



impartial | independent | investigation

ANNUAL REPORT

April 2003 – March 2004

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FOREWORD

Dear Secretary of State



This is the third Annual Report by my Office. As you know, my primary statutory duty, as Police Ombudsman is to secure an efficient, effective and independent complaints system, and in so doing to secure the confidence of the public and of the police in that system. My remit extends to five Police Constabularies: the Police Service of Northern Ireland (PSNI); the MoD Police; Belfast International Airport Police; Larne Harbour Police and Belfast Harbour Police and my appointment was for a fixed term of 7 years so I am now half way through my term of office. During the past three and a half years we have worked hard to establish this unique model of an independent police complaints system. In the past 12 months we believe the system has progressed well and that it is now seen as a central component in the framework of good policing and accountability in Northern Ireland.

I acknowledge the good working relationship and co-operation we have had from the Chief Constable, Mr Hugh Orde, and his staff in the PSNI. We also benefit from very positive and constructive working arrangements with other agencies essential to the smooth working of a police complaints system: the Forensic Science Agency, the Director of Public Prosecutions (DPP), Her Majesty's Coroners, all of whom are independent and who, with others, are significant in facilitating the work we do and assisting us to exercise our remit independently. I am also grateful for the continuing scrutiny and support of the Office of the Oversight Commissioner (OOC). During the past year we have been developing our relationship with other new key players in the criminal justice environment such as the Criminal Justice Commissioner, the Surveillance Commissioner, the Criminal Justice Inspector and the Children's Commissioner. I would place on record my appreciation of the contribution of your officials in the Northern Ireland Office Policing Division, who work on resourcing arrangements for my Office.

Last, but not least, I acknowledge the efforts and commitment of my staff, who strive to build a strong and effective police complaints system which provides an essential accountability mechanism for the police in Northern Ireland.

Yours sincerely

A handwritten signature in black ink that reads "Nuala O'Loan". The signature is written in a cursive style with a horizontal line underneath the name.

MRS NUALA O'LOAN
POLICE OMBUDSMAN FOR NORTHERN IRELAND

'accountable to the law'

"The Office of the Ombudsman continues to demonstrate the professionalism and integrity required to meet the goal of a fully independent body and is an important and effective mechanism for holding the police accountable to the law, and by ably doing so, ensures that the Police Service is providing an effective policing service for all the citizens of Northern Ireland".

Office of the Oversight Commissioner



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SECTION 1

REPORT OF THE POLICE OMBUDSMAN
1st April 2003 to 31st March 2004

A YEAR OF CONSOLIDATION

Since my office opened in 2000 my staff and I have worked very hard to ensure that the service we offer is the best possible for all of our people and all of our police officers. Ours is a challenging role, and we therefore seek always to ensure that we remain at all times evidence based in all that we say. The range and complexity of the issues with which we must deal is significant, but we do all we can to ensure that we remain as close as possible to all the communities whom we serve, whilst providing an absolutely impartial service.

SERVING THE PUBLIC

We have done all we can to ensure that the Office is accessible and open. It is situated in Belfast: for security, efficiency and financial reasons it was decided to have only one base. The Office is open during normal working hours and complainants are seen with or without an appointment. To facilitate maximum outreach, arrangements were made with a number of organisations, such as the Citizens Advice Bureau, the Chinese Welfare Association and Northern Ireland Women's Aid Federation for the use of rooms in their premises across Northern Ireland. This means that staff can and do meet complainants through a network of locations, and in situations in which the needs of vulnerable people can be accommodated.

REGISTERING COMPLAINTS AND MAKING INITIAL INQUIRIES

Making a complaint should be simple and easy. Members of the public, therefore, can make a complaint in a variety of ways - in writing, fax, email or by telephoning the Office. They can call at the Office with or without an appointment, or they can make a complaint through their local police station. They may also contact the Office through their solicitor or other representative. During 2001, 34% of complaints were made directly to the Office, by 2004 this percentage had risen to 48%. There is no requirement to complain through a public representative. We seek more information and detail about the complaint, where necessary, confirm whether it is within the remit of the Office and then decide how the complaint will be handled. Once a complaint has been registered and the nature of the allegation has been established, it either becomes the subject of informal resolution, referred for formal investigation, or is closed by the complaints officers following inquiries.

RESPONDING WITH URGENCY

People should receive a timely response when they make a complaint. Our internal performance indicators show that members of the public calling at the premises are, on average, interviewed by staff within four minutes of their arrival; 96% of complaints are acknowledged and dealt with within three working days; 77% of complainants are contacted by an Investigating Officer within three working days of complaints being referred for investigation; there has been a reduction in the average time taken to deal with complaints from 142 days in 2002-2003 to the current figure of 99 days. There is a process within the Office to facilitate the investigation of complaints requiring immediate or fast track action. There is also a dedicated phone number for emergency use by PSNI. In serious cases or in situations where the Chief Constable has "called in" the Police Ombudsman, a Senior Investigating Officer with necessary support will deal immediately with the incident. Staff may be called out to scenes of incidents 24 hours a day, 7 days a week. Investigators attend scenes within 90 minutes for Greater Belfast and within 180 minutes for the rest of the province. This is a significant commitment but it is essential if we are to maintain the level of service which we regard as necessary.



International Conference - Policing the Police, November 2003. David Wood, Executive Director, Chief Constable Mr Hugh Orde, Police Ombudsman Nualla O'Loan, Mr Desmond Rea, Chairman Policing Board, Chief Executive Sam Pollock.

HIGH LEVEL OF COMPLAINTS AND ALLEGATIONS

Since the Office opened we have recorded 9906 complaints. The number of complaints and other matters recorded, however, has shown a downward trend over the past three years: 3590 in 2001; 3340 in 2002; and 2976 in 2004. However the level of allegations remains fairly consistent. In addition to complaints received, during the first three years of operation we have opened a total of 2425 files in respect of miscellaneous matters, including discovery requests in civil claims, Compensation Agency cases and other queries, 630 of those in the past year. This service given by the Office is a significant activity and is resource intensive. There is also a demand placed on the Office as a consequence of members of the public making general enquiries regarding issues related to policing, many of which do not come under the remit of the Office. In all cases however, staff seek to be helpful and to refer the individual to the appropriate agency or source of information.

SIGNIFICANT CHANGE IN THE NATURE OF COMPLAINTS

There have been positive changes represented not only by the reduction in the volume of complaints, but also by a change in the seriousness of the nature of allegations made about policing conduct, for example, by the reduction from 50% to 37% of allegations relating to oppressive behaviour (assault, harassment and intimidation) and a reduction in the use of force allegations from 50%, to 34%. The reduction in allegations of misuse of batons is significant: 419 in the period from November 2000 - March 2002, 240 in 2003, 148 in 2004. There is a reduction in the number of occasions on which live fire has been used by police officers in Northern Ireland: 21 in the period from February 2001-March 2002, 11 in 2003, 5 in 2004. The number of complaints about other use of firearms (such as assault by firearm) has reduced from 40 in 2002, to 25 in 2003, and to 12 in 2004. These reductions have been achieved through working with the PSNI on identifying problems during investigation and making specific recommendations for improvement. There has been no evidence of a corresponding increase in injuries caused to police officers and no corresponding increase in the use of firearms by criminals against the police during this period. Combined with the overall drop in the volume of complaints, this constitutes a major shift in the pattern and nature of complaints.

Figure 1: Complaints and Allegations received 2001-02 to 2003-04

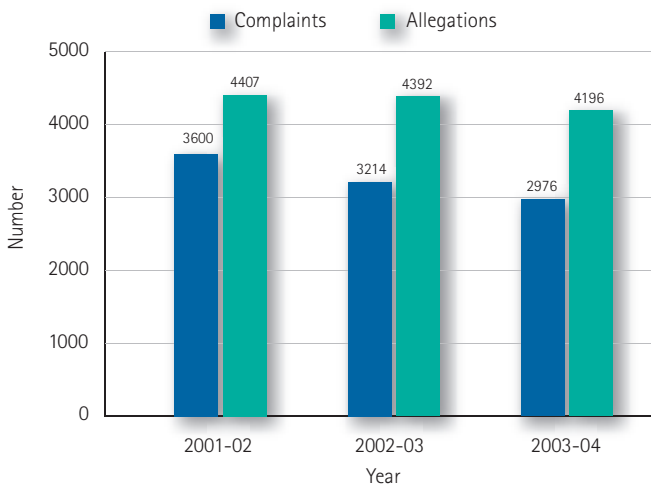
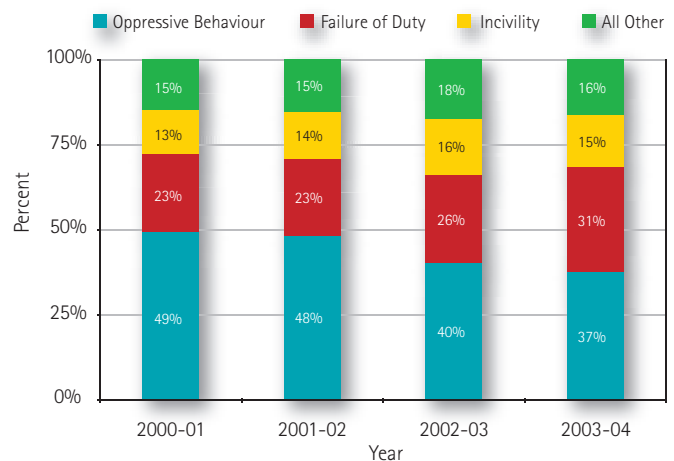


Figure 2: Proportions of Allegation types, 2000-02 to 2003-04



RAISING AWARENESS AND UNDERSTANDING

It is very important that both the police and the public receive as much information as possible about the Office. This year we have released a revised step-by-step guide to the police complaints process and updated our web site www.policeombudsman.org. The site conforms

with the (W3C) Web Content Accessibility Guidelines and information is available on audio tape for people with sight difficulties. The site also carries translations of the complaints process in Irish Mandarin and Ulster Scots. We put great effort into ensuring that there is maximum and easy accessibility for all groups of people in our community. In November 2003, a summary of last year's Annual Report was produced in magazine format, and distributed as a supplement in Northern Ireland's evening newspaper, which has a circulation of 110,000.



"Our members had just recently been appointed and some of them were concerned about what types of complaints should be referred to the Police

Ombudsman's Office and what was the appropriate action to take if a member of the public approached them with a complaint. Three senior members from the Police Ombudsman's Office visited us and talked these issues through with us. We found the meeting very useful and really appreciated it."

Mr Campbell Dixon,
Newtownabbey District Policing Partnership Manager

There are also reports available on the web site, of major investigations. In the last three years a total of 67 press releases have been issued as a means of informing the public in an open and transparent manner about various aspects of the role of the Office. Information about the police complaints process as it relates to local District Council areas, has now been made available on the web site: this initiative attracted more than 5,000 visitors to the site following its launch in January 2004. During the year staff gave presentations to 15 of the newly formed District Policing Partnerships.

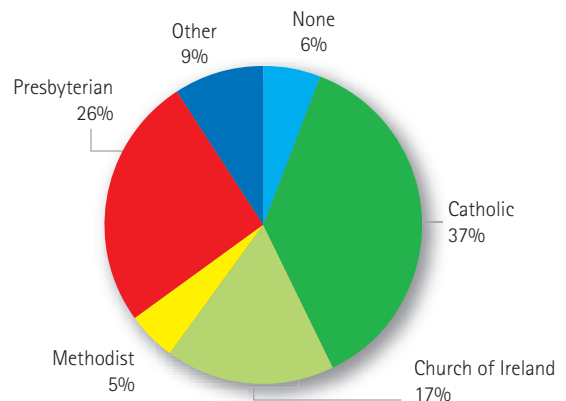
KNOWING HOW WE ARE PERCEIVED

The Northern Ireland Statistics and Research Agency (NISRA) has carried out independent research, measuring the awareness and confidence of the public in this new institution over the three years. Awareness levels are now recorded as being at 85%. Belief in the independence of the Office is also at 85%. 76% were confident about the impartial nature of the Office when investigating complaints against police. 85% of Catholics and 73% of Protestants thought that the Police Ombudsman would "help the police do a good job". 68% thought that the complainant and the police officer would be treated equally. Most of these figures have risen over the three years since the Office was established.

