

# An evaluation of Police-Led Informal Resolution of Police Complaints in Northern Ireland

The Complainants' Perspective

December 2005



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for Northern Ireland
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# Foreword by the Police Ombudsman for Northern Ireland



I am pleased to publish this Report on ‘An Evaluation of Police-Led Informal Resolution of Police Complaints in Northern Ireland: the Complainants’ Perspective’. The informal resolution process is an important element of the police complaints process. An enormous amount of work has been done both by this Office and by the Internal Investigations Branch of the Police Service of Northern Ireland to improve the quality of the informal resolution process. However, notwithstanding this, there was an awareness in this Office that there was an element of complainant dissatisfaction with the fact that the informal resolution is conducted by the Police Service of Northern Ireland. We were also concerned to examine the complainants’ experience to see whether we could identify areas for improvement.

It is clear from the survey that, of those who engage in the informal resolution, more than two-thirds found the informal resolution officer to be helpful and understanding and two-thirds felt that the informal resolution officer had taken their complaints seriously. Notwithstanding that, some 73 per cent felt that the informal resolution process should be handled by people who are independent of the police. It is clearly important to listen to the views of those who are the users of a service and it is in this context that the experiences of complainants with the informal resolution process are published today.

A handwritten signature in black ink that reads "Nuala O'Loan". The signature is written in a cursive style and is underlined.

**Nuala O’Loan**  
Police Ombudsman for Northern Ireland

# Executive Summary

The police complaints system is an important mechanism for seeking to ensure accountability and the maintenance of public support for the police. Most academic and official commentators have concluded that, in its practical operation, the previous system in Northern Ireland failed to secure an adequate degree of public confidence.

The creation of the Police Ombudsman's Office in November 2000 introduced a greater degree of independent investigation and oversight of the police complaints system. Informal resolution is a central part of the current system for complaints of a less serious nature. According to current guidelines, a complaint can be considered suitable for informal resolution if the conduct complained of, even if proved, would not justify criminal proceedings.

This report presents the findings of a study examining the use of informal resolution within the police complaints system in Northern Ireland. At the time of the study 30 per cent of complaints received by the Police Ombudsman's Office were suitable for informal resolution.

The main aim of the research was to discover the effectiveness of the informal resolution process through examining the complainants' attitudes towards, and experiences of, the complaints procedure. A postal questionnaire was sent to 1,141 complainants who had been offered the opportunity to have their complaint dealt with through informal resolution. The respondents were asked for their views on the Police Ombudsman's Office, the police handling of their complaint, their overall satisfaction with, and confidence in, the informal resolution process and how they thought this could be improved.

The survey found that there is a lack of confidence that informal resolution has an impact on policing. There are clear indications of complainant disappointment and dissatisfaction with the outcomes of the informal resolution process and a substantial proportion of complainants surveyed feel that informal resolution should be improved or replaced and that it should be handled independently. The survey also found that there is an expectation that complainants should meet with the Police Officer(s) concerned, and it is therefore argued that there is scope for reforming the conventional informal resolution procedure by introducing restorative justice principles to the police complaints system.

## Summary of Results

### *Perceptions of the Police Ombudsman's Office*

- Almost three quarters of survey respondents were satisfied with the explanation of the informal resolution process given by the Police Ombudsman's Office.
- Many of those who immediately declined the offer of informal resolution did so because they believed it was a convenient way for the police to avoid effectively dealing with the complaint.

- Over one third felt that their complaint was not taken seriously by the Police Ombudsman's Office.
- Almost one third were disappointed with the fact that the Police Ombudsman's Office dealt with their complaint by suggesting Informal Resolution.

### *Perceptions of the Police Conduct of Informal Resolution*

- Three fifths of respondents had to wait at least three weeks from the time of consenting to informal resolution to being contacted by the Informal Resolution Officer of the PSNI.
- Many respondents who were dissatisfied with the time taken to be contacted had waited four weeks or more, or could not recall how long they had waited.
- Three quarters of respondents reported that their main type of contact with the Informal Resolution Officer was in person.
- Respondents who had been in contact with the Informal Resolution Officer more than once were more likely to report that their complaint had been successfully resolved.
- More than two thirds of respondents found the Informal Resolution Officer to be helpful and understanding.
- Two thirds of respondents felt that the Informal Resolution Officer had taken their complaint seriously.
- Half of respondents perceived the police to have been open and honest.
- Over three fifths of respondents had the opportunity to put their complaint in full directly to the police.
- Over half of respondents felt that the behaviour they had complained about was clearly explained by the police themselves.
- Half of respondents were disappointed with the response from the police overall.

### *Complainant Confidence in the Informal Resolution Process*

- More than half of respondents did not believe that the Police Officer(s) they had complained about would act differently in the future.
- More than half of respondents believed that the officer(s) they had complained about took their complaint seriously.
- Under a third of respondents felt that they would have more confidence in the police to be open and honest if they ever had cause to make another complaint.
- Fewer than half of respondents felt that the informal resolution process is a fair and just way to resolve minor complaints against the police.

# Executive Summary

- Three quarters of respondents felt that the informal resolution process should be handled by people who are independent of the police.
- Three fifths of respondents felt that the informal resolution process should be improved or replaced.

## ***Complainant Expectations – Restorative Justice***

- Three quarters of respondents expected an apology from the Police Officer(s) about whom they had complained.
- Over half of respondents expected to be able to meet with the officer(s) about whom they had complained.

## ***Overall Satisfaction with Informal Resolution***

- Just over half of respondents indicated that their complaint had been successfully resolved through the informal resolution process.
- Two fifths of respondents believed that their complaint had been satisfactorily resolved.

## ***Community Background Differentials***

Protestant respondents were more likely than Catholic respondents to:

- be disappointed with the way the Police Ombudsman's Office dealt with their complaint;
- be satisfied with the time lapse from consenting to informal resolution to being contacted by the PSNI;

- have been in contact with the Informal Resolution Officer in person;
- have found the Informal Resolution Officer helpful and understanding;
- feel that the police took their complaint seriously;
- report having the opportunity to put their complaint in full directly to the police;
- express disappointment with the response from the police;
- believe that the officer(s) they had complained about would act differently in the future;
- believe that the officer(s) they had complained about took their complaint seriously; and
- view their complaint as having been satisfactorily resolved through the informal resolution process.

Catholic respondents were more likely than Protestant respondents to:

- believe that the police were open and honest;
- feel that the behaviour they had complained about was clearly explained by the police themselves; and
- expect to be able to meet with the officer(s) about whom they had complained.

## Gender Differentials

Male respondents were more likely than female respondents to:

- have made contact in person with the Informal Resolution Officer;
- feel that the informal resolution process should be improved or replaced.

Female respondents were more likely than male respondents to:

- feel that their complaint was taken seriously by the Police Ombudsman's Office;
- find the Informal Resolution Officer helpful and understanding;
- believe that the police were open and honest;
- report that their complaint had been successfully resolved through the informal resolution process; and
- view their complaint as having been satisfactorily resolved.

## Summary of Recommendations

The report recommends that:

- legislation should be amended providing for a mediation process operated by the Police Ombudsman as an alternative to informal resolution upon receipt of a 'less serious complaint';
- the requirement for a formal investigation to be completed prior to mediation being undertaken should be removed;
- in normal circumstances it should be for the complainant to decide to engage in either the mediation or informal resolution process;

- in exceptional circumstances, the Police Ombudsman may determine that mediation should be undertaken from the outset;
- the Police Ombudsman should be empowered to transfer complaints from the investigation to the mediation process when appropriate;
- a pilot project should be launched prior to mediation being fully rolled out;
- sufficient training should be made available to enable officers of the Police Ombudsman to conduct effective mediation and develop the process;
- the informal resolution process should be explained with greater clarity to complainants at the beginning of the process so that expectations are balanced with what can reasonably be achieved at the end;
- complainant satisfaction with informal resolution should be closely monitored to increase public confidence in the process;
- a survey should be conducted of Police Officers involved in the informal resolution process. This should be designed to elicit their experiences and views of the process, focusing particularly on the self reporting of officers' skills base and training in conflict resolution and the use of restorative justice models; and
- the term informal resolution should be changed to the Home Office Affairs Committee (1997) recommendation of Local Resolution to indicate more accurately that it is a serious procedure.

# Chapter 1: Introduction

## Background to the Research

The current process of the informal resolution of complaints against the police has been in existence under the aegis of the Police Ombudsman for Northern Ireland since its inception in November 2000. To date, this process has not undergone any thorough evaluation or audit.

Informal resolution as currently provided for under Section 53 of the Police (NI) Act 1998 is a process by which the police contact the complainant, establish what the complaint is and then meet with the officer and seek to establish the officer's position. However, there is no requirement to mediate between the officer and the complainant. The majority of informal resolutions contain no restorative element and face-to-face meetings between the complainant and the officer complained of are rare. Officers do not receive dedicated training to carry out this function and only a small percentage of complaints (14 per cent) are informally resolved.<sup>1</sup>

In her first Annual Report (November 2000- March 2002) the Police Ombudsman Nuala O'Loan stated that:

“There are indications that the current process is ineffective. The system needs to be replaced by a more flexible mediation system which would enable my Office to deal with less serious complaints in a timely and cost effective manner. This would better meet the needs of the complainant and of the police officer”.<sup>2</sup>

Under the Police (Northern Ireland) Act 2000 there is power to mediate but as yet no implementing regulations have been issued to give effect to this power. As it stands, mediation is only possible after formal investigation of a complaint against an individual officer has been carried out. This is a very significant weakness in the legislation as the process of investigation often has the effect of further distancing the complainant and the officer.

There is a significant number of complaints where the complainant does not wish to pursue a specific allegation against an officer but has grounds to feel aggrieved because of the experience he/she has had. A meeting directly between an officer, supervisor or representative of the police and the complainant could easily, quickly and cost effectively resolve issues and restore confidence. There would be great advantages in such a process, which has been piloted in some other policing and criminal justice situations (for example, New South Wales police service and Thames Valley police service) and is widely used in other disciplines (for example, community disputes, in schools and the workplace). A power to mediate before the completion of a full investigation would undoubtedly assist in the resolution of many matters that currently cannot be resolved.

## Aims and Objectives of the Research

The overarching aim of the research is to evaluate and report on the informal resolution of complaints against the police in Northern Ireland. It aims to ascertain whether the informal resolution procedure is reaching its full potential and in so doing identify opportunities for improving the quality of service it provides to increase public satisfaction with this aspect of the complaints procedure. It is designed to examine complainants' attitudes towards the police-led informal resolution, their experiences of the process and whether they think it could be improved. It seeks to gather information on how the administrative and organisational system for informally resolving complaints against the police is perceived by those most intimately involved - the complainants who elect to use this procedure.

The research sought to elicit information on why the informal resolution procedure fails, which might be used to improve performance in this area. It also sought to provide information on respondents' levels of satisfaction with the Police Ombudsman's role in the informal resolution of the complaint. The aim is to build a body of evidence-based research, which will allow informed decisions to be made regarding recommendations for change.

<sup>1</sup> Police Ombudsman for Northern Ireland, *Annual Report April 2003 – March 2004* p.17, Belfast

<sup>2</sup> Police Ombudsman for Northern Ireland, *Annual Report November 2000 – March 2002* p.10, Belfast



## Research Issues

The main issues to be addressed throughout the research are:

1. Perceptions of the Police Ombudsman's Office.
2. Perceptions of the police conduct of informal resolution.
3. Complainant confidence in the informal resolution process.
4. Complainant expectations with respect to restorative justice.
5. Overall satisfaction with Informal Resolution.

## Methodology

The research consisted of a postal survey of complainants who have been involved in the informal resolution process. It included a census of all complaints deemed suitable for informal resolution received between September 2001 and March 2003 (because almost all of these complaints will have been brought to conclusion). The survey included complaints where:

- the complainant declined informal resolution;
- the complainant did not co-operate with the Police Ombudsman's Office;
- the complainant consented to informal resolution but was subsequently dissatisfied with the process; and
- the complainant consented to informal resolution and the complaint was successfully informally resolved.

## Structure

**Chapter 2** outlines the current informal resolution process. It describes the process in detail and how it operates under the legislation and NIO guidance.

**Chapter 3** highlights the most significant literature that deals with, or touches on the police complaints process, and discusses the possible applicability of restorative justice principles and processes to the informal resolution of police complaints.

**Chapter 4** reports the survey findings.

**Chapter 5** discusses the findings and related issues in more detail.

**Chapter 6** details the key conclusions and recommendations based on the research findings.

**Annex 1** describes the research methodology.

# Chapter 2: The Informal Resolution Process

## The Office of the Police Ombudsman for Northern Ireland

The Office of the Police Ombudsman for Northern Ireland was established by the Police (Northern Ireland) Act 1998 to provide an independent system for investigating complaints against the police in Northern Ireland. The Office is committed to carrying out research and consultation in order to improve the quality and effectiveness of the police complaints system and to inform the public about its powers of independent investigation.<sup>3</sup>

It is the role of the Police Ombudsman under the legislation<sup>4</sup> to determine what constitutes a complaint. His jurisdiction encompasses complaints made by, or on behalf of, a member of the public about the conduct of a member of the police service. Under the 1998 legislation, formal investigations will occur where a complaint is unsuitable for informal resolution (i.e. the complaint is “serious”)<sup>5</sup> or informal resolution procedures have failed to resolve it.

## Informal Resolution

Section 53 of the Police (Northern Ireland) Act 1998 provides for a flexible and simple procedure for dealing with complaints of a less serious nature, which would otherwise attract the extensive and rigorous process of formal investigation.

The description ‘informal’ should not be misconstrued. The process is governed by the RUC (Complaints) (Informal Resolution) Regulations 2000 to protect both the complainant and the Police Officer. There is a strong commitment to reach an outcome that is acceptable to the complainant who, ultimately, has the right to request a full, formal investigation if a satisfactory conclusion is not reached.<sup>6</sup>

The informal resolution process allows the opportunity for detailed discussion and explanation of views and actions between police and the complainant, something that is not possible during a formal investigation. Many complaints arise out of misunderstandings, lack of knowledge or simply different perceptions of the same incident by different people.<sup>7</sup> Such differences can usually be resolved by discussion, either directly between the parties involved or through the medium of a third party (the Informal Resolution Officer). This is the strength of informal resolution, and such discussion/explanation of different viewpoints is an invaluable exercise in improving mutual understanding and respect between police and complainants.

## Scope of Informal Resolution

It is solely for the Police Ombudsman to determine which complaints are suitable for informal resolution. The complaint is suitable for informal resolution if:

- it is not serious within the definition provided by S53(2) Police (NI) Act 1998;
- the complainant agrees [S53(2)]; and
- the conduct complained of, even if proved, would not justify criminal proceedings.<sup>8</sup>

Examples of complaints for which the informal resolution procedures might be considered appropriate are those alleging incivility, verbal abuse, harassment, common assault (for example, a mere push), less serious neglect of duty (that is, something that should have been done but was not done) and improper driving. The largest proportion of allegations informally resolved are in relation to failure of duty (43 per cent) and incivility (29 per cent).<sup>9</sup>

## The Informal Resolution Process

Once the complaint is deemed suitable and the complainant’s consent is obtained, either orally or in writing, the Police Ombudsman refers details of the complaint, and all relevant material, immediately to the Internal Investigation Branch of the PSNI (IIB). Following this referral a senior member of the police service (Inspector rank or above) is appointed to informally resolve the complaint<sup>10</sup> (the Informal Resolution Officer<sup>11</sup>).

Regulation 4 (2) requires that the Informal Resolution Officer should seek the views of both the complainant and the officer(s) against whom the complaint has been made ‘as soon as practicable’. The Informal Resolution Officer will meet with the complainant and discuss the allegations. He or she will seek to ascertain what steps are appropriate to resolve the complaint to the complainant’s satisfaction whilst ensuring that the officer’s (s’) interests are safeguarded in line with the Regulations and Northern Ireland Office (NIO) Guidance.

