year flexibility. Financial assets and liabilities are generated by day-to-day operational activities and are not held to change the risks facing the Office in undertaking its activities.

As permitted by FRS13, debtors and creditors which mature or become payable within 12 months from the balance sheet date have been excluded from this disclosure.

### Liquidity risk

The Office of the Police Ombudsman is financed by Grant in Aid from the Northern Ireland Office and is accountable to Parliament through the Secretary of State for Northern Ireland and is not therefore exposed to significant liquidity risk.

### Interest-rate risk

All financial assets and financial liabilities of the Office of the Police Ombudsman carry nil rates of interest and therefore are not exposed to interest-rate risk.

### Currency risk

The Office of the Police Ombudsman does not trade in foreign currency and therefore has no exposure to foreign currency risk.

### Fair values

The book values and fair values of the Office of the Police Ombudsman's financial assets and financial liabilities as at 31 March 2005 are set out below:

<b>Primary financial instruments:</b>	<b>Book value</b>	<b>Fair value</b>
	<b>£</b>	<b>£</b>
<b>Financial assets:</b>		
Cash at bank	290,851	290,851
<b>Financial liabilities:</b>		
None	N/A	N/A

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