ACTING FAIRLY AND IMPARTIALLY

Our Equality Scheme under s.75 of the Northern Ireland Act 1998 received the formal approval of the Equality Commission on 12 February 2003. The first progress report was submitted to the Commission in May 2003 and received a very favourable response. An impact assessment on equal opportunity and fairness was carried out under the Act in 2003, and an extremely encouraging response was received from staff. The assessment results indicated that 42% of staff were Protestant, 34% were Catholic, 16% were of no religion and 8% other. The profile of complainants also represents the demographic features of the community in Northern Ireland. During the year there were 10 complaints (19 allegations) alleging racial discrimination, 5 are under investigation or inquiry, 2 have been withdrawn and 3 have been closed following inquiries. Our complainants are also representative of the communities we serve with 37% being Catholic, 48% Protestant and 15% other.

Figure 3: Complainants' Community Background, 2003-04



FOCUS ON YOUNG PEOPLE



The Police Ombudsman Office joined with the PSNI in organising a series of information events across Northern Ireland for young people. Picture at one of these events is, from left Lee Percival from Brownlow College in Craigavon; PSNI Chief Inspector Mark Hamilton, Mrs O'Loan and Hussain Yasin from Lismore Comprehensive, also in Craigavon.

We have always been determined to engage our communities. Between 2002–2004 staff have visited more than 70 community groups and organisations. This has involved visits to areas which may be perceived by those living in them as marginalized and on different sides of the political divide. Staff have also visited 29 schools across the province and we joined with PSNI in several youth-related projects, including the provision of information about the police complaints process for the 'Citizenship and Safety Key Stage Four' textbook. We took part in a number of Youth Conferences across Northern Ireland jointly organised with the PSNI and the NIPB. In conjunction with the Children's Law Centre, a leaflet on 'Young People and The Police' has been developed. Last year we entered into partnership with the NIPB in researching independently the attitudes and views of young people. This project was carried out by the Institute for Conflict Research. Over 1,100 young people were interviewed and 31 focus groups of young people were convened during the course of the study – making it the most extensive and authoritative study of its kind – as well as the first to explore the attitudes of young people to the reformed policing arrangements in Northern Ireland. This report was released last June and a full report of the work was published independently by the Institute for Conflict Research in April 2003.

"They (the Police Ombudsman's Office) are not out to persecute anyone, they are simply out to establish the facts," he said. "And there will be lots of cases where they have established very clearly that the officers have not done anything wrong."

"They identify working practices which we can get better over time and, in so doing, protect ourselves from further complaints. There are always going to be ups and downs."

Quote from Chief Constable –
11 May 2004, News Letter

WORKING WITH THE POLICE



In November 2003, police officers' "right to respond" to reports published by the Police Ombudsman was enshrined in a new protocol agreed with the PSNI and officers' representative organisations. With Mrs O'Loan are PSNI Deputy Chief Constable Paul Leighton, who represented the PSNI and the Chief Officers' Staff Association; Mr Stephen Grange of the Superintendents' Association and Mr Irwin Montgomery representing the Police Federation.

Significant effort has gone into developing constructive operational arrangements with the PSNI. Over the three years, processes have evolved covering a wide range of issues, all of which have been designed to promote operational efficiency for the PSNI and effective investigation by the Office. Special arrangements

have been made with the Chief Constable with regard to mandatory referral of deaths which may have resulted from the conduct of a police officer, and of other serious matters, in particular the firing of baton rounds, or live fire, and any situation involving an allegation of a serious offence by a police officer. On the one hand we need to articulate clearly the independence of the Office, yet on the other hand, close working

relationships have been, and remain, vital to the effective functioning of both organisations. We have also worked closely with the PSNI developing policy and integrity issues. My Executive Director Mr David Wood is a member of the PSNI Integrity and Professional Standards Committee. Through this medium we have been consulted and impacted on integrity processes of the police and have worked together with the PSNI to formulate policies on integrity testing as recommended in the Patten Report.

INDEPENDENCE IS VITAL

Investigations are conducted independently of the PSNI, however there are circumstances in which both organisations must work together or in parallel. For example, a police car pursuit of a vehicle resulted in a fatal accident between the vehicle being pursued, and another vehicle in which three innocent people were killed. The Office had to investigate whether the police had contributed to the fatal road traffic accident, and the police had to investigate causing death by dangerous driving. A joint forensic strategy is formulated in such cases, and the results of the forensic recovery are shared as necessary. In a protocol with the PSNI it has been agreed that the agency investigating the most serious allegation takes investigative precedence. This protocol has been invoked regularly and has worked effectively. Investigators of the Office also work very closely with the PSNI Internal Investigations Department. Regular meetings at various levels are held. The working relationship is regarded by both organisations as good.

WIDE RANGING INVESTIGATIONS

Matters requiring investigation range from incivility to collusion or involvement in murder. This presents a significant challenge to a relatively small office. Some of the investigations are extremely complex. A fatal shooting by the police last year illustrates the demands that can be placed on the Office. The complexity of the situation led to 38 staff being recalled to duty that evening. Considerable resources were required for an extended period to investigate the incident. Another example is a current sensitive enquiry commenced by this Office in June last year which is employing 19 full-time investigative and 3 support staff. It is likely that the investigation will not conclude for another 12 months.

REFERRALS FROM THE CHIEF CONSTABLE AND POLICE OMBUDSMAN 'CALL-INS'

I have received 126 referrals from the Chief Constable in the last 3 years, 28 of these during the past year. In addition to this in the last year I have decided that we should investigate 10 matters in respect of which no complaint has been received. In those cases which have been concluded, a report under Regulation 20 has been submitted to the Secretary of State, NIPB and the Chief Constable. These Reports deal with all aspects of the matter and, for example, during the current year, in the 20 reports submitted, 52 recommendations for improvements in policing have been made.

INVESTIGATING UNRESOLVED MATTERS FROM THE PAST

Whilst the legislation provides a general time limit of 12 months within which a complaint must normally be made, Regulation 6 of the RUC (Complaints etc) Regulations 2001 provides 'exceptions for certain complaints'. In such cases, I must investigate, irrespective of when the incident occurred if the tests set out are satisfied. These cases all involve grave or exceptional matters and it must be in the public interest for an investigation to occur. There are inherent evidential difficulties in investigating an incident years later. We have received many of these 'retrospective' allegations. The vast majority are deemed out of remit for a variety of reasons, or are resolved to the complainant's satisfaction after preliminary enquiries.

Table 1

Serious matters reported to Secretary of State, Chief Constable and NIPB 2003-04		
Incident	Referrals	Location
Death in Custody	1	South Down
Fatal Road Traffic Collision	2	Newry M2
Discharge of Firearms	4	Armagh West Belfast (2) Coleraine
Serious Assault	1	East Belfast
Discharge of baton rounds, all relating to investigations of baton round discharge during 2002	12	East Belfast (5) North Belfast (4) South Belfast (1) West Belfast (1) Portadown (1)

However, others, as required by law, do require investigation, and are retained and prioritised to be dealt with as resources permit. Currently 15 such cases are pending. These enquiries tend to be resource intensive and time consuming, made all the more difficult by the passage of time. Retrospective investigations currently being conducted relate to a civilian and a police sergeant murdered by loyalists, and a police constable murdered by republicans. During the year an investigation was also concluded into a complaint about the police investigation of the murder of Mr Sean Brown of Bellaghy, who was murdered by loyalists in 1997.

GRAVE AND EXCEPTIONAL

Only grave and exceptional matters can be dealt with under the retrospective powers. In these cases the standards against which an officer's conduct will be judged are the standards of the time. In the course of each investigation the investigator is tasked to consider the workload of the officers who were involved in the investigation the subject of complaint, and the context in which they were operating. They are also required to establish the relevant force policies and practices and to measure officer conduct against them. Officers can only be the subject of disciplinary action where there is evidence to suggest a failing of significant proportion. Under the Law only more serious cases go to tribunal hearing. The disciplinary process itself is designed to provide fairness for officers who are entitled to legal representation. Any case which is retrospective will be dealt with under the old Regulations and the standard of proof will be "beyond a reasonable doubt". The new standard of proof is that the case must be proved "on a balance of probabilities". In over 3 years there has only been one recommendation for disciplinary action in respect of a retrospective case. Inevitably in the course of investigations, there will be consideration of whether the very serious crimes (which have all involved murder) connected to these allegations are capable of further investigation, and of course, in such circumstances, new forensic opportunities should be availed of if the consequence of this is that a murderer may be brought to justice. These arrangements can only serve to enhance confidence that police officers are accountable for their actions, and henceforth to enhance confidence in the police service itself.

HANDLING SENSITIVE ISSUES AND MATERIAL

All Investigators in the Office have the powers of a Constable for carrying out investigations. Powers of arrest are used sparingly, with the overwhelming majority of investigations being completed with the cooperation of police officers and others involved. Only on three occasions have arrests been executed without prior notice. On other occasions over the three and a half years, a total of 13 officers have been arrested to facilitate criminal interviews which the officers have declined to attend. These powers are essential to ensure the effectiveness of investigations. Provisions contained in the Police (NI) Act 2000 and Regulations ensure that Investigators can access material required for investigations, from PSNI. Some of the material required is extremely sensitive and secure arrangements have been made to ensure its safe handling within the Office. The Security and Law Enforcement Community have expressed confidence in the way sensitive information has been handled by the Office. Co-operation from PSNI is generally very good, and it is noted that officers are more prepared, as time has gone by, to provide evidence against colleagues who have acted inappropriately. This is a healthy sign.

CASE STUDY

APOLOGY FOR FAILURE IN DUTY

The complainant heard banging at her front door at 0520 hours. When she looked out of the window she saw three police officers who asked if her husband was at home. The complainant did not tell the officers straight away that her husband was deceased as she was not convinced that they were police officers and feared they were robbers who were enquiring if there was a man in the house. When the complainant did inform the officers it transpired that they were at the wrong address. The officers did not apologise for their mistake and even laughed as they walked away. The complainant accepted that it was a mistake but felt aggrieved that the officers left her home without apologising. A senior Officer informed the officers of the complaint. They all acknowledged that they had called to her home in error and wished to apologise for the distress and annoyance caused. The complainant accepted the apology and considered her complaint informally resolved.

RESOLVING COMPLAINTS INFORMALLY

Informal Resolution provides an opportunity, in those matters which are considered less serious, for police to arrange for a senior officer to speak to the complainant and to the police officer separately, in an effort to resolve the matter informally. This process can only occur with the consent of the complainant. Initially it was found that the concept of Informal Resolution was a difficult one to explain to complainants. It was understandable that a complainant, and indeed a police officer, considered that if the Office was independent then the police should not be directly involved in trying to resolve the matter. The initial development of the Informal Resolution process was slow and difficult. A member of staff was appointed with specific responsibilities for the Informal Resolution process and this proved to be a valuable initiative.

The process has been speeded up considerably as a consequence of this appointment. Additionally, the ability of PSNI officers to resolve complaints informally has begun to improve. Initially 40% of complaints referred for Informal Resolution were resolved. More recently the percentage of suitable complaints informally resolved has risen to 70%. Apologies from the officer; apologies on behalf of PSNI; advice given to police officers; explanations or expressions of regret offered have all resulted from the Informal Resolution process.