The Informal Resolution Officer will then research the background and circumstances and discuss the matter with the police officer(s) involved. The Informal Resolution Officer will return to the complainant (if required) and discuss his findings. On occasions, a joint meeting with the complainant and the accused officer(s) will be arranged, provided both parties are in agreement.

<sup>3</sup> Police Ombudsman for Northern Ireland *Corporate Business Plan 2003*. Belfast: Police Ombudsman’s Office.

<sup>4</sup> Section 52 of the Police (NI) Act 1998 and Regulation 5 of the RUC (Complaints etc.) Regulations 2000

<sup>5</sup> A “serious complaint” is defined in Section 50 as a complaint involving death or serious injury (i.e. fracture, damage to internal organ or impairment of bodily function).

<sup>6</sup> Independent Commission for Police Complaints for Northern Ireland “*Annual Report 1997*”, Belfast: The Stationery Office Ltd.

<sup>7</sup> Roche, D. (2003) *Accountability in Restorative Justice*. Oxford: University Press.

<sup>8</sup> Regulation 10 (3) RUC (Complaints) (Informal Resolution) Regulations 2000

<sup>9</sup> The Police Ombudsman for Northern Ireland “*First Annual Report November 2000-March 2002*”.

<sup>10</sup> Regulation 4(1) of the RUC (Complaints) (Informal Resolution) Regulations 2000

<sup>11</sup> Known in the PSNI as the ‘Appointed Member’.

The Informal Resolution Officer is not permitted to offer an apology unless he is so authorised by the officer who admits the conduct in question<sup>12</sup>. If the complainant is satisfied with the outcome he/she will be invited to sign a short statement of satisfaction<sup>13</sup>. This invitation for a written statement is a legal requirement but the complainant is not obliged to provide one<sup>14</sup>. The complainant may decline to give such a written statement but yet agree verbally that the complaint has been resolved satisfactorily.

## How Informal Resolution can be Achieved

The final outcome of informally resolved complaints can be classified in one of six different ways:

1. The complainant receives an apology for the police behaviour complained about. This may be conveyed by the Informal Resolution Officer or may be proffered directly by the officer(s) concerned. This could also be an expression of regret or an apology on behalf of the service.
2. The Police Officer(s) involved receives constructive advice from the Informal Resolution Officer, who is a senior officer, on how the situation could have been handled better, on the standards of behaviour expected from police in their dealings with the public, on particular procedures to be followed, or on any other relevant aspect of the incident that led to the complaint.
3. The complainant is satisfied with the explanation provided and/or the action taken by the Informal Resolution Officer.
4. The complainant accepts, in the light of the explanation given and discussions, that his own behaviour/attitude had been the cause of or had contributed in part to the behaviour/attitude of the police.
5. The complainant is satisfied that his grievance has been brought to the attention of the officer(s) concerned or his senior officer or both.
6. An impasse results with the complainant and the officer(s) involved maintaining very different accounts of the incident and no mutual agreement can be reached. The complainant accepts that there is nothing further that can be done to establish which story is correct and that a formal investigation would be unlikely to achieve a different result.

Obviously, this last outcome is the least satisfactory result from an informal resolution. However, it does not necessarily mean that the complainant will be totally dissatisfied. Frequently, complainants in such a situation will state that although the

stalemate cannot be resolved, they are grateful for the attempts that have been made and for the opportunity of discussing their grievances with the Informal Resolution Officer.<sup>15</sup>

In classifying the outcomes of informal resolution in this way, it should be noted that very frequently more than one description can be applied to an individual case. For example, the Informal Resolution Officer will very often take the opportunity of giving constructive advice to officers, whether they admit or deny the allegations. This is another advantage of the informal resolution process – it gives the opportunity for a senior officer to provide advice and guidance on how to handle particular situations, and to reinservice the professional standards of behaviour expected from police in their dealings with the public.

## Records

If it has proved possible to resolve the complaint by informal resolution a record of the outcome of the complaint is forwarded to the Police Ombudsman<sup>16</sup>. This Record of Outcome outlines the manner in which the complaint was informally resolved. It includes a summary of the nature of the allegations made, an account of the Informal Resolution Officer's interview with the complainant and the accused officer(s), the action taken to resolve the complaint and a written statement of satisfaction (if one is provided). The Police Ombudsman oversees the informal resolution of complaints and the Record of Outcome should be sufficiently detailed to enable the Police Ombudsman to satisfy herself that the informal resolution was conducted satisfactorily.

On receipt of this Record of Outcome a letter is sent to the complainant by the Police Ombudsman in confirmation of the understanding that they are satisfied with the outcome and consider no further action necessary<sup>17</sup>. This letter also notifies the complainant that they are entitled to request a copy of the Record of Outcome within three months from the date on which the complaint was recorded as being informally resolved.

## Cessation of the Informal Resolution Process

If at any stage the complainant is no longer happy with the informal resolution process or the informal resolution is unsuccessful the procedure is terminated forthwith and the complaint is returned to the Police Ombudsman<sup>18</sup>.

<sup>12</sup> Regulation 4 (3) RUC (Complaints) (Informal Resolution) Regulations 2000

<sup>13</sup> Regulation 4 (4) RUC (Complaints) (Informal Resolution) Regulations 2000

<sup>14</sup> RUC "Appointed Member Informal Resolution: Notes for Guidance".

<sup>15</sup> Independent Commission for Police Complaints for Northern Ireland "Annual Report 1997". Belfast: The Stationery Office Ltd.

<sup>16</sup> Regulation 5 (2) Royal Ulster Constabulary (Complaints) (Informal Resolution) Regulations 2000

<sup>17</sup> Regulation 5 (1) Royal Ulster Constabulary (Complaints) (Informal Resolution) Regulations 2000

<sup>18</sup> S53 (6) Police (Northern Ireland) Act 1998

# Chapter 2: The Informal Resolution Process

## Rights of the Officer

In accordance with Regulation 4 of the RUC (Complaints) (Informal Resolution) Regulations 2000, the officer has the right to comment on the complaint either orally or in writing but there is no obligation to do so.

Any comments or statements made by the officer in relation to the allegations during the informal resolution procedure cannot be used in disciplinary, civil or criminal proceedings. A meeting with the complainant can only be arranged with the officer's consent. An apology cannot be given on the officer's behalf unless the officer admits the conduct in question and an apology is appropriate. The Informal Resolution Officer may, however, offer an apology on behalf of the service if it is felt to be appropriate. No entry relating to the attempted or successful resolution of the complaint will be made in the officer's personal record. The officer will receive notification of the outcome of the complaint. Should attempts to resolve the complaint informally be unsuccessful, the complaint will be returned to the Police Ombudsman.

## Rights of the Complainant

One of the crucial conditions for initiating the informal resolution process is that the complainant must consent to its use. Informal resolution can be imposed on the officer concerned but it cannot be imposed on the complainant. The complainant does have the right to decline informal resolution and request a formal investigation. Ultimately, the complainant can opt out of the informal resolution procedure at any stage and request an investigation by the Police Ombudsman's Office.

## Advantages of Informal Resolution

The informal resolution of as many complaints as possible may ultimately be in the best interests of both the complainant and the police officer. It avoids the stress and delay of a formal investigation and the complaint is dealt with at a local level (i.e. by police from the area in which the complaint originated) thus enhancing the culture of community policing. Informal resolution provides the complainant with an opportunity to have contact with a local Inspector who could acquire a clear appreciation of the difficulties the complainant may have experienced. The Inspector is able to acquire a background knowledge of the incident and be able to put any issues in context for the complainant.

This also serves to increase management awareness of what is happening in the District Command Unit and management advice can be given to officers and they can be monitored to ensure that correct procedures are adopted.

Informal resolution gives the complainant the opportunity to put his/her views about the complaint in full to the police themselves and the police behaviour complained about can be fully explained to the complainant directly by the police. On many occasions the outcomes of informal resolution can influence future police policy and practice. For instance, complaint incidents can be used to inform PSNI training to prevent a reoccurrence; instructions have been given to officers in the DCUs providing advice and warning for future actions when dealing with telephone crime reporting; and new General Orders or procedures have been introduced regarding timely service of summonses, production of driving documents and the administration and service of non molestation orders under the Family Homes and Domestic Violence (Northern Ireland) Order 1998.

## Conclusion

Informal resolution is a central part of the current system. Most complaints can and should be resolved in a way that is straightforward, unbureaucratic and cost-effective. Unlike formal investigation it can be fast; there is scope for the complainant to confront the officer(s) complained about; the process is open and not burdened by legal rules of evidence; and above all, it is designed to be conciliatory, not adversarial in style.

The next chapter examines the available literature on informal resolution and outlines the case for introducing restorative justice to the police complaints system.

# Chapter 3: Literature Review

## Introduction

In recent years the issue of how best to deal with complaints against the police has come under increasing scrutiny from academics, policy makers and those involved in the criminal justice system.<sup>19</sup> These studies have addressed a wide range of differing aspects of the complaints ethos, rationale and process across a number of countries. Some considerable debate has taken place on the most appropriate form for dealing with complaints, and whether these should be addressed internally by the police themselves or by an independent civil office. Much of the available literature on the police complaints process in Northern Ireland predates the establishment of the Police Ombudsman's Office. It therefore deals with the general lack of confidence in the previous complaints procedures, the need for reform and the establishment of an independent method of investigating complaints against the police.<sup>20</sup>

While the appropriate form and structure of the complaints system have been key areas for debate, many other aspects of the system have also been critically examined. Several reviews have focused on issues arising from the workings of the complaints system, these include analysis of the nature and type of complaints received<sup>21</sup>, the views of the complainants on police behaviour and the responses to complaints that have been made<sup>22</sup>, the appropriateness of informal approaches to dispute resolution<sup>23</sup> and the fairness and overall working of the complaints system in England and Wales, Scotland, Norway and in the USA.<sup>24</sup> A key outcome of this work has been to draw out some general details of the type of person who makes a complaint, what they complain about and levels of satisfaction with the process for addressing the complaint.

## Informal Resolution and Complainant Satisfaction

A Home Office study conducted by Maguire and Corbett on behalf of the PCA<sup>25</sup> noted higher levels of satisfaction among complainants who used 'informal resolution' than amongst complainants who had been party to the formal investigation process. Complainants' satisfaction centered primarily on the opportunity to 'have their say' in the presence of a senior officer, the speed of the procedure and the feeling that they had been actively involved in negotiating a settlement. Maguire and Corbett concluded that subject to the process being standardised in application and rigorously monitored, there should be wider use of 'informal resolution':

“this involves changing the thought process that associates the reception of a complaint with the adoption of a defensive, adversarial attitude towards the complainant – the automatic response of ‘denying everything’. More positively, it involves stressing the value of attempting to understand the perceptions of a member of the public, which may differ from their own. In other words, to see ‘informal resolution’ as an exercise in communication and explanation, not in investigating guilt or innocence”.<sup>26</sup>

<sup>19</sup> Goldsmith, A. & Lewis, C. (2000) *Civilian Oversight of Policing: Governance, Democracy and Human Rights*. Oxford: Hart; Lewis, C. (1999) *Complaints Against the Police: The Politics of Reform*. Sydney: Hawkins Press; McLaughlin, E. & Johansen, A. (2002) *A Force for Change? The Prospects of Applying Restorative Justice to Citizen Complaints against the Police in England and Wales*. *British Journal of Criminology* 42:635-653.

<sup>20</sup> I Topping, “The Police Complaints System in Northern Ireland” in A Goldsmith (ed.), *Complaints Against the Police: The Trend to External review* 1991: CAJ, *Cause for Complaint: The system for dealing with complaints against the police in Northern Ireland*, CAJ Pamphlet no 16, May 1990; A Fresh look at Complaints against the Police, December 1993; A Hamilton, L Moore and T Trimble, *Policing a Divided Society: Issues and Perceptions in Northern Ireland 1995*; Human Rights Watch/Helsinki “To Serve without Favor: Policing, Human Rights and Accountability in Northern Ireland” 1997; M O’Rawe and L Moore, *Human Rights on Duty* 1997).

<sup>21</sup> Cotton, J. & Povey, D. (2000) *Police Complaints and Discipline: England and Wales, April 1999 to March 2000*. London: Home Office.

<sup>22</sup> Brown, D. (1987) *The Police Complaints Procedure: A Survey of Complainants’ Views*. Home Office Research Study 93. London: HMSO.

<sup>23</sup> O’Rawe, M. & Moore, L. (1997) *Human Rights on Duty: Principles for Better Policing-International Lessons for Northern Ireland*. Belfast: CAJ; McLaughlin, E. & Johansen, A. (2002) *A Force for Change? The Prospects of Applying Restorative Justice to Citizen Complaints against the Police in England and Wales*. *British Journal of Criminology* 42:635-653.

<sup>24</sup> Maguire, M. & Corbett, C. (1991) *A Study of the Police Complaints System*. London, HMSO; HMIC for Scotland (2000) *A Fair Cop: The Investigation of Complaints Against the Police in Scotland*. Edinburgh, Stationery Office; Thomassen, G. (2002) *Investigating Complaints Against the Police in Norway: An Empirical Evaluation*. *Policing and Society* Vol 12:3 201-211; Palmiotto, M (ed) (2001) *Police Misconduct: A Reader for the 21st Century*. New Jersey: Prentice Hall.

<sup>25</sup> Maguire, M. & Corbett, C. (1991) *A Study of the Police Complaints System*. London, HMSO.

<sup>26</sup> Maguire, M. & Corbett, C. (1991), *A Study of the Police Complaints System*. London: HMSO.

# Chapter 3: Literature Review

Corbett went further in her endorsement of ‘informal resolution’:

“informal resolution’ reflects the trend away from the formal towards informality. Increasing emphasis on diverting offenders away from the adversarial wheels of the criminal justice system with its focus on punishment, towards reparation and mediation, underpinned by the restorative principle, has clear parallels with the growth of ‘informal resolution’. By shifting complaints away from the formal adjudication mechanism characterized by its ‘winner takes all’ approach, both complainants and those complained against may, with ‘informal resolution’ experience less alienation and less antagonism. Further, in some cases – arguably – it should be more – they are given the rare opportunity to try to understand and appreciate the other viewpoint”.<sup>27</sup>

Studies undertaken on complainant satisfaction in other jurisdictions also confirm that citizens whose complaints were informally resolved were more likely to be satisfied with both the outcome and the way in which the complaint was handled. For example, the Queensland Police Service introduced informal resolution as an option for dealing with minor complaints in 1993. As part of a Criminal Justice Commission (CJC) evaluation of the effectiveness of the new system after its first year, complainants who had been involved in a formal investigation and complainants who had participated in informal resolution were surveyed. It was evident that the informal resolution sample was far more satisfied than the formal investigation sample.<sup>28</sup>

In this CJC study, two-thirds of complainants in the informal resolution sample felt that they had ‘definitely’ or ‘perhaps’ achieved their aims by complaining. This contrasted with just under half (48 per cent) of those in the formal investigation sample who felt that they had ‘definitely’ or ‘perhaps’ achieved their aims.