RECOMMEND IMPROVEMENT TO POLICING POLICY AND PRACTICE

Investigations are conducted thoroughly using relevant forensic, medical, technological and other expertise, in accordance with the law, to ensure an effective 'search for the truth'. The final recommendations for criminal or misconduct proceedings are evidence-based. Apart from examining allegations of misconduct by officers, all investigators review whether any policy, practice or training issues were a factor in the incident. This has led to numerous recommendations to the PSNI, something welcomed by the Chief Constable. For example training, policy and practice deficiencies in the police use of force generally, and particularly firearms and batons have been identified. A series of recommendations have been instrumental in the reduction of complaints stemming from the use of force. Poor practice in compliance with the Regulation of Investigatory Powers Act 2000, was recently identified and is being corrected following recommendations to the Chief Constable. There are other examples of recommendations leading to improvements, including first aid training of Custody Officers, safety features of custody suites and displaying of officer numerals on uniform and equipment.

Table 2

Outcome of complaints in which consent for Informal Resolution was obtained	Number total	%
Informal Resolution successful	312	70
Informal resolution failed	117	26
Complainant withdrew complaint	16	4
Total	445	100

PROVIDING STATISTICAL INFORMATION TO THE POLICING BOARD AND TO THE POLICE SERVICE

I have a statutory obligation to compile statistical information on trends and patterns in complaints against the police, and to supply this to the PSNI and the NIPB. Protocols have been agreed with PSNI on the nature of the statistical information to be supplied and the frequency of its delivery. Similar arrangements have been concluded with the NIPB. Data on incoming complaints are now supplied, on disc, to the PSNI on a monthly basis so that District Commanders can access this information at a local level and this information enables them to carry out their own analysis of the data. The report includes summary information on volume of complaints, trends and patterns in complaints and on complaint outcomes.

MANAGEMENT INFORMATION TO DISTRICT COMMANDERS

This year a protocol was agreed with the PSNI for the supply to the PSNI of information on multiple complaints recorded against individual officers as recommended by the Patten Commission. District Commanders are able to use this information to identify potential matters of concern and help them identify how to deal with them. The agreements with PSNI and NIPB are kept under continual review to monitor the effectiveness, relevance and adequacy of the data supplied. At the moment all parties are broadly content with the systems currently in place.

MAKING RECOMMENDATIONS TO THE DPP

The law requires that when an investigation is concluded, and I believe that a criminal offence may have been committed by a member of the police service, the investigation file must be sent to the DPP with appropriate recommendations. The DPP then decides whether to prosecute the police officer. During the past year the Director has directed that 10 officers be prosecuted for 10 offences.

PERVERTING THE COURSE OF JUSTICE

During 2002 a report was received by the Office to the effect that a police officer, following an allegation of assault against him, had switched equipment with a junior colleague and proceeded to present this as his property to the Custody Sergeant. A lengthy and involved investigation by a Police Ombudsman Investigating Officer resulted in a file, recommending prosecution, being submitted to the DPP who directed that the officer concerned be charged with perverting the course of justice. At court the officer was found guilty and sentenced accordingly. As a result of the conviction, a misconduct hearing was subsequently convened at which the officer failed to appear. The hearing proceeded in his absence and he was found guilty.

CASE STUDY

Figure 4: Numbers of Allegations from each DCU, 2003-04

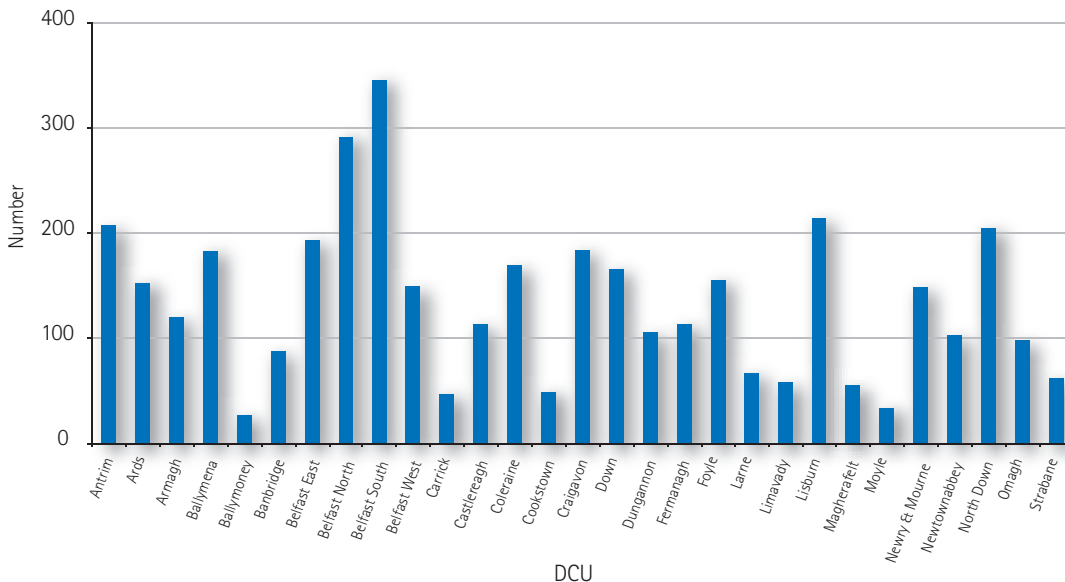


Table 3: Number and types of prosecutions recommended to DPP

Criminal charge recommended	Total Cases	Offences
Common Assault	3	3
Dangerous Driving	2	2
Intimidation	1	1
Causing Harassment, Alarm or Distress	1	1
Racially/Religiously Aggravated	1	1
Breach of Data Protection Act	1	1
Breach of Section 17 of Criminal Procedure and Investigations Act	1	1
Total	10	10

MAKING RECOMMENDATIONS TO THE CHIEF CONSTABLE

If an investigation by the Office demonstrates that a police officer has acted improperly, I may recommend that the Chief Constable should bring disciplinary proceedings against the officer involved. If I believe there are mitigating circumstances, or it is a more minor issue, I may recommend informal proceedings. Formal disciplinary sanctions range from dismissal to a reprimand. Informal sanctions include 'Advice and Guidance' and a written warning. During the year 76 disciplinary recommendations were made to the Chief Constable.

'MORE WORK TO DO'
Police Federation Chairman Irwin Montgomery said his organisation is totally committed to the principle of independent investigation of complaints against police officers:

"We believe the survey illustrates that there is much still to do to win over the support of individual police officers for the present arrangements and we look forward to working with the Police Ombudsman's Office to achieve this."

"Other research has shown that my Office has won the confidence of the general public: this survey shows that I have more work to do to win the confidence of police officers. It has provided a useful 'benchmark' for the task which lies ahead. I hope the Committee will help me reach out to officers and will help the communication between our organisations."

Police Ombudsman

COMMUNICATING WITH POLICE OFFICERS AND HELPING IN TRAINING

We set a target for this past year that we complete a visit to all District Command Units, and I am pleased that we have succeeded in this important objective of building communication and understanding with police officers at District level. A guide to the complaints process from the perspective of a police officer who may be subject to complaint has also been produced and distributed to each police officer. Staff from the Office have made over 80 presentations to PSNI officers, recruits and to other training courses. Recently senior police officers from England, at my request, and in agreement with the Chief Constable, reviewed lines and structures of communication between PSNI and my Office. 14 recommendations for improvement have been considered, agreed and implemented.

GROWING CONFIDENCE AT GRASS ROOTS

I have maintained meetings and communication with the Police Federation, Superintendents' Association and Chief Officer Associations. Among junior ranks however, the level of knowledge and understanding of the role of the Police Ombudsman is still not as extensive as it should be. We decided in January 2003 to commission a survey of all police officers, ascertaining their views and attitudes to the

new complaints system. The results have now been discussed with the various Associations and made public. These indicated that more needs to be done to strengthen police officers' awareness and confidence in the Office. The Staff Associations and the Office have agreed to work together to address the issues raised by the results of the survey. The PSNI is also committed to enhancing officers' understanding of the complaints system. Some investigation reports are, of necessity, critical of individual police

Table 4: Number and types of conduct recommendations to Chief Constable

Conduct charge or recommendation	Cases	Officers
Formal Disciplinary Proceedings	11	12
Advice/Guidance	39	58
Superintendents Warning	8	10
Policy/Practice/Training/Referrals	18	18
Total	76	98

officers, whether retired or serving. In cases where public statements are being made about officers a protocol applies. That protocol between Police Staff Associations, PSNI and the Office defines the process by which such individuals may comment on the draft text. Those comments are taken into account in formulating a final report. Individuals have not been named in such reports.

WORKING WITHIN THE CRIMINAL JUSTICE SYSTEM

We have forged good working relationships with the DPP, the Forensic Science Agency, Her Majesty's Coroners, the Criminal Justice Inspector, Her Majesty's Inspector of Constabulary, the Health & Safety Executive, the Surveillance Commissioner, the Justice Oversight Commissioner, the Social Services Boards and Trusts and more recently with the Commissioner for Children and Young People. This has ensured that obligations are complied with, whilst preserving the independence of the Office in its interactions with these Agencies. In addition, we have provided training for a number of these newly constituted bodies. We have worked in close co-operation with the OOC in ensuring that operational, accountability and governance mechanisms for policing in Northern Ireland were strengthened, as required by Patten. The Reports of the Commissioner have acknowledged and commended my Office for the contribution made in this central area of policing oversight.

SUBJECT TO ACCOUNTABILITY AND CHALLENGE

My Office is subject to a wide range of reporting, review and accountability mechanisms. These include accountability through the following mechanisms: Parliamentary scrutiny by Committee; Parliamentary questions and letters from MPs; inspection by the Criminal Justice Inspector and the Surveillance Commissioner; audit by the Comptroller and Auditor General; Judicial Review; investigation by the Commissioner for Children and Young People; oversight by the OCC; the Equality Commission. We have adopted a Satisfaction Policy, Procedure and Register for acknowledging and responding to complaints and criticisms of

"I note that policy, guidance, practice and procedures are being developed to a high standard by officers determined to get it right. I hope it does not sound sententious when I say that this is no less than I would expect of an office which enforces your responsibilities".

Chief Surveillance Commissioner

staff. We respond forthrightly to complaints and criticisms from members of the public or police officers. The Office has a rigorous Disciplinary Policy and I have not tolerated unacceptable conduct or behaviour on the part of my staff. The Information Commissioner has approved the Office's Publication Scheme and oversees the Office's adherence to the Freedom of Information Act 2000.

OPEN TO THE SCRUTINY OF THE COURTS

In the first three years my Office has been subject to 22 Judicial Reviews. These have involved the public, the police and interest groups testing the new law and have covered a wide spectrum of issues; to date I have not been found by the Court to have made an unlawful decision. There has also been one set of civil actions heard in which the Court found in favour of my Office with costs awarded. Two further sets of civil actions have yet to be adjudicated upon by Court. There have been 13 industrial tribunal applications to date. Nine were dismissed, one was settled without admission of liability and three are ongoing.

NEW DUTIES, RESPONSIBILITIES AND EXTENDED REMIT

Under new legislation I am required to notify the Secretary of State, Chief Constable and NIPB of any intention to conduct an investigation into any current practice or policy and to notify the outcome of such investigations to the NIPB and Chief Constable and on occasion the Secretary of State by virtue of Section 60A Police (NI) Act 1998 (as amended by Section 13 Police (NI) Act 2003). Policies and procedures have been put in place to facilitate investigations, although additional resources to meet

this commitment have, to date, not been provided. A Director of Policy and Practice has been appointed and a realignment of our Research and Professional Standards functions will underpin the development of this key responsibility. In January 2004 the Office was included in Part 2 of the Regulation of Investigatory Powers Act 2000 and policies and processes have had to be developed to meet the

requirements of that Act. Further legislative change has conferred a duty to undertake the investigation of complaints in relation to police support staff and Garda Síochána seconded officers. A new duty is to be placed on the DPP to refer relevant matters to me for investigation. It is anticipated that these developments will have significant resource implications.

MEDIATION NOT UP AND RUNNING YET

I am also in consultation with the NIO to secure changes in the law in respect of mediation powers. Mediation and Informal Resolution should be used, where appropriate, to resolve matters without the need for formal investigation. The current law in relation to mediation powers is generally regarded as unworkable as it only permits mediation following full formal investigation. The changes suggested would then provide efficiencies; meet public expectations; reduce stress on officers and secure greater support for the complaints system. The PSNI and police staff associations generally support this change in legislation.