Similar results were also found in a telephone survey conducted which revealed that a majority of complainants experiencing informal resolution were ‘very’ or ‘fairly’ satisfied with the outcome and the process, whereas a minority of those whose complaint was formally investigated were ‘very’ or ‘fairly’ satisfied with the outcome and the process.<sup>29</sup>

## Value of Informal Resolution

The conclusions of the Hayes review of the Northern Ireland police complaints system also endorsed informal resolution. For Hayes the potential value of ‘informal resolution’ lay in its ability to focus attention on the resolution of the grievance rather than establishing ‘innocence’ or ‘guilt’.<sup>30</sup> ‘Informal resolution’ tied in with what the report identified as a global trend across the public sector, ‘to regard complaints as a tool of management and to seek to treat complainants as customers who needed to be satisfied, at least by the process, if not the outcome, rather than as nuisances to be deterred or avoided’.<sup>31</sup> A move to ‘informal resolution’ would provide a new management tool for addressing poor performance or failure to meet acceptable standards as well as providing a more flexible framework for deciding when it is appropriate to activate formal disciplinary procedures. Informal resolution can form part of a system of rehabilitative rather than simply retributive justice, where early warning systems, interventive counselling and retraining actually are part of an abuse prevention policy designed to help police officers struggling with the many and often conflicting demands made on them.<sup>32</sup>

## The Promise of Restorative Justice

Restorative justice has at its core the bringing together of victims and offenders. A generally accepted definition of restorative justice is given by Tony Marshall in an overview of restorative justice published by the UK Home Office: “Restorative justice is a process whereby parties with a stake in a specific offence resolve collectively how to deal with the aftermath of the offence and its implications for the future”.<sup>33</sup> The British Restorative Consortium (1998) sees restorative justice as seeking “to balance the concerns of the victim and the community with the need to reintegrate the offender into society. It seeks to assist the recovery of the victim and enable all parties with a stake in the justice process to participate fruitfully in it”.<sup>34</sup>

<sup>27</sup> Corbett, C. (1991), ‘Complaints Against the Police: The New procedure of Informal Resolution’, *Policing and Society*, 2: 47-60.

<sup>28</sup> Ede, Andrew & Barnes, Michael (2002) Making the Response Fit the Complaint: Alternative strategies for resolving complaints against police. Research & Issues Paper Series No. 1 April 2002. Crime and Misconduct Commission: Queensland.

<sup>29</sup> Ibid.

<sup>30</sup> Hayes, M. (1997) *A Police Ombudsman for Northern Ireland? A Review of the Complaints System in Northern Ireland*. Belfast: Stationery Office. p.25.

<sup>31</sup> Hayes, M. (1997) *A Police Ombudsman for Northern Ireland? A Review of the Complaints System in Northern Ireland*. Belfast: Stationery Office. p.25.

<sup>32</sup> O’Rawe, M & Moore, L (2000) “Accountability and Police Complaints in Northern Ireland” in Goldsmith & Lewis (2002) *“Civilian Oversight of Policing”*, Hart Publishing, Oxford.

<sup>33</sup> Marshall, T (1999) *Restorative Justice: An Overview*, Home Office Research Development Statistics Occasional Paper. HMSO: London.

<sup>34</sup> Peters, T & Aersten, I. “Towards Restorative Justice” in *Crime and Criminal Justice in Europe*, Council of Europe Publishing, December 2000.

Established criminal justice has been concerned predominantly with offenders: punishing actual offenders and deterring potential offenders. Restorative justice has been promoted at a time when offenders are being punished increasingly harshly, whilst victims' complaints that they are neglected in established criminal justice proceedings have received more attention than previously.

## Restorative Justice and Victims

Research on victimisation and victim assistance has revealed specific needs of victims in their relation to the offender.<sup>35</sup> For victims of violence, at least as important as obtaining financial compensation is the need to find answers to questions concerning the offence and the offender. Victims in general express the need for understanding about what happened and in many cases they wish to make clear to the offender the consequences of the crime. These elements are often important issues in coping with the event and its aftermath. When questioned about the desirability and the possible consequences of a meeting with the offender, a significant group of victims confirm that they would welcome the opportunity: several studies show figures of between 30 per cent and 50 per cent of all victims interviewed. This percentage is even higher when the possibility of indirect (that is, not face-to-face) mediation is offered.<sup>36</sup> All versions of restorative justice have at their centre the opportunity provided for victims to recount what the offence meant to them, to communicate with the offender and to obtain apology and reparation.<sup>37</sup> One of the benefits of mediation can also be that the victim "may get a more realistic understanding of the offender and his or her behaviour".<sup>38</sup>

## Restorative Justice and Offenders

In traditional criminal justice where the victim may well feel excluded from the proceedings, the offender is excluded by the proceedings. He/she will be talked about through the reports of probation officers or other professionals; he/she may be placed at the scene of the crime by police and other witnesses; he/she may be described as a nuisance, a menace, a danger to society by judges and magistrates. The invitation "have you anything to say" at the end usually results in silence, or something mumbled, or it may even be a last-ditch declaration of innocence, appearing perverse in the light of a finding of guilt. Most offenders, and especially first-time offenders, are rendered mute or incoherent by the time they get the opportunity to have their say.<sup>39</sup>

In marked contrast, restorative justice processes that involve some form of dialogue between victims, offenders and other interested parties provide an opportunity for censure to be expressed in a normative way.

The forum in which this dialogue takes place is more likely to afford an opportunity in which both victims and offenders are able to participate constructively in the communicative enterprise. If handled sensitively it may be possible for censure to be communicated in a non-stigmatising way that offers a better prospect for the offender's successful reintegration back into the community. In short, the challenge for 'just deserts' theory (i.e. that the punishment should fit the crime) that is presented by restorative justice processes is that they provide an alternative, and arguably far more effective form of normative discourse through which to convey censure without stigma.<sup>40</sup>

Much of the most effective work with offenders over recent decades has been based on inducing them to acknowledge not only that their behaviour has caused harm, but that they could have chosen to have acted differently. For the offender to acknowledge responsibility and feel remorse, he/she must first acknowledge the victim as a real individual. Restorative justice builds on the insight that crime comes easily if the victim is denied.<sup>41</sup>

## Linking Restorative Justice to the Informal Resolution of Minor Complaints

A number of writers advocate the reform of police complaints procedures along the line of restorative justice principles,<sup>42</sup> building on earlier recommendations to handle complaints against the police by using – wherever appropriate – informal mediation between complainants and police officers.<sup>43</sup> In keeping with recent thinking about justice, some jurisdictions (e.g. New South Wales Police and Thames Valley Police) are now experimenting with more remedial or "restorative" responses to public complaints against police officers, especially in cases in which the "misconduct" complained of seems to have been the product of (or at least influenced by) wider, systemic policies or practices within the police service. Such an approach promises more substantial benefits to complainants whose complaints have been found to be substantiated.<sup>44</sup>

<sup>35</sup> Dignan, J., & Cavadino, M. 'Towards a Framework for Conceptualising and Evaluating Models of Criminal Justice from a Victim's Perspective' in *International Review of Victimology* (1996); Reeves, H. 'The Victim Support Perspective' in Wright, M., & Galway, B. (1989) *Mediation and criminal justice: victims, offenders and community*, Sage, London.

<sup>36</sup> Aertsen, I., & Peters, T. (1998) 'Mediation for Reparation: The Victim's Perspective' in *European Journal of Crime, Criminal Law and Criminal Justice*, Vol. 6/2.

<sup>37</sup> Hudson, Barbara "Victims and Offenders" in Von Hirsch, A; Roberts, J; Bottoms, A; Roach, K & Schiff, M. (2003) *Restorative Justice and Criminal Justice: Competing or Reconcilable Paradigms?* Hart Publishing, Oxford.

<sup>38</sup> Peters, T & Aertsen, I. "Towards Restorative justice" in *Crime and Criminal Justice in Europe*, Council of Europe Publishing, December 2000.

<sup>39</sup> Hudson, Barbara "Victims and Offenders" in Von Hirsch, A; Roberts, J; Bottoms, A; Roach, K & Schiff, M. (2003) *Restorative Justice and Criminal Justice: Competing or Reconcilable Paradigms?* Hart Publishing, Oxford.

<sup>40</sup> Dignan, Jim "Towards a Systemic Model of Restorated Justice" in Von Hirsch, A; Roberts, J; Bottoms, A; Roach, K & Schiff, M. (2003) *Restorative Justice and Criminal Justice: Competing or Reconcilable Paradigms?* Hart Publishing, Oxford.

<sup>41</sup> Hudson, Barbara "Victims and Offenders" in Von Hirsch, A; Roberts, J; Bottoms, A; Roach, K & Schiff, M. (2003) *Restorative Justice and Criminal Justice: Competing or Reconcilable Paradigms?* Hart Publishing, Oxford.

<sup>42</sup> Dobry, J. (2001) *Restorative Justice and Police Complaints: A Report by the Independent Police Complaints Authority*. PCA, London, March 2001; McLaughlin, E. & Johansen, A. (2002) A Force for Change? The Prospects of Applying Restorative Justice to Citizen Complaints against the Poilice in England and Wales. *British Journal of Criminology* 42:635-653.

<sup>43</sup> Scarman, L. (1981) *The Brixton Disorders, 10-12 April 1981*. Report of an Inquiry by Lord Scarman, Cmnd 8427. London:HMSO.

<sup>44</sup> Stenning, Philip. "Evaluating Police Complaints Legislation: A Suggested Framework" in Goldsmith & Lewis (2002) *"Civilian Oversight of Policing"*, Hart Publishing, Oxford

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In March 2001 the Police Complaints Authority (PCA) released a report, 'Restorative Justice and Police Complaints'. The PCA urged the government to establish 'restorative justice' as the focal point of 'informal resolution':

“Very often, in these cases the complainant wants to be acknowledged and receive an apology. They want to know that the officer’s supervisor is aware, and they do not want a formal investigation. In these cases, with their permission, a restorative intervention could be the ideal solution. It would give the complainant the opportunity to tell the officer how they felt, the officer would learn by that and may also have the opportunity to explain the reason for their behaviour. It could be that the complainant accepts some responsibility for the situation and there is a positive aspect for the officer. As long as the complainant is happy with the outcome of the approach, that would be the end of the matter and we will have saved ourselves the cost, time and distress of a formal investigation”.<sup>45</sup>

The report reiterated that the constraints associated with the rule-bound, evidence-based, adversarial police complaints system made it virtually impossible to address or resolve the issues constitutive of the majority of complaints. The PCA argued that the debate could be radically reconceptualised by recognising that many complaints resulted from what it described as ‘desperately sad situations’ where police involvement was secondary and members of the public were confused ‘about why they made a complaint and what they were expecting’.<sup>46</sup> On the surface complaints might be about disputed-facts or physical loss or damage ‘but all too often they are about anger. People complain because they are angry about something that has happened to them’.<sup>47</sup> Complaints should therefore be reconceptualized as ‘emotional entities’.<sup>48</sup> The attraction of restorative justice for the PCA lies in its ability to focus specifically on emotional and psychological issues, bringing them out into the open and dealing with them in a productive, forward moving way:

“We feel any new legislation should allow for restorative justice, or indeed mediation, as a real alternative to formal investigation in appropriate circumstances despite the possibility of discipline or minor criminal proceedings. This would be with the consent of the parties and subject to an appeal process...Only then will it be possible to ‘rescue’ the many complaints – particularly those of attitude and behaviour, and also those to do with the ‘system’ and the way police work – from the lengthy, legalistic, closed and distancing formal process and place them in a context where they can really be resolved”.<sup>49</sup>

The PCA report promotes its restorative justice agenda by drawing on the experience of the New South Wales police service and Thames Valley police service. Conferencing, where complainant and police officer can engage in an ‘extended conversation’ about the circumstances of the incident and its consequences for all involved, is envisaged as being the centre of the process.

“The restorative conference provides a forum in which police and public can meet face to face, listen to each other and find a constructive way forward. It is a process that can be open and immediate, in which both complainant and officer are involved in seeking a solution to a problem. From the point of view of managers it is more likely to produce results in terms of changed behaviour. It is a forward looking process which is more likely to bring closure to a conflict and repair permanently the emotional damage which is often the driving service behind the complaint”.<sup>50</sup>

<sup>45</sup> Pollard, Sir C. (2000), ‘Restorative Justice and Police Complaints’, paper presented to Real Justice Conference.

<sup>46</sup> Dobry, J. (2001) *Restorative Justice and Police Complaints*. London: Police Complaints Authority.

<sup>47</sup> Ibid., p.42

<sup>48</sup> Ibid.

<sup>49</sup> Dobry, J. (2001) *Restorative Justice and Police Complaints*. London: Police Complaints Authority.

<sup>50</sup> Ibid.



The conference facilitator will have the role of holding the balance between the participants. Whilst the facilitator has a list of key questions for participants the stress is on an open-ended, even-handed approach ‘exploring’ and ‘enquiring’ rather than ‘judging’ and ‘condemning’.<sup>51</sup>

### Complaints Suitable for Restorative Justice

According to the research literature there are some complaints, which lend themselves much more to the restorative approach than others. For instance, complaints where it is the “system” that is at fault rather than individual officers; complaints of attitude or unprofessional or oppressive behaviour; or complaints of incivility. Within the current legislation, restorative justice has been limited to the confines of the informal resolution process. The restorative justice process is better suited to deal with the emotional and psychological issues of complaint. Complaints about attitude and behaviour are notoriously difficult to prove under the current legal evidence-based system. If a complainant feels that an officer’s behaviour has been rude, oppressive or even sectarian, then that experience is real to them. The fact that the current process cannot prove that real experience for the complainant unless there are physical words or actions which have been witnessed by other people, does not make that experience any less real. A common reaction of complainants when told that their complaint cannot be supported on evidence is their interpretation that essentially they are being told that they must be lying.

In many cases it is the manner of the police action rather than its official outcome, which is objectionable. What people really want is for police to speak respectfully to them, a fact very often overlooked by the police.<sup>52</sup> Meetings can allow participants to remind police of the importance of virtues such as respect and civility.

A further advantage is that police themselves can discuss the context in which an incident occurred. An officer, for example, can explain some of the difficulties in conducting an investigation. A common failing of police accountability mechanisms is that they focus on the individual incident while ignoring the larger framework in which these incidents occur.<sup>53</sup> Paying attention to an incident’s context enhances the motivational sensitivity of this form of accountability. When police are provided with an opportunity to discuss the background to a set of actions they are less likely to feel their integrity is being questioned, or alternatively, if they feel that it is, that they have the opportunity to defend themselves. The nature of this form of accountability, with both the complainant and police officer present, can promote the swift resolution of many matters. David Bayley observes that:

“Many complaints about police are matters of misunderstanding rather than real misconduct. They can be cleared up through frank discussions between police and citizens. Often citizens only want to express their point of view, to vent their sense of grievance, while officers want citizens to know why they really had no choice and had to do what they did. A great deal of anger and hostility can be dissipated when people say, ‘Oh, I didn’t know that’, or ‘I guess I overreacted, I’m sorry’.<sup>54</sup>

Significantly, and perhaps most controversially, the PCA argues that it is in the area of complaints about police racism and discrimination that the greatest opportunity for the application of restorative approach arises:

“Few of these complaints are substantiated. Many recorded complaints of racism are not fully investigated because the complainant fails to follow up an initial complaint or provide a statement. It is worth adding that many officers when told of the complaint deny vehemently that they are racist or hold racist attitudes. This is hardly surprising, since the likely outcome of an admission would be dismissal. If it were possible for officers and complainant to meet face to face, to explore each others attitudes and experiences, to see each other as individuals rather than stereotypes, to consider an apology as a strength rather than a weakness, then society could move forward”.<sup>55</sup>

### Adopting Restorative Justice to Police Complaints

Having considered the case for embedding restorative justice within the police complaints system, drawing on its effectiveness with victims and offenders, it is necessary to also reflect on the potential limitations of such a course of action.

<sup>51</sup> McLaughlin, Eugene and Johansen, Anja (2002) “A Force for Change? The Prospects for Applying Restorative Justice to Citizen Complaints against the Police in England and Wales.” *British Journal of Criminology* 42: 635-653.

<sup>52</sup> Bayley, D. (1995) ‘Getting serious about Police Brutality’, in P. Stenning (ed.), *Accountability for Criminal Justice*. Toronto: University of Toronto Press, 93-109.

<sup>53</sup> Goldsmith, A. (1995). ‘Public Complaints Procedures in Police Accountability’, in P. Stenning (ed.), *Accountability for Criminal Justice*. Toronto: University of Toronto Press, 110-34.

<sup>54</sup> Bayley, D. (1995) ‘Getting serious about Police Brutality’, in P. Stenning (ed.), *Accountability for Criminal Justice*. Toronto: University of Toronto Press, 93-109.

<sup>55</sup> Dobry, J. (2001) *Restorative Justice and Police Complaints*. London: Police Complaints Authority.