CONTRIBUTION TO THE DEVELOPMENT SYSTEMS IN OTHER JURISDICTIONS

The Office has been closely involved in assisting the development of the new Independent Police Complaints Commission (IPCC) for England and Wales, which became operational in April 2004. At the invitation of the Home Office, my Office made a significant contribution to the establishment of the IPCC. We have been consulted in relation to possible changes to the police complaints system in Scotland. There have also been contacts from the Republic of Ireland, where it is proposed to introduce a similar system. In addition, delegates from 23 countries have now visited the Office to view our police complaints system which has come to be regarded as a world leader. I visited Macedonia and Brazil to advise on police accountability issues during the year.

"The event was a great success. The various plenary sessions and syndicate presentations have enabled us to know more about your work and to have fruitful exchanges with many experts on the anti-corruption front".
Commissioner
Independent Commission Against
Corruption Hong Kong

"a most successful and important conference which came at a strategic moment – and it should have a long-term impact in the area of oversight".
Professor Punch
The Netherlands



Karen McKenzie, Head of South African Independent Complaints with Chief Investigator Mathews Sosoko and Hamlet Morule, Secretariat for Safety and Security.

AUTUMN CONFERENCE "POLICING THE POLICE"

In November 2003, more than 330 delegates from 20 countries visited Belfast to attend our three day conference: 'Policing the Police'. Over 50 speakers, many of them leaders in their fields, addressed the Conference and participated in the workshops. The event was regarded by those who attended as a huge success.

QUESTIONED IN THE STATES

In March 2004 I met the United States Helsinki Commission at their request in Washington. Having submitted a written statement to the Committee, I also testified in relation to my experiences as Police Ombudsman for Northern Ireland. I was questioned

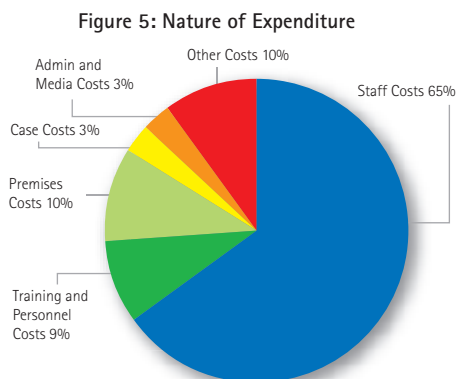
closely in relation to a number of issues and was pleased to be able to report diminishing levels of use of force complaints, diminishing levels of use of firearms and no baton round use since September 2002. I explained the consideration which occurs during every investigation of whether there are policy and practice issues emerging which may require recommendations for improvement in policy and practice. I indicated some of the types of recommendations we have made, and commented also on the increasing emergence of police officers prepared to give evidence against their fellow officers where wrong has been done.

REVIEW BY WESTMINSTER NI AFFAIRS COMMITTEE

In March 2004, the Office was informed that the Parliamentary Northern Ireland Affairs Committee would carry out an inquiry into the development and working of the complaints system set up by legislation in November 2000. Accountability for the working of this Office is with The Secretary of State and Parliament so we have welcomed this initiative and have prepared a detailed submission in line with the terms of reference given. A visit by the Committee has also taken place in preparation for the Hearing and we view this as an extremely important and valuable opportunity to inform Parliament and the wider public of the achievement and the challenges of the Office.

A MORE EFFECTIVE AND INDEPENDENT SYSTEM, BUT ALSO MORE EFFICIENT

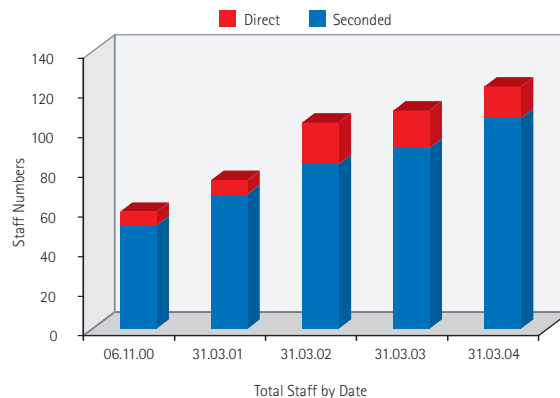
Under the old system the complement of staffing at RUC Complaints and Discipline Dept, in 2000, was 110 complaints and investigative staff (including administrative support), compared with the current complement of 89 complaints and investigation staff (including administrative support) in my Office. During 1998 the combined budget of RUC Complaints and Discipline Dept and the ICPC was approx £6.8 million. However this did not include the use of RUC Legal Services, statisticians and other resources, nor the significant costs of the investigation of serious cases which were referred to CID officers for investigation. Outside forces were also occasionally brought in where independence was necessary. Cash expenditure of this Office in this current cycle, will be £6.5 million. Allowing for three years inflation, the cost of the old system would exceed current costs of this Office per annum by £1.4 million.



STAFF RESOURCE PERFORMING AND IMPROVING

The staff complement has been built up over the past three years to 122 staff in post at 31 March 2004 against a total complement of 126. We are committed to providing a positive environment both for staff and visitors. Regular health and safety and risk assessments are carried out. Arrangements have been put in place with an occupational health services provider and with a welfare services provider in order to provide support to staff. The Office has absence rates which compare very favourably with other public sector organisations. 3.9% to 31 March 2003 as compared to 7.0% for the Northern Ireland Civil Service.

Figure 6: Build up of staffing



COMPETENCE OF STAFF CENTRAL TO OUTCOMES

It was essential to have policing experience within the Office from the commencement of operations, and seven officers were seconded to the Office from the Metropolitan Police Service, including a Commander who was seconded to establish and run the Investigations Directorate. In the early years we had to rely heavily on 21 seconded police officers from England and Wales but the recruitment, training and development of our staff and investigators has been progressing well. Training for staff continues to be regarded as of the utmost

"The DPP contacted us at the beginning of this year and informed us that they would not be prosecuting us for alleged charges (insufficient evidence – not a phrase we like, but it's as good as we're going to get). You're doing a fantastic job, you've great people working for you, and your office is a vital safety net."

Complainant, Co Down

importance and training needs identified in Personal Development Plans have been allocated additional resources. Emerging training needs, as a result of changes in legislation etc, are addressed on a continual basis. This year we entered into a tendered agreement with the University of Portsmouth to help us train and externally accredit our investigators. The partnership is working well and we hope to put most of our investigators through the programme over the next three years.

CODE OF ETHICS FOR STAFF

I seek to ensure that we observe all relevant international principles and standards on policing and human rights. Recently a draft Code of Ethics for the Office, to augment the existing Code of Conduct, has been made available for consultation. We have developed a programme of quality assurance in respect of the work of the Investigations Directorate. Quality assurance exercises undertaken include inspections of closure categories; appropriateness of Informal Resolution referrals; accuracy of data input; capture of relevant misconduct issues; and forwarding appropriate memoranda following investigations.

'IN MY OPINION'

"The financial statements give a true and fair view of the state of affairs of the Office of the Police Ombudsman for Northern Ireland at 31 March 2003 and of the surplus, total recognised gains and losses and cash flows for the year then ended, and have been properly prepared in accordance with the Police (Northern Ireland) Act 1998 and directions made thereunder by the Secretary of State for Northern Ireland; and in all material respects the expenditure and income have been applied to the purposes intended by Parliament and the financial transactions conform to the authorities which govern them."

John Bourn
Comptroller and Auditor General
National Audit Office

CASE MANAGEMENT SYSTEM NOT ADEQUATE

The Project Implementation Team which established the Office, procured a Case Management System which has since proved inadequate. The system has no integrated investigatory process and it cannot track interaction with the DPP in relation to criminal case referrals, or with the PSNI in relation to conduct referrals. Work has been carried out to improve the system. However it provides no long term functionality; it is inefficient because of the excessive administrative support required; it utilises valuable investigation time inefficiently and it does not provide effective reporting or performance assessment mechanisms. The

Office prepared and has submitted a business case to the NIO, requesting funding for a new Case Handling System. This is one of our major priorities in the next 12 months.

AUDIT COMMITTEE WELL ESTABLISHED

An Audit Committee has been established which comprises representatives from the Office, NIO, internal auditor, and external auditor. It is planned that non-executive independent members will be appointed to the Audit Committee by the start of the new financial year. The terms of reference of the Audit

Committee are drawn from the "Guidance of the Codes of Practice for Board Members of Public Bodies" which was issued by the Cabinet Office. The Audit Committee meets not less than three times per year. In the financial year 2003-04 the Audit Committee has met four times. The Audit Committee receives the audit plan and considers the adequacy of the coverage of such plans, and also receives all audit reports and recommendations from both internal and external auditors. The Comptroller and Auditor General is responsible for the external audit of the Office. There have been two external audits since the Office was established, the first covering the 17-month period to 31 March 2002, and the second

the year to 31 March 2003. Both audits provided an unqualified report from the Comptroller and Auditor General.

INTERNAL AUDIT AND CONTROLS

The internal audit function of the Office is provided by the Southern Internal Audit Services. The work of the internal auditor is planned on a three-year basis to cover the key functions of the work of the Office. The planning of the audit programme is informed by risk assessment of the Office, and is approved through the Audit Committee. Internal Audit reports received have been positive and no matters were raised which were unduly critical. All matters raised have been addressed. As part of the evidence to support the Statement on Internal Control and in line with best practice, the Office has established a process of Risk Management, which is based on the assessment of the probability and impact of identified risk across all functions of the Office. This process aims to identify the critical risks to the Office; the controls which are already in place to mitigate these risks; and to identify residual risks which in turn inform the necessary actions which require to be addressed. The Corporate Risk Register is also used in the Corporate Planning process to ensure that appropriate objectives and targets are established to address all key risks.

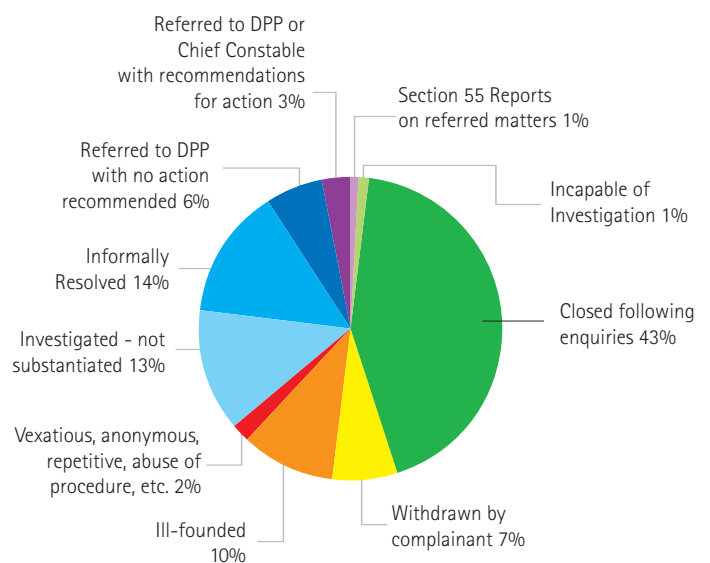
SOME CONCERNS

There are still police officers who have retired, some very recently, and who have information as witnesses, about incidents the subject of investigation, who refuse to give statements to my investigators or to assist with particular investigations. This makes the investigative process unnecessarily difficult. There are also a few officers who have not retired and who are the subject of investigation who simply refuse to answer questions. Whilst respecting their right not to incriminate themselves I question why some of these officers take this course. There are also situations in which explanations may be available but are not provided which leaves no option but to recommend discipline. Conversely there are officers of great integrity who understand the obligations placed on them as constables and have given evidence against colleagues. One such situation during the past year led to the conviction of an officer for perverting the course of justice and his subsequent imprisonment. This is the true face of modern ethical policing.

POSITIVE AND CONSTRUCTIVE OUTCOMES

A complaints system in any sector exists to fulfil many functions. In the context of policing it is a primary accountability mechanism and the law requires that the breaking of the law or the Code of Ethics applying to the police should be independently and impartially investigated. The number of these situations is small, but they are exceptionally important. Equally important to members of the public, is the ability to have a complaint of a less serious nature resolved informally without a 'song and dance' and I am pleased that the number of informal resolutions last year reached 400. The greatest impact and outcome of our system is that we are able to make constructive criticism, and also recommendations following investigations, which lead to changes in policy or practice, a better emphasis on training or perhaps a simple change in procedure which will strengthen the integrity and performance of the police. Last but not least, the Chief Constable refers serious matters to us, matters often involving death or the use of lethal weapons. We give these absolute priority and report independently to the Secretary of State, NIPB and the Chief Constable and in this respect we contribute to wider confidence and governance of open and transparent policing.

Figure 7: Outcomes of closed complaints and matters referred 2003-04



In addition to the above we have made 70 recommendations following investigations for changes or improvements in policy and practice.

CLOSING COMMENT

As can be seen much progress has been made over the three and a half years since the establishment of the Office. Our contribution to the governance of policing here has been internationally acknowledged and the Chief Constable has articulated clearly and publicly his support for the Office, and his confidence that the Office can and will be an enormous benefit to the police service. The independence which we have demonstrated has led to very high levels of public confidence in my Office and the challenge for me is to ensure that we continue to offer a complaints system which has the confidence of the people and of the police.

I believe the significance and impact of the work which we do is demonstrated in this Report. The challenges which we face are ongoing. We are determined that our day to day working relationships with the police, which are now established and accepted, will continue to operate smoothly. It is obvious that some of our Reports are not easy for the Police Service, but it is to their credit that this year our Reports have been accepted, even when they are difficult, and that the Committee charged to deal with our recommendations has acted effectively to ensure that our recommendations are both implemented and brought to the attention of officers. It is in the interests of all of us that we have the best possible Police Service - that is what we seek to contribute to through our work. We know that we must maintain the level of contact which we have built with the people and the police, and we know too that our independence is critical.

Mrs Nuala O'Loan
Police Ombudsman for Northern Ireland
30th June 2004



impartial | independent | investigation

SECTION 2

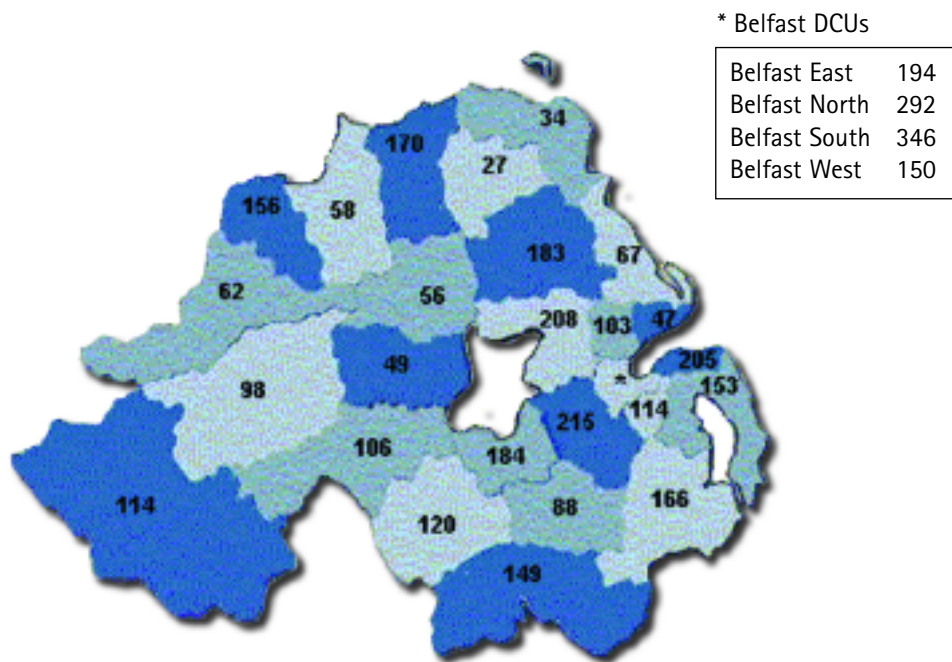
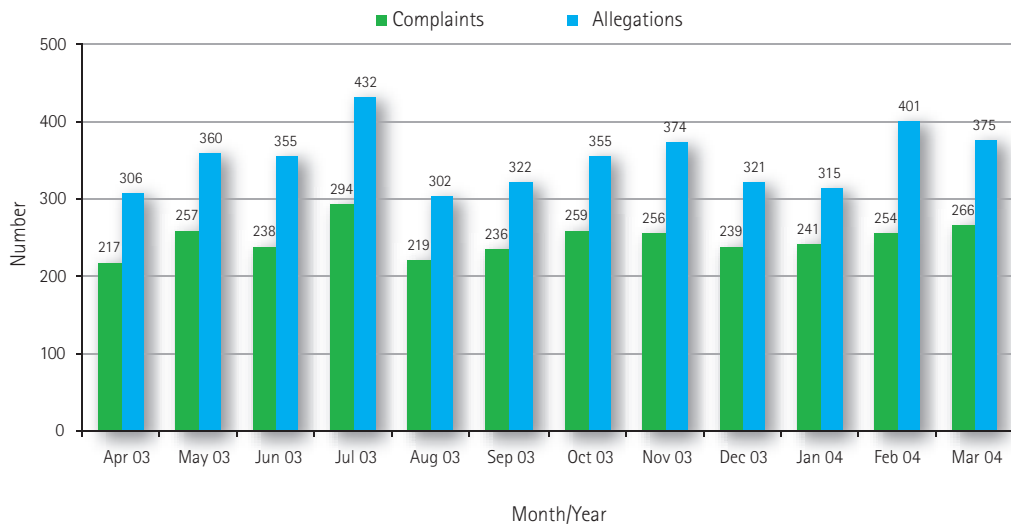
SUPPORTING INFORMATION

activity > output > achievement > performance

COMPLAINTS AND ALLEGATIONS RECEIVED 2003-04

In the 12-month period April 2003 to March 2004 inclusive a total of 2976 new complaints were received by the Office, 7% fewer than the total received during 2002-03. These 2976 complaints and other matters contained 4196 allegations (a complaint may contain more than one allegation), a decrease of 3% from 2002-03.

Figure 8 : Complaints and Allegations received per month, 2003-04



Complaints received during 2003/04 from each District Command Unit

SAMPLE OF SERIOUS MATTERS REFERRED BY CHIEF CONSTABLE 2003-04

- Fatal road traffic collision following police pursuit of stolen car.
- Concerns raised at court to the effect that police brought inappropriate pressure to bear on forensic science staff.
- Forgery of a signature by a police officer.
- Serious injury sustained during arrest by police.
- Police drew batons to force back a large number of youths who had been attending a 'rave' party - two youths sustained serious injuries.
- Police attended building site in relation to reports of youths acting suspiciously. One of the youths collapsed and later died in hospital.
- Police officer discharged two warning shots during public order situation in the outskirts of Belfast.
- Police officer drew firearm and broke driver side window with the weapon during pursuit of stolen vehicle.
- Discharge of firearms by two police officers during incident when a male was brandishing a gun.
- Issues referred by an external agency in relation to the actions of police in connection with a fatal road traffic collision.
- Police car used to block road for the purpose of stopping stolen vehicle. Stolen vehicle mounted pavement injuring civilians.
- Discharge of firearm by police officer at car which failed to stop at vehicle check point.
- Person collapsed and died following visit to police station.
- Failure of police to take appropriate and effective measures to ensure prosecution.
- Shots discharged by police resulting in death and one person injured.
- Malicious and threatening phone calls made by police officer.

MATTERS REPORTED ON TO SECRETARY OF STATE, CHIEF CONSTABLE AND NORTHERN IRELAND POLICING BOARD 2003-04

Table 5:

Serious matters reported to Secretary of State, Chief Constable and NIPB 2003-04		
Incident	Referrals	Location
Death in Custody	1	South Down
Fatal Road Traffic Collision	2	Newry M2
Discharge of Firearms	4	Armagh West Belfast (2) Coleraine
Serious Assault	1	East Belfast
Discharge of baton rounds, all relating to investigations of baton round discharge during 2002	12	East Belfast (5) North Belfast (4) South Belfast (1) West Belfast (1) Portadown (1)

ISSUING OF WARNINGS

In May 2003, the Office made a number of recommendations to the police following its investigation into the firing of baton rounds during heavy rioting between local football supporters in north Belfast following a Rangers and Celtic match in Scotland. The Office found that the intensity of the riots had made the use of the weapons necessary. It also noted, however, that even though the rioting was intense, there were occasions when officers would have been able to issue a warning before they fired their weapons but did not do so.

CASE STUDY

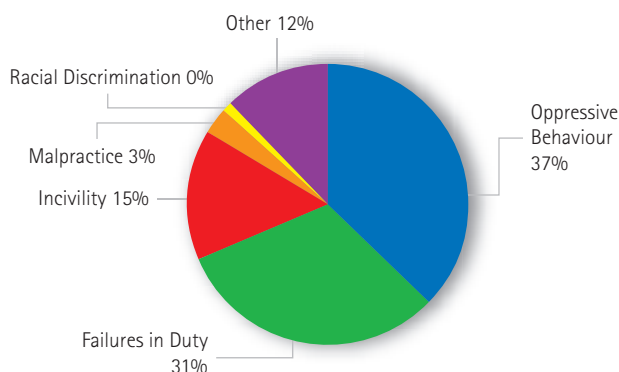
ALLEGATION TYPES, 2003-04

Table 6 and Figure 9 show the relative proportions of allegation types received during 2003-04. Allegations of Oppressive Behaviour accounted for 37% of the total, followed by Failure of Duty (31%) and Incivility (15%).

Table 6: Allegation types and sub-types, 2003-04

Allegation Type	Allegation Sub-type	Number	%
Failure of Duty	Exercise of Stop and Search Powers	18	0.4%
	Irregularity in Identification Procedures	2	0.0%
	Irregularity in Detention, Treatment and Questioning	66	1.6%
	Irregularity in Search of Premises/Seizure of Property	126	3.0%
	Irregularity in Tape Recording	3	0.1%
	Other Irregularity in Procedure	71	1.7%
	General Failure of Duty	1003	23.9%
	Unspecified or Multiple Failure of Duty	12	0.3%
	Sub-Total	1301	31.0%
Incivility	Incivility	637	15.2%
	Sectarian Abuse	3	0.1%
	Sub-Total	640	15.3%
Malpractice	Corrupt Practice	33	0.8%
	Irregularity in relation to Evidence/Perjury	40	1.0%
	Mishandling of Property	41	1.0%
	Sub-Total	114	2.7%
Oppressive Behaviour	Serious Assault	19	0.5%
	Sexual Assault	8	0.2%
	Other Assault	949	22.6%
	Oppressive Conduct/Harassment	487	11.6%
	Unlawful/Unnecessary Arrest/Detention	108	2.6%
	Sub-Total	1571	37.4%
Racial Discrimination		19	0.5%
Traffic Offences		46	1.1%
Other non-classifiable allegations		505	12.0%
Total		4196	100%

Figure 9:



COMPLAINTS, ALLEGATIONS AND OTHER MATTERS RECEIVED 2001-02 TO 2003-04

The volume of complaints received has fallen by 17% since 2001-02, while the volume of allegations received has fallen 5%.

VARIATIONS IN ALLEGATION TYPES 2000-01 TO 2003-04

Since 2000 the proportion of Oppressive Behaviour allegations received has fallen from 49% to about 37%. The actual number of allegations of Oppressive Behaviour received fell by 175 (10%), from 1746 to 1571. Failure of Duty allegations received rose from 23% to 31%. From 2002-03 to 2003-04 the actual number of allegations of Failure of Duty received rose by 138 (12%), from 1163 to 1301. The proportions of allegations of Incivility and of all other types remained relatively stable from 2002-03 to 2003-04.