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Braithwaite notes that ‘the empowerment of victims to define the restoration that matters to them is a keystone of a restorative justice philosophy’.<sup>56</sup> However, in the discussion about applying restorative justice to police complaints there has been little or no discussion of the very obvious structural power inequalities that need to be addressed in instances where the police officer is the accused.

Virtually nowhere in the official literature on police complaints in the United Kingdom is acknowledgement given to how traumatic it is for a citizen to be abused by a state employee who has at his/her disposal the legitimate use of service, or the threat of service, as a method of resolving disputes and conflicts and restoring order.

What does not seem to be adequately acknowledged by the proponents of restorative justice is that no straightforward comparison can be drawn between the misconduct of a police officer and the delinquent actions of an offender. To date, the police complaints system has not employed terms such as ‘victim’, ‘offender’ or indeed ‘police crime’. The aggrieved citizen is not allocated the morally validated status of ‘victim’ but the highly problematic status of ‘complainant’.<sup>57</sup>

Dobry notes that the traditional model of conferencing, based on dealing with victims and offenders will have to be adapted for dealing with officers and complainants:

“In the criminal justice context there is obviously a victim and an offender. In the complaints field however while the complainant is clearly a victim, it does not necessarily follow that the police officer is an offender. One of the main reasons that the majority of complaints made by members of the public are unsubstantiated by the PCA is that the officer complained of was ‘simply doing his duty’...both sides will be in a sense both victim and offender”.<sup>58</sup>

In their paper<sup>59</sup> Eugene McLaughlin and Anja Johansen assess the pros and cons of applying restorative justice techniques to police complaints. The authors see benefits in terms of restorative justice enabling officers to address unacceptable conduct in policing. They are however sceptical of the possibilities of effecting the necessary organizational changes and note that the conferencing format would have to be adapted for use in situations involving police. The authors are, on balance, pessimistic about the police’s acceptance of restorative justice methodologies:

“Unless there is an unprecedented change in attitude, it is improbable that the Police Federation will allow officers to participate freely in what amounts to a responsabilisation project where they will have to admit to and account for the harm they have caused both to the victim and police-community relations; accept denunciation for their behaviour as unacceptable, discuss and agree appropriate forms of reparation; and be held accountable for fulfilling the reparation contract. The fact that restorative justice is a solution that cannot be imposed and an offender may choose to bring a conference to a halt and proceed to formal investigation provides the organisational space for new forms of rank and file resistance”.<sup>60</sup>

<sup>56</sup> Braithwaite, J. (1999) ‘Restorative Justice: Assessing Optimistic and Pessimistic Accounts’, *Crime and Justice: A Review of Research*, 25; Chicago: Chicago University Press.

<sup>57</sup> McLaughlin, Eugene and Johansen, Anja (2002) “A Force for Change? The Prospects for Applying Restorative Justice to Citizen Complaints against the Police in England and Wales.” *British Journal of Criminology* 42: 635-653.

<sup>58</sup> Dobry, J. (2001) *Restorative Justice and Police Complaints*. London: Police Complaints Authority.

<sup>59</sup> McLaughlin, Eugene and Johansen, Anja (2002) “A Force for Change? The Prospects for Applying Restorative Justice to Citizen Complaints against the Police in England and Wales.” *British Journal of Criminology* 42: 635-653.

<sup>60</sup> Ibid

This viewpoint is not surprising given the earlier research on informal resolution by Maguire and Corbett who noted rank and file resistance to participation in informal resolution. Meetings between complainant and officer were a rarity and what was striking in the testimony of officers was outright resistance to the idea that they could be in the wrong and almost complete lack of empathy or understanding of complainants. The majority of officers favoured full investigation of complaints presumably because they knew their rights were protected. Research by Waters and Brown<sup>61</sup> confirmed the overall findings of Maguire and Corbett.

Also interestingly, in research on the informal resolution process when it was first introduced, Claire Corbett found that although meetings between complainants and officers were the exception rather than the norm, over 50 per cent of complainants when asked reported that they would have liked such a meeting: “many of these (complainants) wanting either to talk through the incident, express how they felt about it or to get the officer’s explanation or views on the matter”. Dobry also identified reluctance on the part of a significant number of forces to initiate a face-to-face meeting between complainant and officer. It is fair to say that the reluctance is more likely to come from the officer than the complainant, but also that the fear of litigation is a factor:

“There is a feeling that simply saying “sorry” to a complainant – which is often all that is required – is not only a sign of weakness but could also constitute an admission of liability and lead to a financial claim”.<sup>62</sup>

Achieving police accountability is made difficult by the ‘practical autonomy of street-level policing, the low visibility and high discretion of rank-and-file officers’.<sup>63</sup> As Robert Reiner observes, there are two main mechanisms for holding individual police accountable: courts and the complaints process.<sup>64</sup> When a court hears an offender’s case, it can to some extent hold the state accountable by insisting that the police comply with procedural rules related to the treatment of a suspect, and also by scrutinizing the manner in which evidence is obtained. One of the possible problems with restorative justice programmes, and informal justice more generally, is that when a case is processed through such a programme, police can evade this sort of legal accountability.

Among restorative justice writers, opinion is strongly divided as to whether restorative justice meetings do, in fact, provide an alternative type of accountability. On the one hand, some proponents suggest that an informal type of state accountability can occur during the course of meetings. David Moore, for example, argues that in meetings, police “are under a very effective form of scrutiny...the literal direct scrutiny of the community affected”.<sup>65</sup> Similarly, John Braithwaite and Christine Parker argue that the fact that conference participants are able to criticize police in meetings makes the police more, rather than less, accountable.<sup>66</sup>

Others, however, are highly sceptical. Harry Blagg, for example, says:

“I do not share John Braithwaite’s optimism that communitarian conferencing, as currently practiced, can open up in a way that allows for criticism of powerful agencies such as the police. They have, to borrow a phrase of David Garland’s, a heavily inscribed sense of their own naturalness and appropriateness as the ‘real’ agents for the dispensation of justice”.<sup>67</sup>

## Conclusion

It must be stressed that restorative intervention will only work if those taking part are prepared to give the process a go. It is a process that cannot be imposed. There will always be a need for a more traditional complaints process, not only for those complaints, which are not of themselves suitable for the restorative process such as serious criminal matters, but also for those complainants, and officers who do not wish or are not able to entertain the idea of restorative intervention. A good modern complaints process should take account of these developments and seek to achieve a balance between such remedial approaches and more traditional, punitive ones.

<sup>61</sup> Waters, I. & Brown, K. (2000), ‘Police Complaints and the Complainants’ Experience’, *British Journal of Criminology*, 40: 617-38.

<sup>62</sup> Dobry, J. (2001) *Restorative Justice and Police Complaints*. London: Police Complaints Authority.

<sup>63</sup> Reiner, R. (1995). ‘Counting the Coppers: Accountability in Policing’, in P.Stenning (ed.), *Accountability for Criminal Justice*. Toronto: University of Toronto Press, 74-92.

<sup>64</sup> Reiner, R. (1997). ‘Policing and the Police’, in M.Maguire, R.Morgan, & R. Reiner (eds.), *The Oxford Handbook of Criminology*. Oxford: Oxford university Press.

<sup>65</sup> Moore, D. (1994) ‘Diversion? Reconciliation? Mediation? Confusion?’ *Socio-Legal Bulletin*, 14: 39.

<sup>66</sup> Braithwaite, J. (1999) ‘Restorative Justice: Assessing Optimistic and Pessimistic Accounts’, *Crime and Justice: A Review of Research*, 25; Chicago: Chicago University Press.

<sup>67</sup> Blagg, H. (1998) ‘Restorative Visions and Restorative Justice Practices: Conferencing, Ceremony and Reconciliation in Australia’, *Current Issues in Criminal Justice*, 10/1: 5-14.

# Chapter 4: Survey Findings

## Introduction

This chapter sets out the quantitative findings from the questionnaire survey. The survey methodology is presented at Annex 1. Where appropriate, qualitative comments made by respondents are included.

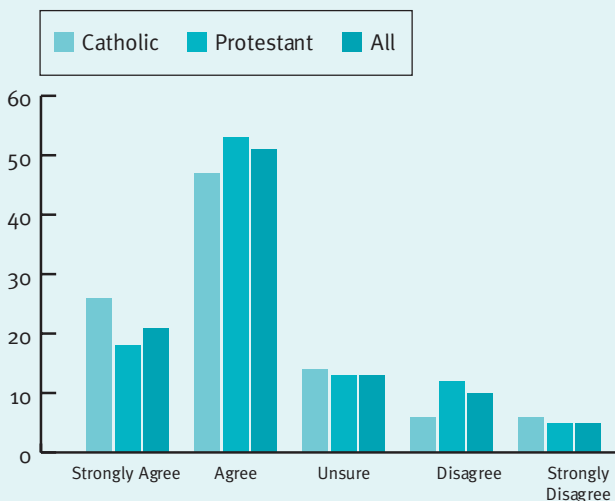
All data presented are broken down by the community background of participants. Any gender differences in responses are also noted in the text.

## Perceptions of the Police Ombudsman Informal Resolution Process

The Police Ombudsman makes a decision on how to proceed with a complaint depending on the seriousness of the allegation. Through initial enquiries, a complaints officer will ascertain from the complainant as soon as possible the seriousness of the allegation. Should the complaint prove suitable for informal resolution the complaints officer will provide the complainant with a clear explanation of what informal resolution will involve, how it will work and what can reasonably be expected from the procedure, before the complainant gives their consent. It is important that the complainant's decision to attempt informal resolution is taken on a well-informed basis. The Police Ombudsman's Office also currently issues a leaflet to the complainant explaining the process at the outset.

## Informal Resolution Clearly Explained

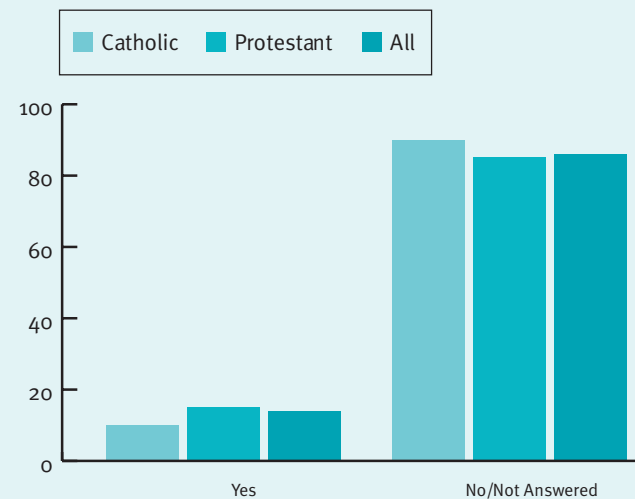
**Figure 1: The informal resolution process was clearly explained by staff from the Police Ombudsman's Office.**



The majority of respondents (72 per cent) indicated their satisfaction with the explanation of the process by the Police Ombudsman's Office. There was little difference in responses from the two main religious communities. A greater proportion of females (79 per cent) than males (65 per cent) felt that the process had been clearly explained.

## Declined Informal Resolution

**Figure 2: Did you immediately decline the initial offer from the Police Ombudsman of having your complaint resolved through Informal resolution?**



It is solely the prerogative of the complainant to accept or reject the informal resolution process. One in ten (ten per cent) respondents immediately declined the offer from the Police Ombudsman's Office of having the complaint resolved through Informal resolution. Protestants (15 per cent) were more likely than Catholics (ten per cent) to immediately decline the offer. Respondents who declined the process were given the opportunity to state their reasons for not wishing to participate.

## Reasons for Declining Informal Resolution

The common theme was that many complainants felt that the informal resolution process might be used by the police as a convenient means to avoid effectively dealing with the complaint:

“I didn’t go ahead with it as I knew nothing would be done about it anyway”.

(42 year-old Protestant female)

“Concerns that the issues would be brushed under the carpet and not dealt with properly”.

(45 year-old Protestant male)

“I didn’t believe it would have changed anything”.

(31 year-old Catholic male)

“I felt the offer of informal resolution was only going to lead to, at best, a ticking off from an Inspector and would not deal with the complaint properly”.

(42 year-old Catholic male)

“Because it would have been ignored or just a tap on the wrist”.

(38 year-old Protestant female)

They may also feel that the informal resolution process belittles their complaint:

“Thought complaint was too serious to be dealt with informally”.

(28 year-old Protestant male)

“I considered that the conduct complained about was so serious as to warrant disciplinary proceedings”.

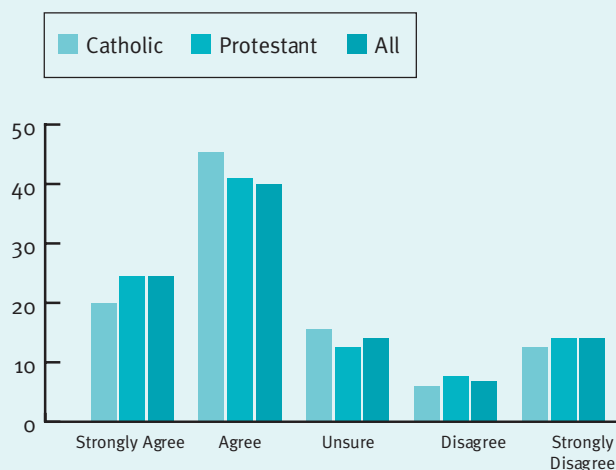
(54 year-old Protestant male)

“I felt that the policeman’s attitude and abusive treatment of my son should be treated seriously. The informal resolution procedure was not adequate”.

(47 year-old Protestant male).

## Complaint Taken Seriously

**Figure 3: I feel that my complaint was taken seriously by the Police Ombudsman.**

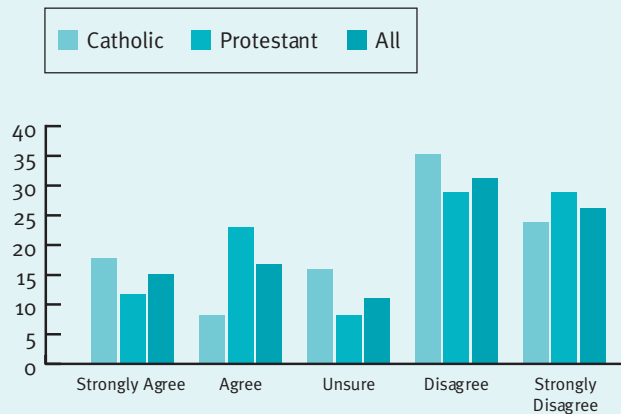


Almost two thirds (64 per cent) of respondents believed that the Police Ombudsman’s Office had taken their complaint seriously. Almost a quarter (24 per cent) were strongly of this opinion. There was little difference between the responses of Catholic and Protestant respondents. Females (70 per cent) were more likely than males (60 per cent) to agree. Over a third overall disagreed or were unsure (36 per cent). This is obviously an area of concern and one that may require further consideration. Given that the Police Ombudsman’s Office is the initial contact, a poor or negative perception by the complainant at this stage could jeopardise any potential for a successful resolution by the police.

# Chapter 4: Survey Findings

## Disappointed with Police Ombudsman's Office

**Figure 4: I was disappointed with the way the Police Ombudsman's office dealt with my complaint.**

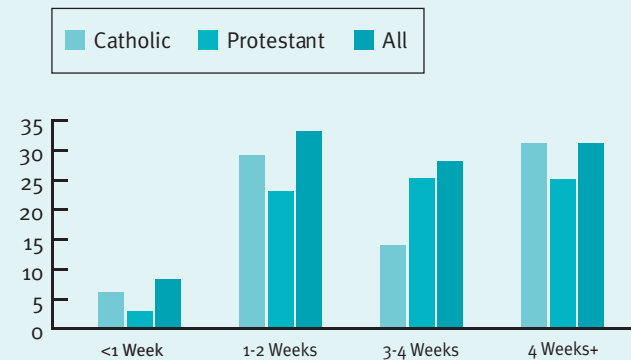


The majority of respondents (57 per cent) indicated that they were not disappointed with the way the Police Ombudsman's Office dealt with their complaint. However, a considerable proportion of respondents (32 per cent) indicated disappointment. Over a third of Protestants (35 per cent) compared to just over a quarter of Catholics (26 per cent) expressed disappointment. Males (40 per cent) were more likely than females (23 per cent) to express disappointment. The overall level of disappointment suggests that the complainants may have felt obliged to accept the Police Ombudsman's determination that their complaint was suitable for informal resolution in place of a formal investigation. They may have initially been dissuaded from pursuing a formal investigation. It could also indicate that complainants were disappointed with the outcome of their complaint following a failed attempt at informal resolution that resulted in a formal investigation failing to substantiate the complainants' allegations.