OPPRESSIVE BEHAVIOUR ALLEGATIONS 2002-03 TO 2003-04

While the number of allegations of Oppressive Behaviour has fallen there has been a significant variation in the relative proportions of the allegation sub-types recorded. Figure 12 shows that the number of allegations of Oppressive Conduct or Harassment rose by 46% from 334 to 487, while the number of allegations of Other Assault fell by 24% from 1254 to 949.

FAILURE OF DUTY ALLEGATIONS 2002-03 TO 2003-04

The allegation sub-types included under the general label of "Failure of Duty" include those relating to irregularities in identification, search of premises and other procedures, as well as in detention and stop and search. The majority of these allegations (77%) in 2003-04 were of general Failure of Duty and had risen from 759 to 1003 (32%) from 2002-03 to 2003-04.

Figure 10: Complaints and Allegations received 2001-02 to 2003-04

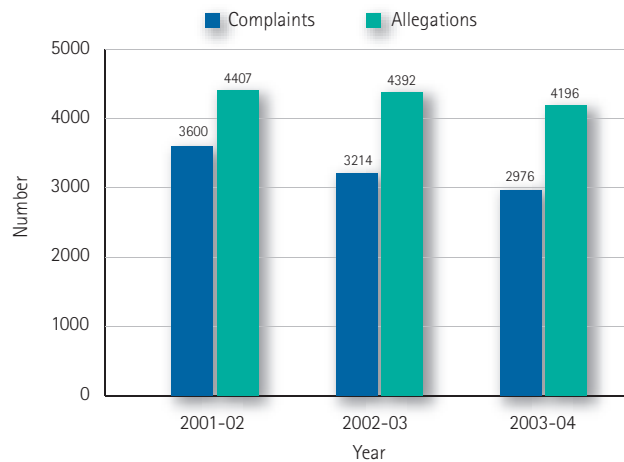


Figure 11: Proportions of Allegation types, 2000-02 to 2003-04

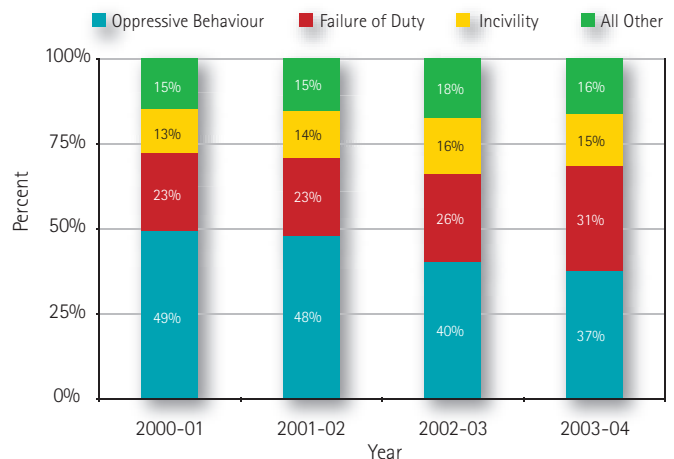


Figure 12: Types of Oppressive Behaviour Allegations, 2002/03 and 2003/04

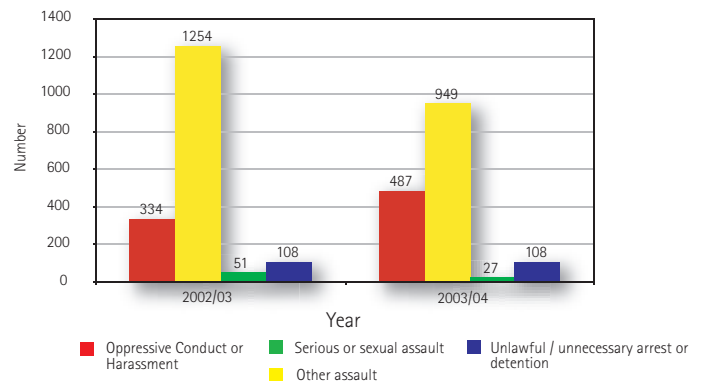
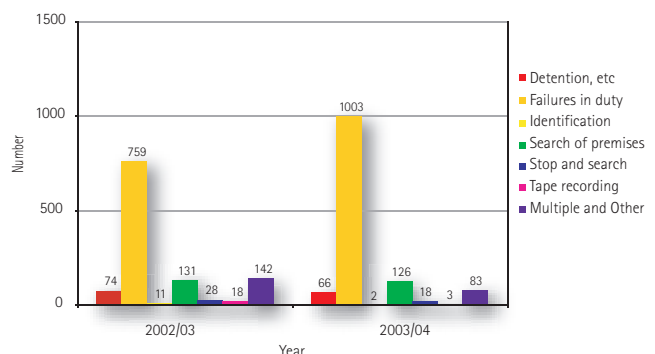


Figure 13: Types of Failure of Duty Allegations, 2002/03 and 2003/04

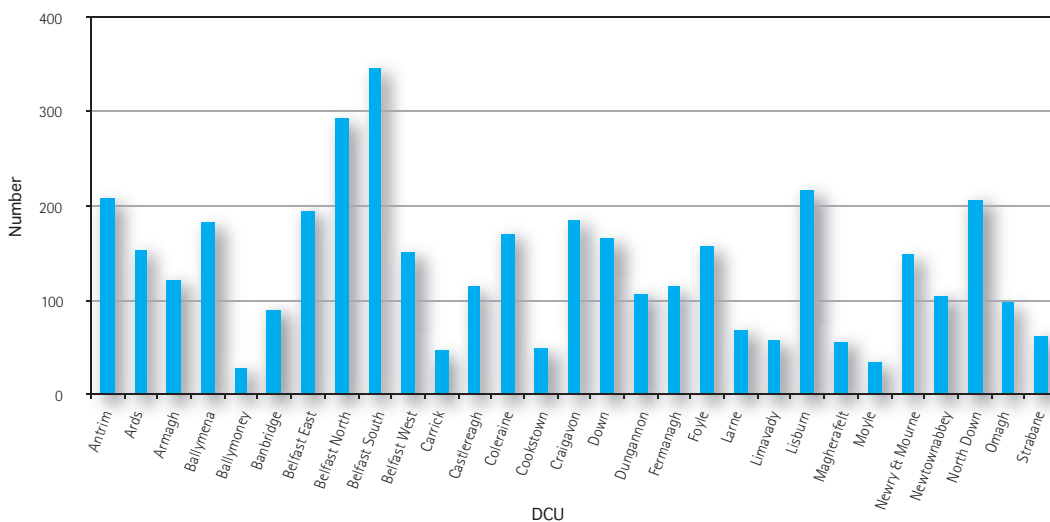


DISTRICT VARIATIONS IN COMPLAINTS

Table 7 and Figure 14 shows the numbers of allegations arising from each District Command Unit (DCU) area in 2003-04. More allegations arose from the Belfast South DCU area than from any other (346, equivalent to 9%). A quarter (25%) of all allegations arose from the four Belfast DCU areas, while significant proportions also arose from Antrim, North Down and Lisburn.

Table 7 also shows the percentage change from 2002-03 to 2003-04 in the numbers of allegations arising from each DCU area. The numbers of allegations arising from all four Belfast DCUs fell, by between 5% and 36%; overall, there was a 26% fall in allegations in the whole Belfast area. There were significant increases in the numbers of allegations arising from Antrim (up by 66%), Dungannon & South Tyrone (up by 126%) and Omagh (up by 56%).

Figure 14: Numbers of Allegations from each DCU, 2003-04



MINIMUM USE OF FORCE - NO ACTION

CASE STUDY

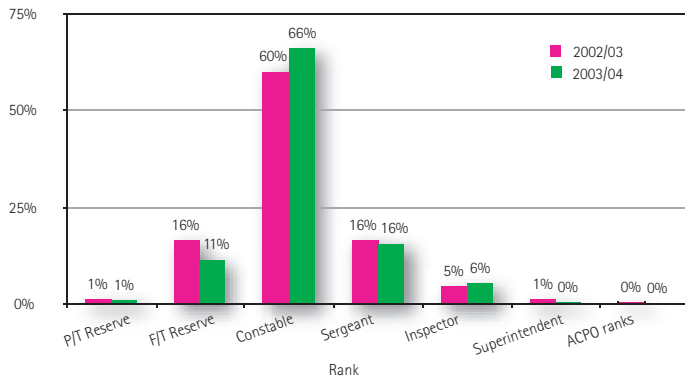
A complainant was arrested during disturbances between rival factions. Whilst being medically examined upon arrival at the police station, the complainant alleged that he had been batoned by a police officer without justification. The complainant was unable to identify the officer concerned, however medical evidence was consistent with the complainant having been struck on the leg with a baton. During the course of the Police Ombudsman investigation witnesses were spoken to, door to door enquiries conducted, CCTV footage reviewed and the

officers involved in the incident interviewed under caution. One of the officers concerned admitted batoning the complainant prior to the latter's detention but maintained that, in the circumstances, this was the minimum of force necessary given the complainant's aggressive behaviour. An investigation report was subsequently referred to the DPP who directed no prosecution against any of the police officers concerned. After careful consideration the Police Ombudsman concluded that the evidence was insufficient to warrant disciplinary proceedings being initiated against any officer.

Table 7: Numbers of allegations arising from each DCU in 2003-04, and percentage change from 2002-03

DCU	2003-04		% change from 2002-03
	Number	%	
Antrim	208	5%	+66%
Ards	153	4%	-12%
Armagh	120	3%	+22%
Ballymena	183	5%	+12%
Ballymoney	27	1%	+170%
Banbridge	88	2%	+5%
Belfast East	194	5%	-31%
Belfast North	292	7%	-33%
Belfast South	346	9%	-5%
Belfast West	150	4%	-36%
Carrick	47	1%	-39%
Castlereagh	114	3%	+34%
Coleraine	170	4%	+29%
Cookstown	49	1%	+26%
Craigavon	184	5%	+8%
Down	166	4%	-22%
Dungannon	106	3%	+126%
Fermanagh	114	3%	+13%
Foyle	156	4%	-31%
Larne	67	2%	-17%
Limavady	58	1%	-33%
Lisburn	215	5%	+4%
Magherafelt	56	1%	+30%
Moyle	34	1%	+70%
Newry & Mourne	149	4%	+43%
Newtownabbey	103	3%	+6%
North Down	205	5%	+29%
Omagh	98	3%	+56%
Strabane	62	2%	0%

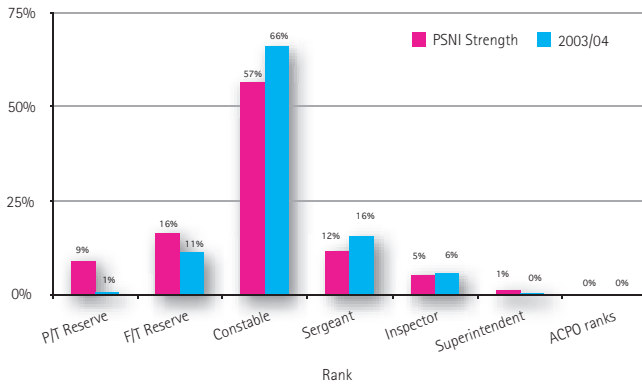
Figure 15: Ranks of Officers complained about, 2002-03 and 2003-04



POLICE OFFICERS COMPLAINED ABOUT BY RANK

Figure 15 shows that in those complaints in which the rank of the officer complained about was known, two-thirds of these officers were of Constable rank. This is a slightly higher proportion than in 2002-03. Full-time Reserve Officers were less frequently complained about in 2003-04 than they were in 2002-03 (11% compared to 16%).