## Perceptions of the Police Conduct of Informal Resolution

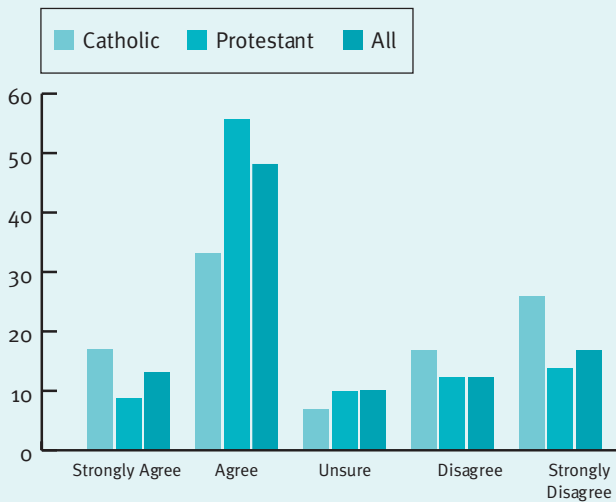
### Time scales

**Figure 5: How long did it take from the time you accepted the offer from the Police Ombudsman of having your complaint resolved informally, until you were contacted by the police themselves?**



For two fifths of respondents the time lapse between the complainant consenting to informal resolution and contact from the police was relatively short (8 per cent were contacted within 1 week and 33 per cent between 1 and 2 weeks). However, the remaining three fifths reported that the timeframe was at least three weeks. There was little difference in the waiting times reported by Catholics and Protestants. Any delay may adversely influence attitudes and opinions on the process.

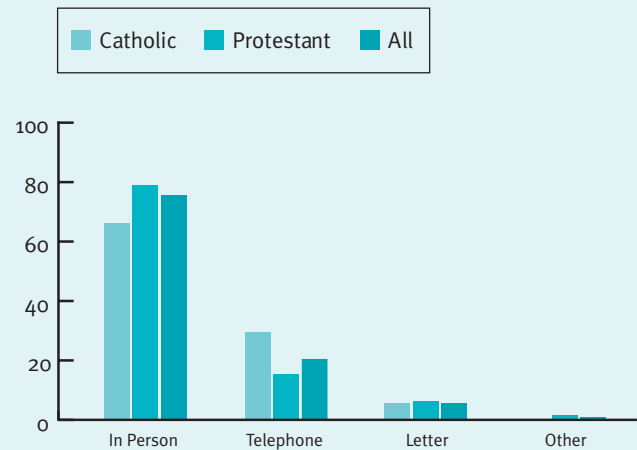
**Figure 6: I was satisfied with the time it took for the police to contact me about the informal resolution.**



The majority of complainants (over three fifths of the respondents or 61 per cent) were satisfied with the time taken for the police to contact them. While Protestant respondents were more likely overall to report that they were satisfied (65 per cent, compared to 50 per cent of Catholics), Catholic respondents were more likely to strongly agree (17 per cent, compared to 9 per cent of Protestants). Of those respondents who expressed dissatisfaction with the time taken, 42 per cent had waited 4 weeks or more and 34 per cent could not report how long they had waited.

### Type of Contact

**Figure 7: Please state what the main type of contact with the police officer dealing with the informal resolution was.**



Complainants' interactions with the Informal Resolution Officer typically involve a personal visit by the senior officer to listen to what the complainant has to say before outlining the options available to the complainant. Personal visits with the complainant represent best practice and are the most appropriate means of contact. However, complainants may elect not to be contacted in person by the police.

Three quarters of respondents (75 per cent) reported that their main type of contact was in person. Twenty per cent reported that the main contact was by telephone, with less than one per cent contacted by other means including email or correspondence issued by the Police Ombudsman. Protestants (79 per cent) were more likely than Catholics (66 per cent) to have made contact in person and males (81 per cent) were more likely than females (68 per cent) to have made contact in person.

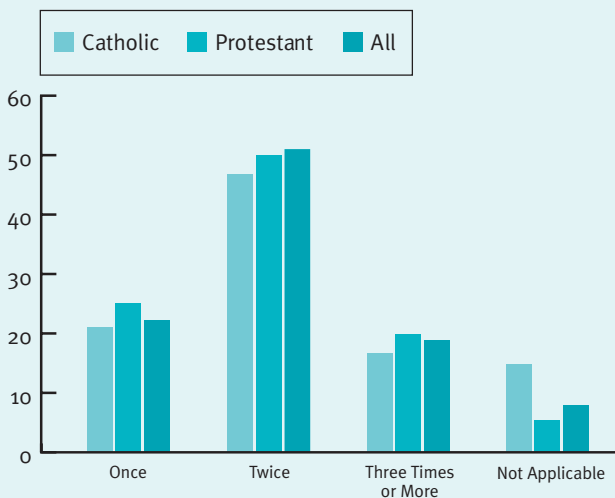
# Chapter 4: Survey Findings

## Frequency of Contact

Many complaints can be informally resolved during the Informal Resolution Officer's first visit with the complainant by merely complying with the complainant's request to have details of the complaint brought to the attention of the officer(s) concerned. The complainant may not wish to be seen again by the Informal Resolution Officer and a statement of satisfaction will be recorded to this effect. In these instances the complainant will not be advised of the officer's response unless they request a copy of the Record of Outcome from the Police Ombudsman's Office.

In most cases however the complainant will elect to be advised of the officer's response to their complaint and the Informal Resolution Officer will therefore see the complainant again following his or her interview with the officer(s) concerned. If the officer categorically denies the allegation or disputes the circumstances of the complaint it is unlikely that the complainant will be satisfied and will not therefore consider his/her complaint to be informally resolved.

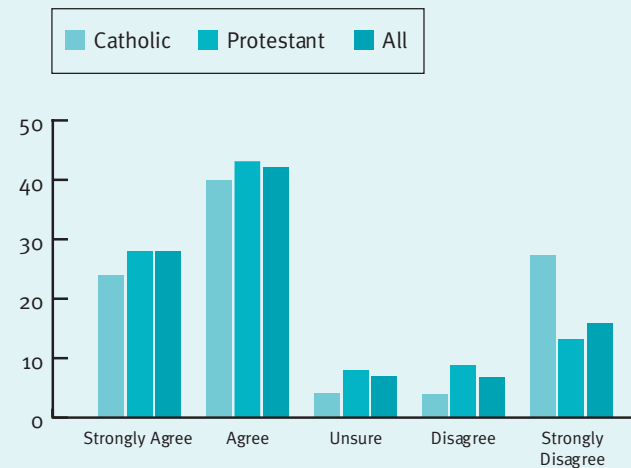
**Figure 8: Please say on how many occasions you were in contact with the police officer dealing with the informal resolution.**



Over one fifth of respondents (22 per cent) indicated that they had been in contact once with the police officer who was dealing with the informal resolution. Half (51 per cent) had been in contact twice and just under a fifth (19 per cent) three times or more. Further analysis shows that respondents who reported having been in contact more than once were more likely to report that their complaint had been successfully resolved.

## Police Handling of Complaint

**Figure 9: I found the police officer dealing with the informal resolution to be helpful and understanding.**



The Police Officer dealing with the informal resolution was positively received by the majority of respondents. In seven out of ten cases (70 per cent) the Police Officer dealing with the informal resolution process was found to be helpful and understanding. Protestants (71 per cent) were more likely than Catholics (64 per cent) and females (77 per cent) more likely than males (63 per cent) to agree with this. Over a quarter of Catholics (27 per cent) strongly disagreed, compared to 13 per cent of Protestants.

“The officer who dealt with my complaint was extremely polite and helpful”

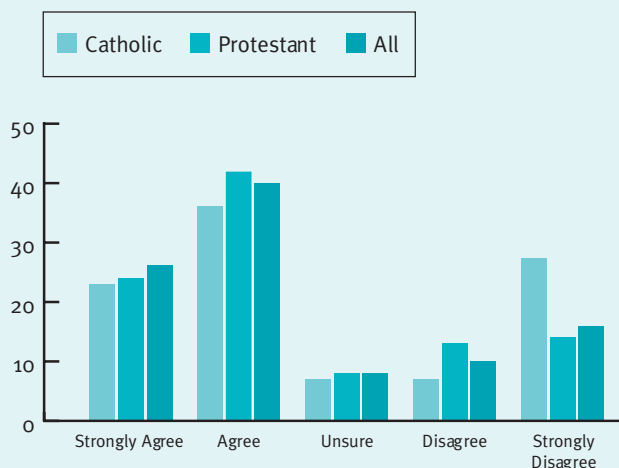
(41 year-old female)

“Yes, he “handled” us very well”.

(44 year-old Catholic male)



**Figure 10: I feel that my complaint was taken seriously by the police officer who dealt with the informal resolution.**



The majority of respondents had positive views of the police officer who dealt with the informal resolution, with two fifths (40 per cent) agreeing that their complaint was taken seriously and over a quarter (26 per cent) strongly agreeing. Again, Protestants were more likely to agree overall (66 per cent) than Catholics (59 per cent) and Catholics were much more likely to strongly disagree (27 per cent, compared to 14 per cent of Protestants). Of those complainants who disagreed, in several cases the complainant felt that, rather than taking a neutral stance, the Informal Resolution Officer had excused or defended the officer concerned.

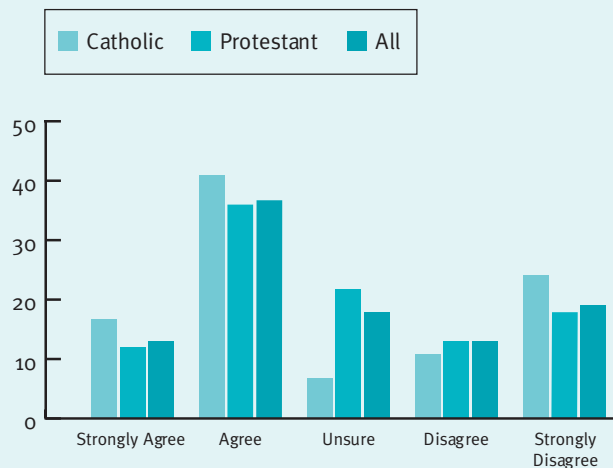
“The Inspector involved didn’t take my complaint seriously. It took him some weeks before he phoned me and at this stage he hadn’t even contacted the officer involved. I believe this system is a farce”.

(41 year-old Catholic male)

“The police rep. called at my work place. It was obvious from the outset that he was not interested in the validity of my complaint. I had the impression that he was not interested in hearing my views on the incident. I felt it was futile pursuing the complaint as I felt I had wasted my time”.

(55 year-old Catholic female)

**Figure 11: During the informal resolution process, I found the police to be open and honest.**



Half of respondents (50 per cent) held a positive view and perceived the police to have been open and honest. Catholics (58 per cent) were more likely than Protestants (48 per cent) and females (57 per cent) more likely than males (43 per cent) to agree. However, there was a high proportion of Protestants who were unsure (22 per cent, compared to 7 per cent of Catholics). Catholics (24 per cent) were also more likely than Protestants (18 per cent) to strongly disagree with this.

“We felt that the policeman who looked after our case had a tightrope to walk between diplomacy and loyalty. But he did his very best. A nice man, who we would like to meet under different circumstances”.

(44 year-old Catholic male)

Almost one third (32 per cent) disagreed.

“Police investigated police.”

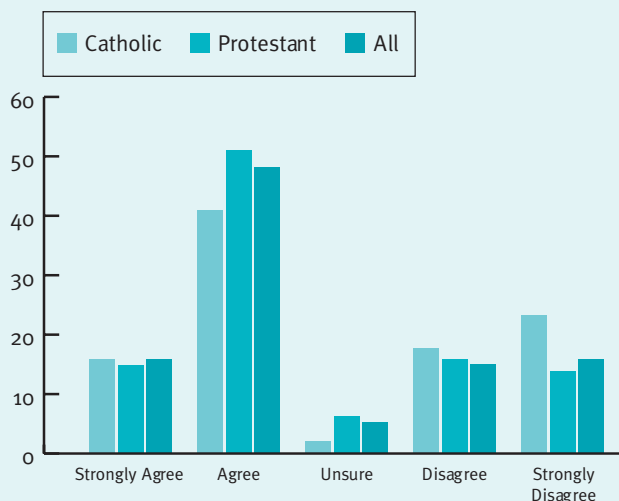
(45 year-old Protestant male)

“PSNI officers were never fully properly investigated – all covered each other’s tracks.”

(49 year-old Protestant male)

# Chapter 4: Survey Findings

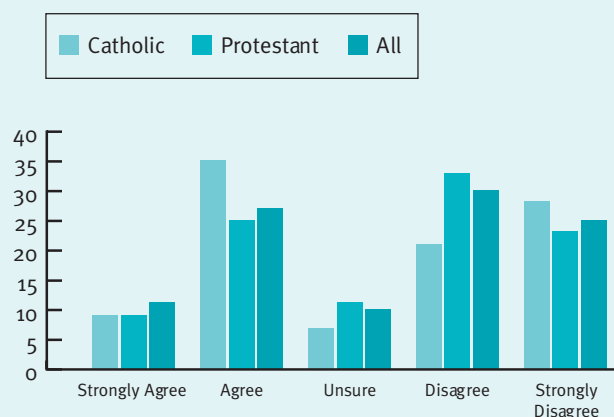
**Figure 12: I had the opportunity to put my views about the complaint in full to the police themselves.**



Most complainants want meaningful communication with the police about the incident that upset them. The informal resolution process can offer an opportunity for the complainant to express their feelings to the senior officer. Over three fifths of respondents (64 per cent) indicated that they were given the opportunity to put their complaint in full directly to the police. Of those who disagreed, 69 per cent reported that the main type of contact they had experienced was in person. Catholics (41 per cent) were more likely than Protestants (30 per cent) to disagree with this.

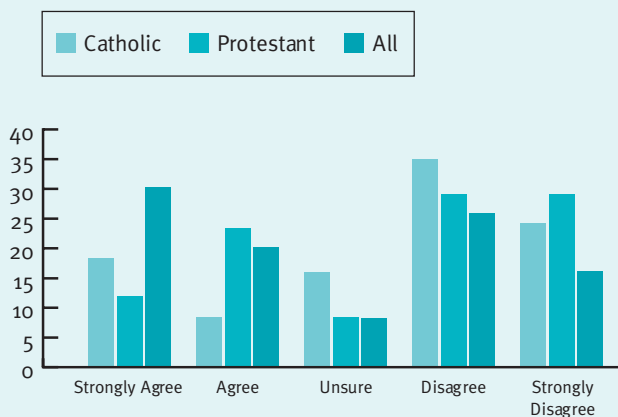
## Police Response

**Figure 13: The police behaviour that I complained about was fully explained to me by the police themselves.**



Over half of respondents (52 per cent) disagreed that the police behaviour that had led to the complaint was clearly explained by the police themselves. Catholics overall (44 per cent) are more likely than Protestants (34 per cent) to agree with this. Some complainants express the desire to have the behaviour they complained about explained to them by the officer in question. This is often not possible. In some cases the officer may have been unidentified; the officer involved may have categorically denied or refuted the allegations; the explanation given by the Informal Resolution Officer may not have been accepted by the complainant; the officer may have been on long term sick or may have left the service; or there may have been irreconcilable differences between the complainant and the officer's version of events. Any of these discouraging responses or poor communication can lead to dissatisfaction amongst complainants.

**Figure 14: I was disappointed with the response from the police in connection with my complaint.**



Half of respondents (50 per cent) were disappointed with the response from the police. Overall, Protestants (35 per cent) were more likely than Catholics (26 per cent) to express disappointment. Of those who were disappointed, over two thirds (68 per cent) reported that they felt their complaint was not successfully resolved through the informal resolution process. Dissatisfaction can stem from the complainants not receiving the outcome they had desired.

“My real problem with the process was that the officer I complained about apologised for how I had ‘perceived’ the incident rather than conceding that he had behaved badly. The formal letter of apology was similar – apologising for the police not having maintained their usual high standard rather than admitting that the officer had behaved in the way I alleged. I got the impression that the police were eager to make a generalised apology to avoid the complaint being sent back to the Ombudsman’s Office. Despite the politeness of the officer dealing with my complaint I found the process very aggravating”.

(41 year-old female)

“An unconfident and rather ineffective police Inspector spoke to the officer and then spoke to me. I was then informed that this was the end of the process. I didn’t want or expect an apology but I at least wanted an acknowledgement that the police could have done better”.

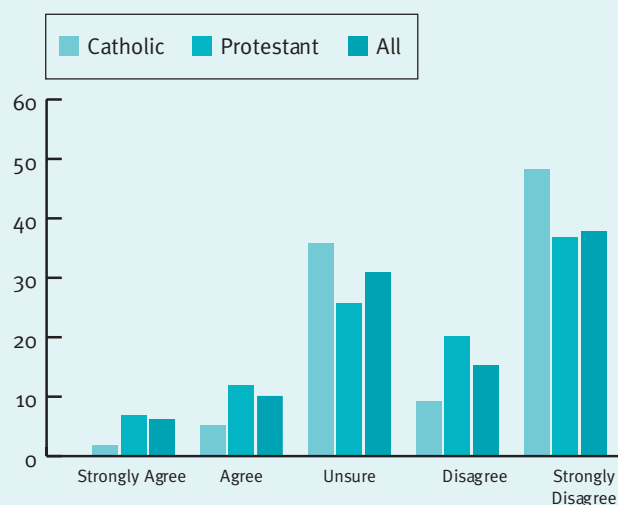
(37 year-old Protestant female)

These comments support other findings pointing to the conclusion that the respondents’ desire was less for ‘revenge’ than for an explanation, apology or recognition of their point of view.

## Complainant Confidence in the Informal Resolution Process

### Changing police behaviour

**Figure 15: I think that the Police Officer(s) I complained about will act differently in the future.**



Most respondents were either unsure (31 per cent) or disagreed (53 per cent) that the Police Officer(s) about whom they complained will act differently in the future, with 38 per cent strongly disagreeing. Only 7 per cent of Catholics and 19 per cent of Protestants thought that the officer’s behaviour would change. Less than one fifth (16 per cent) believed that their complaint would change the actions of the Police Officer(s). It is likely that the perception that their complaint would make no difference will create a negative response bias in other categories.

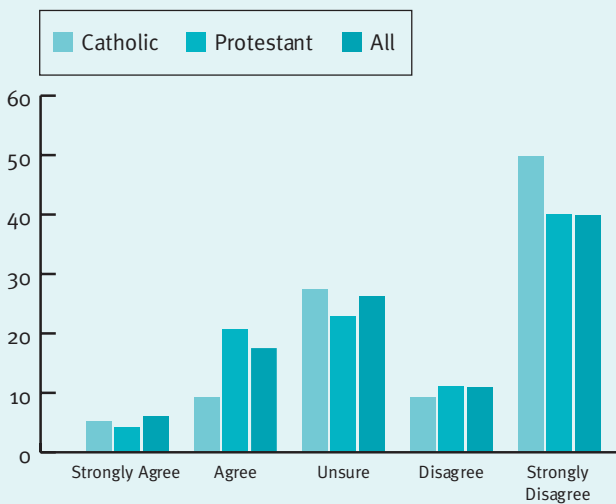
# Chapter 4: Survey Findings

The majority of complainants thought it likely that the officer in question would behave in a similar manner in the future. These data indicate a degree of cynicism and lack of confidence in the existing system of informal resolution of police complaints. Informal resolution may provide a simple and quick relief to complainants in minor matters but does not appear to reassure respondents that it will have a positive impact on the behaviour of the officer(s) involved.

“He has clearly got away with it and I am sure that he will treat the public in the same manner again”.

(46 year-old Catholic male)

**Figure 16: I think that the Police Officer(s) who I made the complaint against took my complaint seriously.**



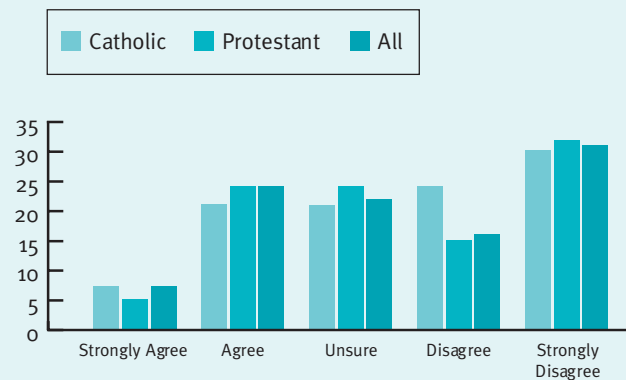
Two fifths (40 per cent) of respondents strongly disagreed and a further 11 per cent disagreed that the police officer about whom they had complained took their complaint seriously. Only 14 per cent of Catholics and 25 per cent of Protestants agreed with this. Many complainants did not feel that the officer had been adequately held accountable for their behaviour.

“He refused to co-operate with the Investigating Officer and therefore I find this question hard to believe”.

(46 year-old Catholic male)

Over a quarter (26 per cent) of complainants were unsure as to whether the Police Officer took their complaint seriously. Some were unsure because they did not know how the officer(s) had been dealt with as they had indicated that they did not need to be informed of the officer’s response to the allegations or result of other action agreed.

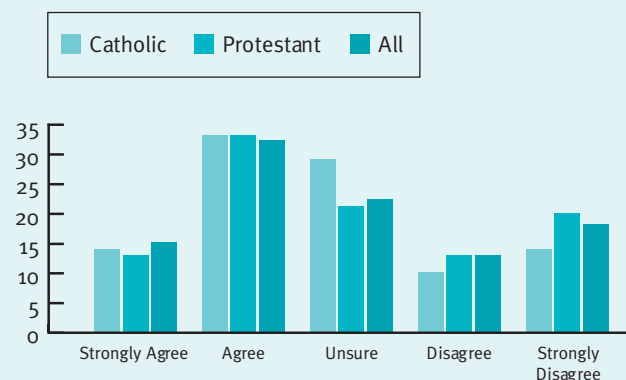
**Figure 17: I have more confidence in the police to be open and honest now if I had ever cause to make another complaint.**



Almost a third of respondents (31 per cent) agreed that they now have more confidence in the police to be open and honest if they had cause to make another complaint. Almost half of respondents (47 per cent) disagreed with this, which raises concern about long-term confidence in the process. In addition, a high proportion (22 per cent) of respondents were unsure of their response. There was little variation in the responses of Catholics and Protestants to this question.

## Faith in the Current Informal Resolution Process

**Figure 18: The informal resolution process is a fair and just way to resolve minor complaints against the police.**

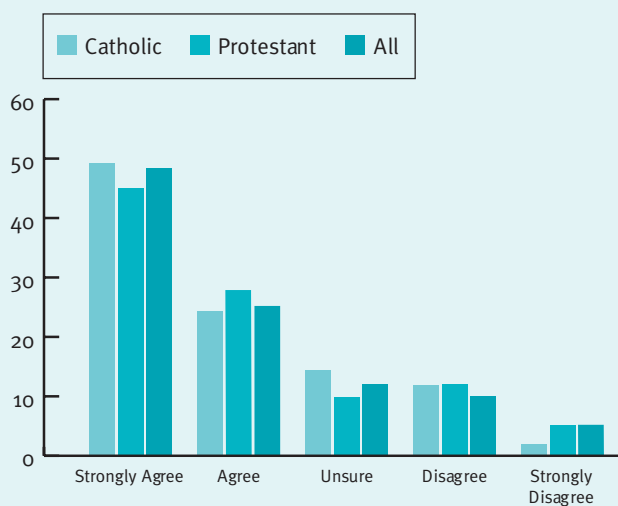


Fewer than half of respondents (47 per cent) agreed that the informal resolution process is a fair and just way to resolve minor complaints against the police. A large proportion (22 per cent) were unsure and almost a third (31 per cent) disagreed. This negative view of the process may be influenced by the fact that many complainants will not have made a complaint against the police before and are generally unaware of or are unfamiliar with the complaints process.

Having registered their complaint and experienced the informal resolution process they may still be unable to compare it to a formal investigation. Thus, their confidence in the way their complaint is handled is based upon their general feelings and attitude towards the police. As Brown points out “in trying to provide satisfaction, the police complaints procedure faces an uphill task because complainants’ initial standpoint is likely to be one of dissatisfaction with the very organisation – or members of it- which is investigating their grievance”.<sup>68</sup>

Some complainants feel that informal resolution is appropriate to the minor nature of their complaints. Some are attracted by the speed of dealing with the matter whilst others see it as a satisfactory way of having the officer spoken to or ‘ticked off’ by the senior officer.

**Figure 19: I think that the informal resolution process should be handled by people who are independent of the police.**



The majority of respondents (73 per cent) agreed with this statement. Protestant and Catholic respondents were equally likely to agree with this. This suggests strong support for civilian oversight in the informal resolution procedure. It would appear that civilian involvement serves to enhance public confidence in the investigation of police officers and the outcome. People remain unhappy with ‘police investigating police’, particularly in a society as deeply divided as Northern Ireland.

A high percentage of people accept that the Police Ombudsman is independent of the police and therefore expect that an impartial, independent investigation will follow their complaint against police. Many complainants are surprised and confused when it is a senior member of the police service who deals with their complaint. This is a factor that can lead to dissatisfaction with the informal resolution as the complainant may perceive a lack of neutrality in the process.

The police complaints process “will always fall short of the expectations of some”. In other words, the current informal resolution system stands or falls according to the complainants’ perception of the Police Service of Northern Ireland (PSNI). If complainants fundamentally distrust the PSNI they will fundamentally distrust the complaints system and no amount of supervision or oversight will alter this feeling.

“I feel that the informal resolution is not taken seriously by officers concerned and is a complete waste of the complainant’s time. I further suggest that all complaints against the police be dealt with by independent parties”.

(47 year-old male)

“I find it bizarre that a police officer is appointed to investigate a claim against his colleagues”.

(59 year-old Protestant Male)

“This complaint was bias[ed in] favour of the police as they were dealing with it and NOT an independent body”.

(28 year-old Protestant male)

“ To me it wasn’t successful because any case where a policeman has any say in sorting out any complaint even informally is wrong as who is there to properly monitor the officer conducting the informal resolution as they could tell you anything to get it sorted”.

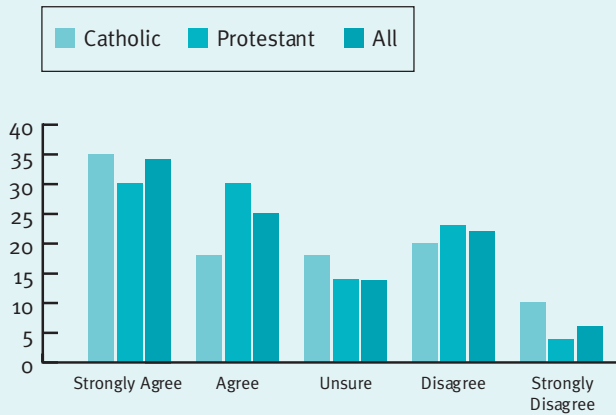
(40 year-old Protestant male”.)

“I feel that the informal resolution is not taken seriously by officers concerned and is a complete farce when complaints against the police are supposed to be dealt with by independent parties”.

<sup>68</sup> Brown, D. (1987) *The Police Complaints Procedure: A Survey of Complainants’ Views*. Home Office Research Study 93. London: HMSO.

# Chapter 4: Survey Findings

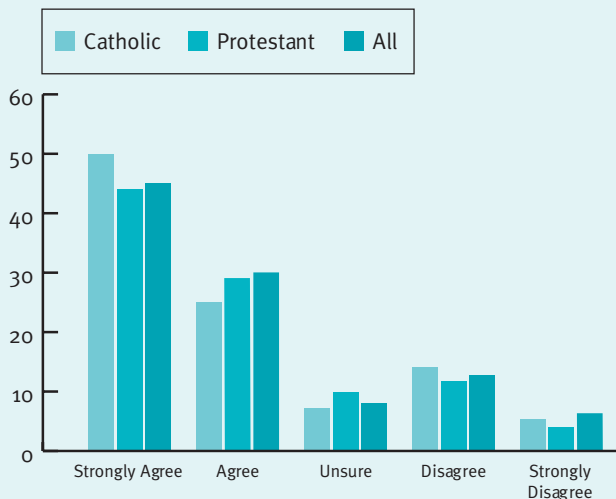
**Figure 20: I think that the informal resolution process needs to be improved or replaced.**



Almost three fifths of respondents (59 per cent) agreed that the current informal resolution process needs to be improved or replaced. Just over two thirds (67 per cent) of males agreed with this, compared to under half (48 per cent) of females. Further analysis of the responses of those who agreed with this statement indicates that almost three quarters (73 per cent) reported that their complaint had not been successfully informally resolved.

## Complainant Expectations – Restorative Justice

**Figure 21: I expected an apology from the Police Officer(s) who I complained about.**



Just under three quarters of the respondents (74 per cent) expected an apology from the police officer(s) about whom they had complained. Almost half strongly agreed with this. The most common aims of complainants when seeking to informally resolve their complaint include reparation in the form of an apology, a desire to express anger and prevent repetition of the incident. A majority of complainants want a direct apology and acknowledgement of the harm caused.

“All we sought was an apology from the police officer concerned for gross discourtesy, but were told we would never get one!!”

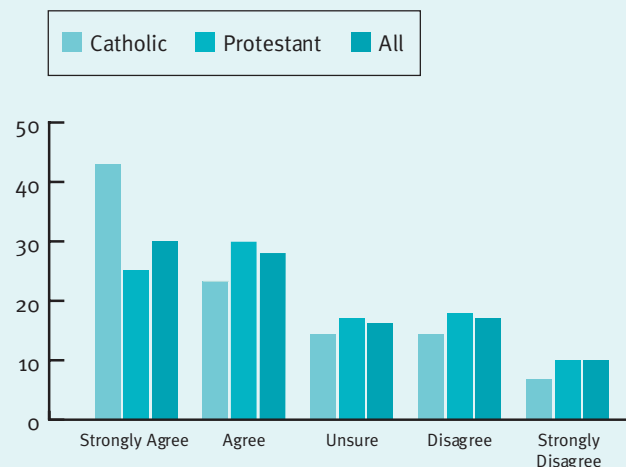
(54 year-old Protestant female)

An apology will usually be forthcoming if the conduct complained of is admitted and an apology is appropriate. However, the officer can refuse to apologise personally to the complainant.

In a number of cases coming to the attention of the Police Ombudsman the outcome of the informal resolution is that details of the complaint are brought to the attention of the officer but no apology is forthcoming. This initial expectation and subsequent action taken produces an inherent conflict, which undoubtedly serves to adversely influence opinions.

In the relatively small number of cases where no apology was expected further analysis identified that these complaints involved allegations of a minor nature.