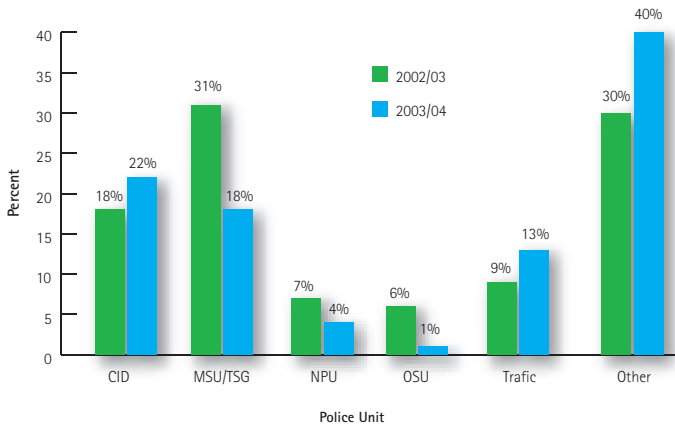
Figure 16: Ranks of Officers complained about, 2003-04, and actual PSNI strength, 2004



POLICE OFFICERS COMPLAINED ABOUT COMPARED TO PSNI RANK STRUCTURE

Figure 16 shows that Constables and Sergeants were over-represented in the total of officers complained about compared to their representation in the actual strength of the PSNI (66% compared to 57% and 16% compared to 12% respectively). However they have a higher operational incidence of interaction with the public than other officers.

Figure 17: Police Units in which Officers Complained about were serving, 2002/03 and 2003/04



POLICE OFFICERS COMPLAINED ABOUT BY UNIT

Figure 17 shows those complaints in which the police officer complained about could be identified. Complaints against officers in Support Units fell considerably, but complaints against CID and Road Traffic are increasing.

List of Abbreviations

- CID - Criminal Investigations Department
- MSU - Mobile Support Unit
- TSG - Tactical Support Group
- NPU - Neighbourhood Police Unit
- OSU - Operational Support Unit

OVERVIEW OF COMPLAINT CLOSURES AND OUTCOMES 2003-04

Table 8:

Outcome*	Number	%
Closed - incapable of investigation	21	1%
Closed - following inquiries	1214	43%
Closed - withdrawn by complainant	184	7%
Closed - ill-founded	269	10%
Closed - vexatious, anonymous, repetitive, abuse of procedure	66	2%
Closed following investigation - not substantiated	360	13%
Informally Resolved	400	14%
Referred to DPP, no further action recommended	174	6%
Referred to DPP, criminal charges recommended	10	0%
Referred to Chief Constable with disciplinary/other recommendations	76	3%
Sections 55 (Regulation 20) Reports on referred matters	25	1%
Total	2799	100%

3077 complaints were closed during 2003-2004. Of these 2799 were within the remit of the Office. Significantly 14% of all complaints received within the remit of the Office are resolved informally. 6% of complaints are referred to the DPP with no further action recommended.

3% of complaints are referred to the DPP or Chief Constable with specific recommendations in relation to either criminal charges or disciplinary charges. In addition to the above we have made 70 recommendations following investigations for changes or improvements in policy and practice.

SHOOTING INCIDENT

In June 2001 a vehicle failed to stop for police and a lengthy chase ensued. The driver eventually abandoned his vehicle and ran off in an attempt to evade capture. A police officer from the PSNI discharged four shots from his personal issue firearm in an attempt to persuade the suspect to stop running. It was subsequently established that the chase had taken them into the Republic of Ireland. The police officer was unaware, at that time, that he had crossed the border. His firearm training was not up to date.

The Chief Constable of PSNI referred the incident to the Police Ombudsman for an independent investigation to be conducted.

On 27 August 2003, the Police Ombudsman submitted a report to the PSNI and made the following recommendations:

- That details of the incident are brought to the attention of all DCU Commanders situated in border stations for their consideration as to what action is necessary to ensure all police officers are aware of border locations.
- That the police officer who discharged his firearm receives suitable advice to remind him that it is his responsibility to ensure he keeps his firearms training up-to-date.
- The Police Ombudsman was informed that it was not legally possible for assistance to be given to her investigation by An Garda Síochána. The Police Ombudsman therefore suggests that the Secretary of State should consider whether approaches should be made to the Department of Justice in the Republic of Ireland to seek some form of reciprocal arrangements for such circumstances.

CASE STUDY

COMPLEX INVESTIGATIONS OF RETROSPECTIVE COMPLAINTS

Over the last 12 months the Office has undertaken investigations relating to a number of complex current or retrospective allegations of a most serious nature.

INVESTIGATION 1

CASE STUDY

This investigation has focused on a public complaint made into alleged collusion and the standard of police investigation into a murder. Over 15 Investigators together with other resources, have been employed on this complex case. A number of preliminary recommendations have already been made to the PSNI regarding their Policy and Practices.

INVESTIGATION 2

CASE STUDY

This investigation examines allegations of police collusion surrounding the murder of a member of the RUC and whether or not the police had intelligence which may have prevented the murder. A Senior Investigating Officer heads a team of Investigators including analytical staff. The primary phases of the investigation are nearing completion, but this enquiry is likely to last for some time yet.

INVESTIGATION 3

CASE STUDY

This investigation surrounds the circumstances of a death from a legally held police weapon. Following complaints of alleged failings of the initial police investigation, the Police Ombudsman's staff launched a wide-ranging investigation. Original witnesses have been contacted, forensic findings revisited and theories and speculation have been fully investigated. The enquiry is nearing completion and it is likely that recommendations will be made to the PSNI in the near future.

INVESTIGATION 4

CASE STUDY

This investigation involves a complaint from the mother of a youth who was killed by a baton round in April 1981. The complainant alleges that the police told lies at the inquest and during the police investigation of the incident. The investigation is at an early stage.

RECOMMENDATIONS FOR IMPROVEMENT FOLLOWING INVESTIGATIONS

During investigations, Police Ombudsman staff always consider whether aspects of police policy or procedure could be improved upon. In such cases, the Office will make recommendations to the PSNI that these matters be addressed in the interests of their officers, members of the public and an overall improvement in policing. The PSNI have accepted the recommendations. During the year the Office made a number of recommendations, covering issues as varied as the radio communication system for officers on motorbikes to officers' knowledge of country roads near the Border.

MILITARY EXACERBATING DIFFICULTIES FOR POLICE

Although she does not have any statutory powers to investigate or make recommendations to the military, the Police Ombudsman decided it was in the public interest to recommend that the military consider her conclusion in the investigation of the firing of baton rounds during unrest in Belfast. The Police Ombudsman investigation showed that police commanders dealing with the situation were of the view that the military presence was exacerbating the situation. The military did not withdraw, despite being repeatedly asked to do so. The Ombudsman suggested that the military consider the difficulties faced by police as a consequence of their apparent failure to withdraw.

CASE STUDY

DISCHARGE OF PERSONAL ISSUE FIREARM

A group of youths involved in thefts from shops in Belfast were driving a stolen motor vehicle along the Westlink. A police officer on motorcycle duties became involved in chasing the stolen vehicle. The officer had difficulties with radio transmissions and was unaware that the pursuit had been called off. As the chase continued the police officer discharged his personal protection firearm twice at the rear offside tyre of the stolen vehicle in an attempt to stop or slow it down. This proved to be unsuccessful and the vehicle and its occupants evaded capture. The Chief Constable of the PSNI referred the incident to the Police Ombudsman for an independent investigation to be conducted. Following an investigation, the Police Ombudsman submitted a report to the PSNI in August 2003 and made the following recommendations:

- That the police officer be subject to a full misconduct hearing in relation to discharging his firearm.
- That the issue of improved and reliable radio transmission cover for operational police patrols is given priority.
- That those charged with training in the use of lethal force fully understand all the issues involved, including critical areas such as the potential of ricochet and the ineffectiveness of firing at vehicle tyres.
- That all police officers, both new recruits and serving officers, be given training so that they are aware of the ineffectiveness of firing at vehicles and the associated dangers in doing so.

CASE STUDY

BATON ROUND ISSUES

On 21 April 2002, disorder broke out between Nationalist and Loyalist youths in an area of Belfast with stones and petrol bombs being thrown. Whilst police and military personnel were containing the crowd, a police officer discharged a baton round. Military personnel discharged two further baton rounds. During the disorder a soldier and four police officers were injured and several police vehicles were damaged. The Chief Constable of the PSNI referred the incident to the Police Ombudsman for an independent investigation to be conducted. Following an investigation, the Police Ombudsman submitted a report to the PSNI in August 2003 and made the following recommendations:

- That two police officers receive words of advice for issuing a weapon to an unauthorised officer. Both officers have received the appropriate advice and guidance.
- That a further police officer receives words of advice for carrying and using a weapon when not authorised to do so. The officer has received the appropriate advice and guidance.
- That the PSNI carry out research into the feasibility of video recording baton round discharges. This recommendation is currently being undertaken by the PSNI in liaison with the Office.
- That all police Inspectors issuing firearms must ensure that police officers' firearms authorisation cards are checked and up-to-date.
- That all police officers currently classified in the use of baton guns are issued with authorisation cards which must be presented before baton guns and baton rounds are issued.
- That spotters/evidence gatherers are used in all cases where baton rounds are discharged from police vehicles.
- That the Tactical Support Group driver is to complete an 'Incident Log' which will serve as the original record from which notes and statements are later recorded by the TSG crew members. It is recommended that all TSG crews adopt this practice with the original records retained as discloseable documents.

CASE STUDY

RANGE OF LEGAL MATTERS BEFORE COURT 2003-04

Since the Office opened there have been 22 applications for leave to bring judicial review applications involving the Police Ombudsman. Of these some 11 have been withdrawn or dismissed at the leave hearing stage. 2 have been withdrawn at or prior to the substantive hearing of the judicial review, with another 4 having concluded by way of a judgment. There are presently 2 cases, which are ongoing. There have also been 13 civil actions, 9 of which have been dismissed, 3 are ongoing.

The following cases are a sample of those dealt with in 2003-04.

APPLICATION BY THE POLICE OMBUDSMAN FOR JUDICIAL REVIEW

An application was brought by the Police Ombudsman challenging the decision of a Resident Magistrate (RM) at Court issuing a witness summons directing the Police Ombudsman to attend the Magistrates Court and bring complaint files, in the case of related criminal proceedings against a Complainant. The case was heard on 3 March 2003 and the Court quashed the summons, deciding that the RM had acted in excess of her jurisdiction. At that stage the procedure to be followed in such cases remained to be clarified.

The Magistrate then issued a further summons, in the same case with a modified, more limited request for disclosure. This was heard together with a further Application of a complainant also challenging the Police Ombudsman to disclose information which may have helped in criminal proceedings. The case was heard on 29 May 2003 and 4 June 2003. Judgment was delivered on 16 September 2003. The Judge endorsed the approach of the Police Ombudsman and the DPP. A petition for leave to appeal to the House of Lords was refused.

APPLICATION BY CONSTABLE A FOR JUDICIAL REVIEW

One of four police officers subject to a Police Ombudsman investigation challenged the Police Ombudsman's Senior Investigating Officer's decision to conduct simultaneous interviews as, he stated, it had the effect of denying him representation by the solicitor of his choice, as that same solicitor also represented one of the other police officers being investigated. He claimed a breach of his rights under the Police and Criminal Evidence Order 1989 and the European Convention on Human Rights. The Judge held on 6 January 2003 that the Police Ombudsman's Senior Investigating Officer's decision and the strategy of simultaneous interviewing in the circumstances of this case were proportionate and legitimate. He held that the officer's Convention Rights (the relevant one being his right to a fair trial which extends to legal representation of one's choosing) were not engaged at interview stage.

APPLICATION BY A COMPLAINANT FOR JUDICIAL REVIEW (CASE NO 2)

The complainant sought judicial review of a decision made by the Police Ombudsman to close its investigation on the grounds that the matter was one of 'direction and control' by the Chief Constable. Such a conclusion contradicted the earlier stance of the Ombudsman in deciding to investigate the matter. A decision was taken on 28 March 2003 to complete the investigation, and the judicial review was withdrawn.