**Figure 22: I expected to be able to meet with the Police Officer(s) who I complained about.**



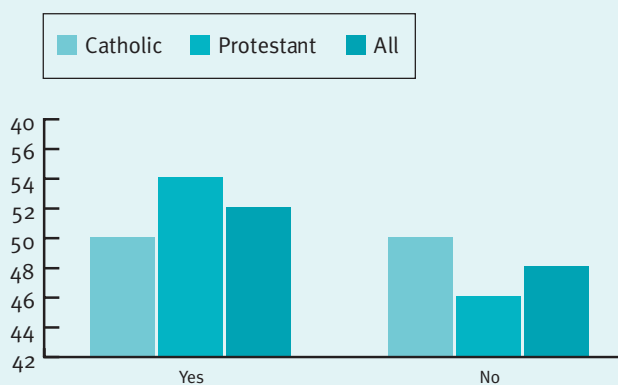
Over half of respondents (58 per cent) expected to have an opportunity to meet with the officer(s) about whom they had complained. Catholics overall (66 per cent) were more likely than Protestants (55 per cent) to agree with this. There appears to be an assumption that direct communication between the parties will bring about an explanation for the actions of the officer(s) involved. Many respondents believe that a meeting would give them the opportunity to communicate to the officer(s) their perception and experience of the incident that led to the complaint. Many complainants clearly feel the need for greater personal involvement in the complaints process. A meeting between them and the officer might have fulfilled many of their expectations of the process.

Complainants who did not expect to come face-to-face with the officer complained about felt that the matter was either too trivial or that the meeting could become antagonistic and only serve to inflame the matter.

## Overall Satisfaction with Informal Resolution

### Successful informal resolution

**Figure 23: Was your complaint successfully resolved through the informal resolution process?**



Over half of respondents (52 per cent) indicated that their complaint had been successfully resolved through the informal resolution process. Female respondents (63 per cent) were more likely than males (41 per cent) to respond positively to this question. The fact that almost half of respondents (48 per cent) felt that the informal resolution had failed suggests a need for further analysis to identify the reasons why and to recommend any potential actions that should be taken by the Police Ombudsman's Office and the police.

### Failed Informal Resolution

When asked why the process had eventually failed the most common reasons given were as follows:

- No apology.

Many complainants want nothing less than personal apologies from the officer(s) involved and on hearing that this is unlikely insist upon formal investigations.

**“The officers involved were not disciplined and I received no apology for my mistreatment”.**

(18 year-old Protestant male)

- Insufficient evidence to substantiate the allegations (i.e. case of one word against the other)

**“My word against the word of the constable regarding the event”.**

(50 year-old Catholic male)

**“Because they were given the benefit of the doubt”.**

(Protestant male)

- Repetition of complaint incident

**“Officer gave me a promise I would not be searched or harassed by the police or army. Another incident happened the week after”.**

(30 year-old Catholic male)

- Officer(s) denied allegations

Many complainants embark on the informal resolution process but change their minds after hearing that the officer had flatly denied making the remarks attributed to him/her. In the majority of cases an admission is not forthcoming.

**“The process failed due to the officer failing or having the courage to admit her mistake and ignorance”.**

(41 year-old Protestant male)

# Chapter 4: Survey Findings

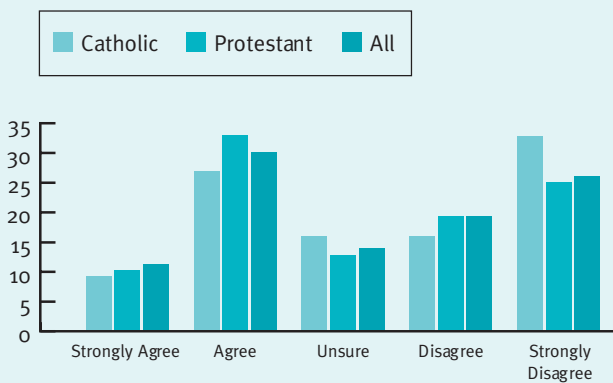
- Officer(s) refused to meet complainant  
“Police Officer refused to meet me to answer my questions”.
- Explanation or action taken not accepted or deemed insufficient

“The police in my opinion did not want it resolved”.  
(54 year-old Protestant male)

- non co-operation by the complainant

## Satisfaction with Outcome

**Figure 24: I think that my complaint was satisfactorily resolved through informal resolution.**



Just over two fifths of respondents (41 per cent) viewed their complaints as having been satisfactorily resolved. Protestant respondents (43 per cent overall) were more likely than Catholics (36 per cent) to agree with this statement and males (54 per cent) more likely to disagree than females (37 per cent). A higher proportion (45 per cent) disagreed with this, with over a quarter of respondents (26 per cent) strongly disagreeing.

Evidently, there remains significant complainant dissatisfaction with the informal resolution process. Many complainants are unhappy with the outcome of their complaints. Kersetter (1985: 1161-2) argues that popular perception about the integrity of a complaints system is coloured by the final decisions, rather than by the fairness of the investigating process. Dissatisfaction can arise from the complainants not receiving the outcome they had desired. Brown found that “respondents had a variety of aims in registering complaints and the extent to which they fulfilled them was important in determining their overall level of satisfaction with the outcome of complaining”.<sup>69</sup>

Most complainants identify specific aims in consenting to informal resolution e.g. obtain apology, prevent repetition, obtain explanation, punish officer or compensation. Some complainants will specify one aim but others will have two or three. For example, those who state that they want an explanation also hope for an apology from the officer(s) involved. A few complainants would wish to see the police officer against whom the complaint was made disciplined. However, no disciplinary sanctions can be brought against an officer as a result of informal resolution. The allegation, if proved, would be dealt with by way of informal action.

<sup>69</sup> Brown, D. (1987) *The Police Complaints Procedure: A Survey of Complainants? Views*. Home Office Research Study 93. London: HMSO.



# Chapter 5: Discussion

Previous research by Maguire and Corbett noted higher levels of satisfaction amongst complainants who opted for informal resolution than amongst those whose complaints were formally investigated.<sup>70</sup> A similar pattern was reported in a study by Holland of the police complaints system in Queensland, Australia<sup>71</sup> and in a study of the New York City Civilian Complaint Review Board by Sviridoff and McElroy.<sup>72</sup> The main areas of complainant satisfaction with the outcome and the process were meeting with the Informal Resolution Officer and the length of time from making the complaint to conclusion.

The findings of this study would suggest that complainants are dissatisfied with aspects of the current informal resolution process and that this process often fails to meet their expectations. Whilst the majority of complainants are satisfied with the Informal Resolution Officer (whose demeanour is generally polite, professional and helpful) and the time taken to deal with their complaint, there remains significant dissatisfaction with the overall experience and the outcome.

Many complainants choose informal resolution because of their desire to receive an apology or an explanation, or to meet the officer to talk through the incident. In principle the informal resolution process could include a meeting of the concerned parties but, in research carried out in the late 1980s by the Oxford Centre for Criminological Research, Maguire and Corbett found that this happened rarely. Statistics from the Police Ombudsman's Office would indicate that face-to-face meetings are still the exception rather than the norm. Only three per cent of informally resolved complaints result in direct communication between the complainant and the officer complained about.

Complainants are generally looking for something constructive to come out of the experience, ideally the taking of some responsibility by the officer (perhaps expressed through an apology) or a sense that the officer has understood the harm caused by the incident and would handle a similar situation differently in future. The findings of this study would indicate that these positive outcomes are rarely achieved in the conventional informal resolution procedure.

This study identified that 50 per cent of respondents were disappointed with the police response to their complaint, 51 per cent felt that the police officer complained of did not take their complaint seriously and only 16 per cent felt that the actions of the officer would be different as a result of their complaint. This would indicate that there is a worrying degree of cynicism and lack of confidence in the existing informal resolution process.

The findings of this research, which indicate that most complainants are of the view that informal resolution should be improved or replaced, raise the question of whether the police complaints system could be refashioned to better meet the expectations and needs of complainants.

Smith argues that recent literature and reform efforts have focussed too much on issues relating to the management and accountability of the police institution: '...the undisputed role of the complainant is to identify rogue police officers to managers and the complaint process serves a predominantly managerial function...the needs of the complainant, whose primary objective is to have their grievance meaningfully addressed, have been woefully neglected'.<sup>73</sup> His support for a restorative strand to be incorporated into police complaint systems is matched by Corbett, Stenning and Brereton.<sup>74</sup> The latter notes that 'various surveys strongly suggest that the key determinant of complainant satisfaction is not so much who deals with the complaint, but the way in which it is handled'. Similarly, Goldsmith has called for police complaints systems to be restructured and their capacities expanded so that they can better meet the diverse needs of complainants.<sup>75</sup> As Sviridoff and McElroy and Walker conclude, there is a pronounced lack of 'fit' between complainant objectives (more often remedial than punitive) and official complaint procedures (formally geared towards the investigation and punishment of misconduct).<sup>76</sup>

Little research has been carried out specifically on the use of informal resolution and still less on the scope for restorative justice-style meeting between complainants and officers complained about. However, the findings of recent research undertaken by the Oxford Centre for Criminological Research examining the use of restorative justice within the police complaints system suggest that complainants are dissatisfied with the traditional informal resolution process.<sup>77</sup> Within the conventional informal resolution procedure little attention was paid to issues of accountability, harm and reparation. Officer responses were rarely conveyed back to the complainant and the senior officer apologised on behalf of the service on just one occasion. Even in those exceptional cases where the officer complained against had acknowledged some level of wrongdoing, no direct apology from the officer concerned was communicated to the complainant. Complainants were often left feeling doubtful as to whether or not officers had been held to account for their behaviour.

<sup>70</sup> Maguire, M. & Corbett, C. (1991) *A Study of the Police Complaints System*. London: HMSO.

<sup>71</sup> Holland, R. (1996) 'Informal Resolution: Dealing with Complaints Against Police in a Manner Satisfactory to the Officer and the Complainant' *International Journal of Comparative and Applied Criminal Justice* 83.

<sup>72</sup> Sviridoff, M. & McElroy, J. (1989) *Processing complaints against police in New York City: the perceptions and attitudes of line officers*. New York: Vera Institute of Justice.

<sup>73</sup> Smith, G. (2002) 'Police Wrong Doing' *Policing and Society* 12 (2) 163-172.

<sup>74</sup> Bereton, D. (2000) 'evaluating the Performance of External Oversight Bodies' in Goldsmith, A. & Lewis, C. (eds.) *Civilian Oversight of Policing*. Oxford: Hart.

<sup>75</sup> Goldsmith, A. & Lewis, C. (2000) *Civilian Oversight of Policing: Governance, Democracy and Human Rights*. Oxford: Hart.

<sup>76</sup> Sviridoff, M. & McElroy, J. (1989) *Processing complaints against police in New York City: the perceptions and attitudes of line officers*. New York: Vera Institute of Justice.

<sup>77</sup> Hill, R., Cooper, K., Hoyle, C. & Young, R. (2003) *Meeting Expectations: The Application of Restorative Justice to the Police Complaints Process*. Occasional Paper No. 21. Oxford University Centre for Criminological Research.

# Chapter 5: Discussion

In contrast, where a restorative meeting was held as part of the complaints process, the issues of harm, accountability and reparation became highly visible. When officers admitted to some wrongdoing, responsibility for the harm caused was always accepted and, more importantly, complainants always knew that this was so. Officers were more inclined to offer apologies or expressions of regret that the complainants had been aggrieved by their actions. Officers were also asked to explain their behaviour and this was an important feature of the process for many complainants.<sup>78</sup>

Overall, the findings suggest that there is a greater degree of satisfaction and improvement in attitudes towards the officers complained about amongst complainants who experience a procedure adopting the principles of restorative justice. Complainants derive satisfaction from greater communication and involvement in the process.

Restorative justice values emphasise that parties in dispute should be provided with choices, should be offered a forum in which to discuss matters, and should be encouraged to focus on harm and its repair.

It is argued that there is a clear need for restorative values to be interjected into the police complaints system. Previous research has established that restorative justice offers substantial advantages over the conventional informal resolution process. However, restorative justice should not be seen as a panacea. In attempting to apply restorative justice in complaints cases it is vital to understand that not all meetings will 'work', just as a certain amount of conventional attempts at informal resolution fail.

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<sup>78</sup> Ibid.

# Chapter 6: Conclusion and Recommendations

## Conclusion

A complaints process must be suitable for handling many different kinds of complaints, of varying levels of seriousness. Some – particularly the less serious ones – can and should be resolved if possible without resort to the most formal, adversarial procedures. Experience in most jurisdictions shows that these constitute the majority of public complaints about the police. The complaints process should provide for an appropriate balance between formal and informal procedures to meet these differing needs, while still ensuring that the legitimate entitlements of the parties, as well as the legitimate public interest in the handling of complaints against the police, are respected.

While punishment is often an appropriate response to proven misconduct of Police Officers who have been the subject of a public complaint, remedial or “corrective” measures are often equally important for ensuring that such misconduct does not recur and that public confidence in the police is maintained or restored. The complaints process should provide for an appropriate balancing of these objectives in the resolution of complaints.

In many ways the experience of complainants mirrors that of defendants, offenders, witnesses and victims within the criminal process itself.<sup>79</sup> These experiences tend to be characterised by exclusion and marginalisation, with few opportunities to engage in meaningful dialogue about process and outcome issues.<sup>80</sup> Restorative meetings offer one way of enhancing the informal resolution process. A restorative conference within this context should be understood as entailing a meeting between the complainant(s) and the officer(s) complained about in the presence of a facilitator trained in such restorative justice principles so as to encourage the expression of thoughts and feelings about the relevant issues, respectful listening, the taking of responsibility for wrong-doing and a discussion about how any harm caused might be repaired.<sup>81</sup> Most complainants want meaningful communication with the police about the incident that upset them. Previous research would suggest that most complainants would prefer a dialogic approach: a chance to tell their stories and to listen to the responses of the officer(s) concerned. This, in conjunction with the findings of this research, would indicate that restorative justice principles might play an important part in the informal resolution process.

However, the introduction of a restorative element to the police complaints system would need to be part of a broader shift towards a more inclusive style of “restorative policing” if it is to reach its full potential. It is not enough to superimpose a process for victims and offenders onto complainants and officers. The restorative approach must be endemic to the organisation as a whole. As Wachtel and McCold observe: “You can’t just have a few people running conferences and everybody else doing business as usual”. Mediation is a process which adopts a restorative approach in which a mediator facilitates communication and negotiation between the parties to assist them in arriving at a voluntary agreement resolving the complaint.

## Recommendations

Almost 60 per cent of survey respondents considered that the informal resolution process needed to be improved or replaced and 73 per cent believed that the process should be handled by persons independent of police. Given these findings, it is clear that informal resolution fails to meet complainant expectations and that a radical review of the process is required. Thus, this report recommends that:

**Legislation should be amended to provide for a mediation process operated by the Police Ombudsman as an alternative to informal resolution upon receipt of a ‘less serious complaint’.**

Section 62 of the Police (NI) Act 2000 allows for a process of mediation following the completion of a formal complaint investigation. However, this power is not used because of difficulties in operating such a process after an investigation.

To address recorded public concern it is recommended that:

**The requirement for a formal investigation to be completed prior to mediation being undertaken should be removed.**

The fundamental principle of complainant choice must be enshrined into the philosophical framework of the revised system for dealing with less serious complaints. It is therefore recommended that:

**In normal circumstances it should be for the complainant to decide to engage in either the mediation or informal resolution process.**

<sup>79</sup> Smith, G. (2002) ‘Police Wrong Doing’ *Policing and Society* 12 (2) 163-172.

<sup>80</sup> Saunders, A. (2002). ‘Victim Participation in an Exclusionary Criminal Justice System’, in C. Hoyle and R. Young, eds., *New Visions of Crime Victims*. Oxford: Hart

<sup>81</sup> Hill, R; Cooper, K; Hoyle, C & Young, R. (2003) *Introducing Restorative Justice to the Police Complaints System: Close Encounters of the Rare Kind*. Occasional Paper No. 20. Oxford: Oxford University Press

# Chapter 6: Conclusion and Recommendations

When a “less serious” complaint is recorded the complainant should be offered the opportunity to take part in either the informal resolution or the mediation process and should either fail the matter would be referred for formal investigation. The two processes would stand alone with mediation not simply being an alternative to refused or failed informal resolution. As well as operating at the start of the complaint process, mediation would be a tool to help to deal with a complaint at any stage of the process. In certain cases it may also be appropriate for the Police Ombudsman to direct a case for mediation on receipt of the complaint. Thus, it is recommended that:

**In exceptional circumstances, the Police Ombudsman may determine that mediation should be undertaken from the outset.**

Empirical evidence suggests that there are a number of complaints which, when referred for Police Ombudsman investigation, transpire to be less serious than first believed. Such matters would more appropriately be dealt with by a less formal process. It is therefore recommended that:

**The Police Ombudsman should be empowered to transfer complaints from the investigation to the mediation process when appropriate.**

Following amendment of the legislation and introduction of governing regulations and guidance, it is also recommended that:

**A pilot project should be launched prior to mediation being fully rolled out.**

This should be evaluated and modified as necessary prior to roll out. The pilot would be intended to test the fresh mediation powers in co-operation with stakeholders, making sure the new arrangements are fit for the purpose and strengthen the range of services available to the public.

Clearly it will be necessary for the Police Ombudsman to develop a capacity and expertise to provide mediation within her office, ensuring that appropriate training and accreditation of staff is available. It is therefore recommended that:

**Sufficient training should be made available to enable officers of the Police Ombudsman to conduct effective mediation and develop the process.**

Ultimately the intention of mediation is to deliver a process to help complainants and police officers disclose to each other what each experienced in an incident; identify mistaken perceptions; shift attitudes; and recognise areas where they share expectations and goals. Successful mediation will hopefully contribute to enhanced community/police relations and the restoration within the parties concerned of the balance between trust and tension.

In relation to the existing informal resolution process, the report recommends that:

**The informal resolution process should be explained with greater clarity to complainants at the beginning of the process so that expectations are balanced with what can reasonably be achieved at the end;**

**Complainant satisfaction with informal resolution should be closely monitored to identify opportunities to increase public confidence in the process;**

**A survey should be conducted of Police Officers involved in the informal resolution process. This should be designed to elicit their experiences and views of the process, focusing particularly on the self reporting of officers’ skills base and training in conflict resolution and the use of restorative justice models; and**

**The term informal resolution should be changed to the Home Office Affairs Committee (1997) recommendation of Local Resolution to indicate more accurately that it is a serious procedure.**

# Annex 1: Survey Methodology

The research consisted of a postal survey of all complainants whose complaints were received between November 2000 and March 2003 who had been offered informal resolution. Some supporting data, such as the nature of allegations made, were derived from the Police Ombudsman's Office Case Management System (CMS).

The survey included complaints where:

- the complainant declined informal resolution;
- the complainant did not co-operate with the Police Ombudsman's Office;
- the complainant consented to informal resolution but was subsequently dissatisfied with the process; and
- the complainant consented to informal resolution and the complaint was successfully informally resolved.

## Questionnaire

The questionnaire contained two related sections (see Annex 1): The first part of the questionnaire was designed to elicit the following information:

- demographic information – Age, Gender, Religion
- was the complaint successfully resolved through the informal resolution process?
- whether the complainant declined the offer immediately and why?
- if consent for informal resolution was given initially - why the process eventually failed?
- how long did it take until the complainant was contacted by the police themselves?
- main type of contact with the Police Officer dealing with the informal resolution? and
- on how many occasions the complainant was in contact with the Police Officer dealing with the informal resolution?

The information gleaned from these areas of enquiry provided audit and evaluative aspects of the informal resolution process, as well as rudimentary demographic information.

The second section of the questionnaire contained 20 items relating to the following aspects of the informal resolution process:

- whether the complainant was confident that informal resolution process has made a difference to policing;
- the handling of the informal resolution process by the assigned Police Officer;
- the handling of the informal resolution process by the police ombudsman; and
- the complainants' expectations in terms of mediation or conferencing processes.

Each item was presented in the form of a statement that participants were asked to rate on a five point Likert scale in terms of the extent to which they agreed or disagreed with the statement. For example:

## Question 8

I feel that my complaint was taken seriously by the Police Ombudsman

Strongly Agree	Agree	Unsure	Disagree	Strongly Disagree
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

## Participants, Complaints, and Procedure

The target sample of participants was all complainants who had made a complaint against the police between November 2000 and March 2003 and whose complaint was deemed suitable for informal resolution. This was 1,141 complaints, comprising 1,539 allegations.

There were 193 valid returns of the questionnaire for analysis, which represents a 17 per cent response rate. The questionnaires were allocated a number that both provided for anonymity of the participants, and enabled matching the survey data with that of the CMS database.

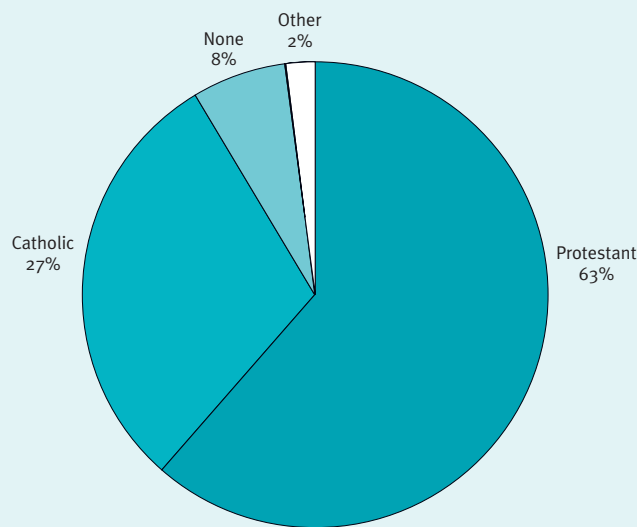
# Annex 1: Survey Methodology

## Demographic Profile of Participants

Most of the following data, which provide a demographic profile of the participants, were obtained from the CMS database.

### Religion

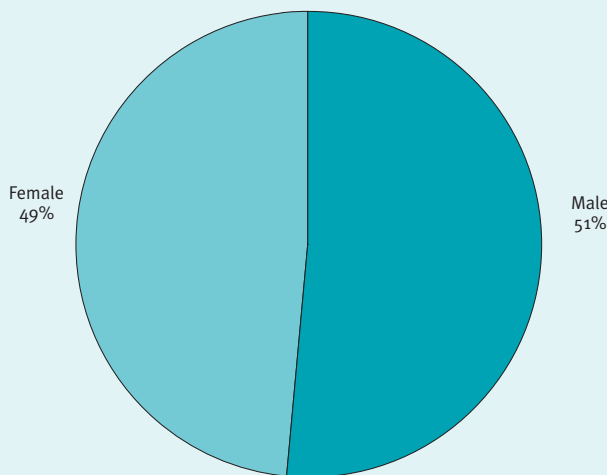
Figure 25: Religion of Respondents



Almost two-thirds of participants were Protestant and just over a quarter Catholic. Eight per cent had no religion and two per cent a non-Christian religion.

### Gender

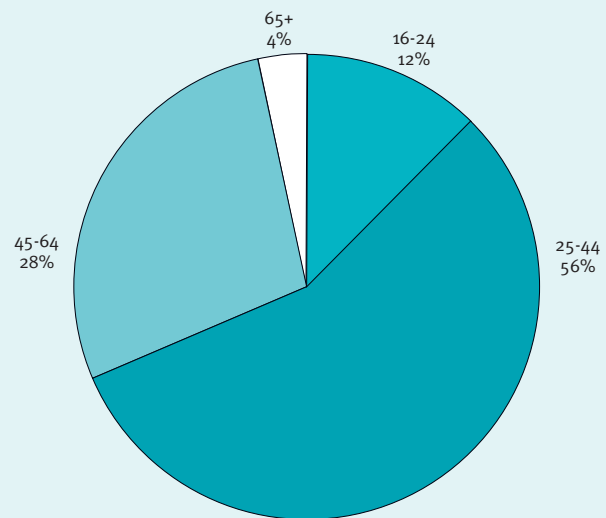
Figure 26: Gender of Respondents



The sample was almost evenly split by gender, at 51 per cent male. Forty nine per cent is a much larger proportion than that for females for all complaints against the police, which is 25 per cent.

### Age

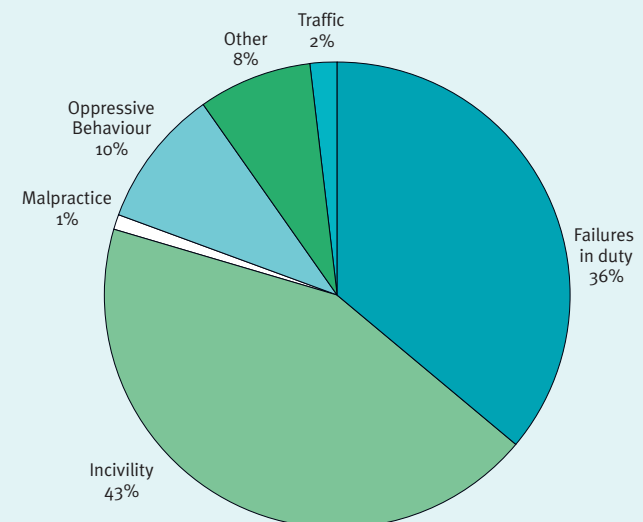
Figure 27: Age of Respondents



The age profile of the participants is largely reflective of the profile of all complainants, with over half falling within the 25-44 year age group.

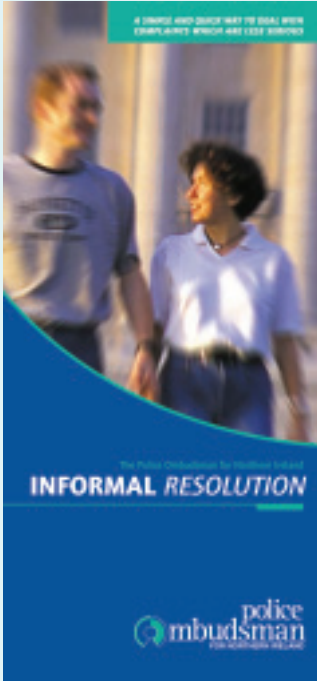
### Allegation Types

Figure 28: Allegation Types



Most complaints covered by the survey constituted allegations of incivility (43 per cent), or failures in duty (36 per cent).

# Annex 2: Questionnaire



## Informal Resolution Questionnaire

You have been sent this questionnaire because you have at some time made a complaint against the police. You were then offered the opportunity to have the complaint dealt with through Informal Resolution. The Informal Resolution process may or may not have been successful in resolving your complaint against the police. However, the purpose of this questionnaire is to gather your views on the Informal Resolution process, whether the complaint was successfully dealt with through Informal Resolution, or whether you declined the offer of having it resolved informally.

We would be grateful if you would take a few minutes to answer the following questions which relate to a number of aspects of the Informal Resolution process. Your responses to the questions will be treated in the strictest confidence. Please return your completed questionnaire in the enclosed prepaid envelope.

The information you give will be used to tell us how we can continue to improve the ways in which we deal with complaints against the police, and to help us ensure that the police deal fairly and effectively with members of the public.

### ABOUT YOU....

#### Age

How old are you?

#### Gender

Please tick the appropriate box.

Male

Female

#### Community Background

Please tick the appropriate box.

Catholic

Protestant

No religion

Other (please specify)

# Annex 2: Questionnaire

## Question 1

Was your complaint successfully resolved through the Informal Resolution process?

- YES  If YES go to Question 5  
NO  If NO go to Question 2

## Question 2

Did you immediately decline the offer from the Police Ombudsman of having your complaint resolved through Informal Resolution?

- YES  If YES go to Question 3  
NO  If NO go to Question 4

## Question 3

If you declined the offer immediately, of informally resolving your complaint against the police, please state briefly below why you declined the offer.

Please only answer Questions 8 to 13

## Question 4

If your complaint against the police was **NOT** successfully resolved through Informal Resolution, please say briefly below, why the process eventually failed.

Please go to Question 5

## Question 5

How long did it take from the time you accepted the offer from the Police Ombudsman of having your complaint resolved informally, until you were contacted by the police themselves?

- Less than 1 week   
Between 1 and 2 weeks   
Between 3 and 4 weeks   
4 weeks or more   
Not Applicable



### Question 6

Please state what the main type of contact with the Police Officer dealing with the Informal Resolution was.

- In Person
- Telephone
- Letter
- Other eg. email
- Not Applicable

### Question 7

Please say on how many occasions you were in contact with the Police Officer dealing with the Informal Resolution.

- Once
- Twice
- Two times
- Three times or more
- Not Applicable

**In Questions 8 to 26 please indicate whether you agree or disagree with the following statements.  
(Please tick one box for each statement)**

### Question 8

I feel that my complaint was taken seriously by the Police Ombudsman.

- |                          |                          |                          |                          |                          |
|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
| Strongly Agree           | Agree                    | Unsure                   | Disagree                 | Strongly Disagree        |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

### Question 9

The Informal Resolution process is a fair and just way to resolve minor complaints against the police.

- |                          |                          |                          |                          |                          |
|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
| Strongly Agree           | Agree                    | Unsure                   | Disagree                 | Strongly Disagree        |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

### Question 10

I was disappointed with the way the Police Ombudsman's office dealt with my complaint.

- |                          |                          |                          |                          |                          |
|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
| Strongly Agree           | Agree                    | Unsure                   | Disagree                 | Strongly Disagree        |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

### Question 11

I think that the Informal Resolution process should be handled by people who are independent of the police.

- |                          |                          |                          |                          |                          |
|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
| Strongly Agree           | Agree                    | Unsure                   | Disagree                 | Strongly Disagree        |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

# Annex 2: Questionnaire

## Question 12

The Informal Resolution process was clearly explained by staff from the Police Ombudsman's office.

Strongly  
Agree

Agree

Unsure

Disagree

Strongly  
Disagree

## Question 13

I think that the Informal Resolution process needs to be improved or replaced.

Strongly  
Agree

Agree

Unsure

Disagree

Strongly  
Disagree

## Question 14

I was satisfied with the time it took for the police to contact me about the Informal Resolution.

Strongly  
Agree

Agree

Unsure

Disagree

Strongly  
Disagree

## Question 15

I found the Police Officer dealing with the Informal Resolution to be helpful and understanding.

Strongly  
Agree

Agree

Unsure

Disagree

Strongly  
Disagree

## Question 16

I feel that my complaint was taken seriously by the Police Officer who dealt with the Informal Resolution.

Strongly  
Agree

Agree

Unsure

Disagree

Strongly  
Disagree

## Question 17

I was disappointed with the response from the police in connection with my complaint.

Strongly  
Agree

Agree

Unsure

Disagree

Strongly  
Disagree

## Question 18

During the Informal Resolution process, I found the police to be open and honest.

Strongly  
Agree

Agree

Unsure

Disagree

Strongly  
Disagree

**Question 19**

I had the opportunity to put my views about the complaint in full to the police themselves.

Strongly Agree	Agree	Unsure	Disagree	Strongly Disagree
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Question 20**

The police behaviour that I complained about was fully explained to me by the police themselves.

Strongly Agree	Agree	Unsure	Disagree	Strongly Disagree
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Question 21**

I think that the Police Officer(s) I complained about will act differently in the future.

Strongly Agree	Agree	Unsure	Disagree	Strongly Disagree
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Question 22**

I think that the Police Officer(s) who I made the complaint against took my complaint seriously.

Strongly Agree	Agree	Unsure	Disagree	Strongly Disagree
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Question 23**

I think that my complaint was satisfactorily resolved through Informal Resolution.

Strongly Agree	Agree	Unsure	Disagree	Strongly Disagree
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Question 24**

I have more confidence in the police to be open and honest now if I had ever cause to make another complaint.

Strongly Agree	Agree	Unsure	Disagree	Strongly Disagree
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Question 25**

I expected an apology from the Police Officer(s) who I complained about.

Strongly Agree	Agree	Unsure	Disagree	Strongly Disagree
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Question 26**

I expected to be able to meet with the Police Officer(s) who I complained about.

Strongly Agree	Agree	Unsure	Disagree	Strongly Disagree
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Please return your questionnaire in the prepaid envelope**

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