APPLICATION BY A COMPLAINANT FOR JUDICIAL REVIEW

The Applicant challenged the Police Ombudsman's decision not to investigate his complaint. His complaint stated that he had been hit by a baton round fired by the Army. The Judge decided on 13 February 2003 that this did not constitute a 'complaint' within Section 52 (4) Police (Northern Ireland) Act 1998; it contained no allegation of misconduct by a police officer.

APPLICATION BY A COMPLAINANT FOR JUDICIAL REVIEW

The Applicant challenged decisions of the Police Ombudsman and the Coroner dealing with the inquest into the death of a relative. She alleged there was a failure by each of them to release pre-inquest disclosure to her, further to the Ombudsman's investigation in to the death of her brother. The Applicant was satisfied with disclosure directed by the Coroner at a preliminary hearing and proceedings against the Police Ombudsman were withdrawn on 17 February 2004.

APPLICATION FOR JUDICIAL REVIEW BY CONSTABLE B

The Applicant in this case, a police officer charged with common assault, challenged the decisions of the Resident Magistrate who was hearing his case that the case should not be dismissed for abuse of process and that the Police Ombudsman's Investigating Officer was entitled to obtain a Form 1 to initiate the criminal proceedings following a complaint from a member of the public. The Divisional Court on 28 October 2003 dismissed the application as "satellite litigation" holding that the Applicant could challenge the RM's decision by way of case stated.

APPLICATION FOR DAMAGES BY POLICE OFFICERS

Two police officers brought civil proceedings against the Police Ombudsman for damages following an investigation into a death in custody in which they were witnesses. On 19th February 2004 the Judge dismissed the case and awarded costs against the 2 officers.

USE OF VIDEO TO AID ACCOUNTABILITY

In October 2003 the Office recommended that police make maximum effort to video contentious events. The recommendation followed their investigation into the discharge of baton rounds during a public disorder incident the previous year in Portadown. The police video and a broadcast video showed in great detail the nature of the disorder but managed to capture only two of the three baton rounds fired. The Office noted the value of video evidence and recommended that maximum effort be made to video contentious events.

CASE STUDY

POLICE VEHICLES IDENTITY TO BE VISIBLE

In December 2003 the Office recommended to the police they consider ensuring that all vehicles they use for general patrol and in public order situations should have markings on their roofs to make them identifiable from the air. The recommendation followed an investigation into the firing of baton rounds during public unrest. During the investigation, video footage taken from a helicopter clearly shows a police landrover mounting a footpath and accelerating towards a group of people, putting them at risk of serious injury or loss of life. Attempts to improve the quality of the video and identify the markings on the landrover were unsuccessful. The Police Ombudsman believed that if it had been possible to identify the driver, the Office would have recommended prosecuting him or her for dangerous driving.

CASE STUDY

TIMESCALES FOR INFORMAL RESOLUTION

- 96% of complaints are referred to PSNI for Informal Resolution within 3 working days, 97% within 4 working days.
- A Senior Officer is appointed by PSNI within 1 working day of complaint being referred for Informal Resolution
- Complainants contacted by Senior Officer within 5 working days of receipt of complaint papers.
- Informal Resolution completed, on average, within 45 days.

Fig 18: Informal Resolution Performance Indicators: Consent to IR & referred to PSNI

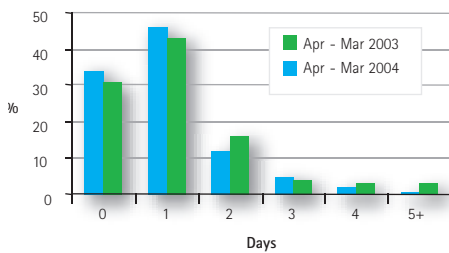


Fig 19: Appointment of Senior Officer and Notification of Outcome of Informal Resolution

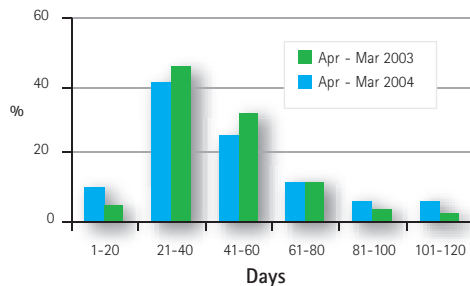


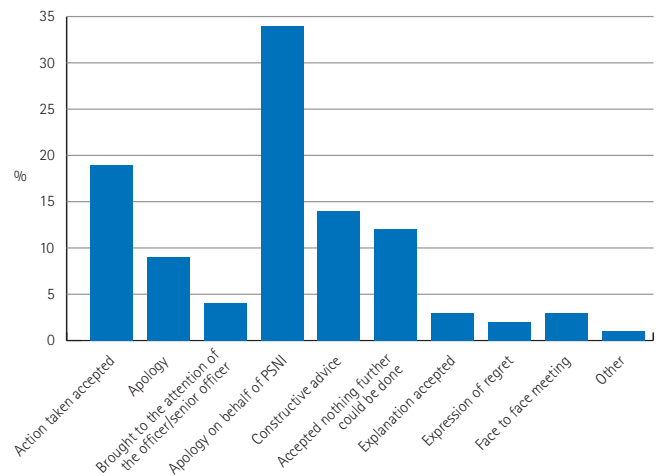
Table 9:

Complaints in which consent for Informal Resolution was obtained	Number	% of total
Informal Resolution successful	312	70
Informal resolution failed	117	26
Complainant withdrew complaint	16	4
Total	445	100

OUTCOMES OF INFORMAL RESOLUTION

- Complaints are most often informally resolved when the complainants' views are brought to the attention of the officer, senior officer or DCU Commander (34%).
- 19% of complainants are satisfied with other action taken to resolve their complaint.
- More apologies are also being extended to complainants both directly by the officer and on behalf of the police service.

Figure 20: Outcomes of Informal Resolution



APOLOGY FOR INCIVILITY

The complainant telephoned the police station and asked to speak to a senior officer. As he was unavailable, a message was left for him to contact her. The complainant was subsequently contacted by an Inspector who failed to identify himself and spoke to her in a condescending and angry tone. During the conversation the Inspector became very abusive and as a result of the officer's rudeness she terminated the call. The complainant indicated that she would consider her complaint resolved if she received a letter of apology from the Inspector. The Inspector was made aware of the complainant's concerns by his senior officer. The Inspector regretted that his efforts to explain the situation to the complainant had caused offence, which was wholly unintentional. The Inspector prepared a letter of apology, which was hand delivered to the complainant by the senior officer. The complainant was happy with the content and was satisfied that her complaint had been informally resolved.

CASE STUDY

Table 10: Cases referred to the DPP 2001 to 2004

Year Submitted to DPP			
2001/02 Number	2002/03 Number	2003/04 Number	Total Number
78	184	174	436

Table 11: Number and type of prosecution recommended 2001 to 2004

Type of charge recommended	Year Submitted to DPP							
	2001/02		2002/03		2003/04		Total	
	No. Cases	No. Offences	No. Cases	No. Offences	No. Cases	No. Offences	No. Cases	No. Offences
Assault occasioning Grievous Bodily Harm	1	1	0	0	0	0	1	1
Assault occasioning Actual Bodily Harm	4	4	4	4	0	0	8	8
Common assault	0	0	5	5	3	3	8	8
Assault (aggravated - minor)	0	0	1	1	0	0	1	1
Causing death by dangerous driving	0	0	1	2	0	0	1	2
Dangerous driving	0	0	1	1	2	2	3	3
Careless driving	0	0	1	1	0	0	1	1
Perverting the course of justice	1	1	2	9	0	0	3	10
Perjury	1	1	0	0	0	0	1	1
Kidnapping	1	1	0	0	0	0	1	1
Intimidation	0	0	0	0	1	1	1	1
Causing harassment alarm or distress	0	0	0	0	1	1	1	1
Racially or religiously aggravated	0	0	0	0	1	1	1	1
Breach of S. 55 Data Protection Act	0	0	0	0	1	1	1	1
Breach of S. 18 CPIA	0	0	0	0	1	1	1	1
Other	4	4	1	1	0	0	5	5
Total	12	12	16	24	10	10	38	46

Table 12: Number and type of Directions for prosecution by DPP 2001 to 2004

Type of Charges by DPP	No Charges
Assault occasioning Actual Bodily Harm	3
Common assault	5
Causing death by dangerous driving	2
Dangerous driving	3
Careless driving	1
Perverting the course of justice	8
Criminal damage	1
Total	23

NUMBER AND TYPES OF PROSECUTIONS RECOMMENDED TO DPP 2003 – 2004

A total of 174 files were submitted to the DPP during 2003-04. 164 of these recommended that no further action be taken. In 10 cases, (involving 8 officers) 10 charges were recommended as listed in Table 13

Table 13: Criminal charge recommended

Nature of charge recommended	Total	
	Cases	Offences
Common Assault	3	3
Dangerous Driving	2	2
Intimidation	1	1
Causing Harassment, Alarm or Distress	1	1
Racially/Religiously Aggravated	1	1
Breach of Data Protection Act	1	1
Breach of Section 17 of Criminal Procedure Act	1	1
Total	10	10

PROSECUTION FOR DANGEROUS DRIVING

CASE STUDY

During 2002 a complainant visited the Office with video footage of an incident involving a police vehicle during a local parade. The video tape depicted a police Landrover mounting a pavement at speed and driving along the footpath scattering a crowd of bystanders. Following a lengthy investigation a Police Ombudsman file was forwarded to the DPP recommending that the driver of the police Landrover be prosecuted. The Director directed that the officer be charged with dangerous driving and at a subsequent court hearing, December 2003 he was found guilty of the offence. The conviction was upheld on appeal.

DISCIPLINE AND POLICY AND PRACTICE RECOMMENDATIONS TO CHIEF CONSTABLE 2003 – 04

There were 76 cases of complaint during the year where the Police Ombudsman made recommendations in respect of disciplinary issues.

- In 11 cases, involving 12 officers, 15 misconduct charges were recommended. Of the three charges heard, 1 officer was dismissed, 1 officer was fined and cautioned and 1 officer received 2 cautions.
- In 39 cases, involving 58 officers, Advice and Guidance was recommended. The Advice and Guidance has been given to 52 officers and rejected in relation to 1 officer. The Chief Constable's response is awaited in respect of the remaining 5 recommendations.
- In 8 cases, 12 Superintendent Written Warnings were recommended against 10 officers. The Written Warning has been given in 4 cases, in 3 cases it was agreed not to proceed with the Written Warning and in 5 cases an outcome is awaited.
- In the remaining 18 cases of complaint the Police Ombudsman made recommendations in respect of Police Policy/Practice/Training or that officers concerned would benefit from a management discussion.

DISCIPLINED FOR IMPROPER DISCLOSURE OF INFORMATION

Following receipt of information pertaining to the unauthorised removal of PSNI documentation, the Police Ombudsman decided to call her Office into the investigation of the matter. An investigation ensued with all parties concerned being interviewed and related evidential papers secured. At the conclusion of the investigation the Police Ombudsman took the view that there was sufficient evidence to warrant disciplinary proceedings against the officer concerned. The Chief Constable agreed with recommendations made by the Police Ombudsman and at the subsequent hearing the officer pleaded guilty to five misconduct charges relating to improper disclosure of information.

CASE STUDY

CUSTODY SERGEANT DISCIPLINED

The complainant was arrested and conveyed to the local police station where he was placed in a cell. The complainant had consumed alcohol and stated he was on medication. During his period in detention the complainant stated that he pressed the cell buzzer for attention on a number of occasions but although he could hear the buzzer was working, no one came to speak to him. As a consequence the complainant maintained he had no alternative other than go to the toilet in his cell. Despite the fact that police subsequently became aware of the situation, the complainant was returned to the same cell, in the same condition, after eventually being permitted to visit the toilet. Following an investigation, the Police Ombudsman, on the basis of the evidence available, took the view that the Custody Sergeant had committed two clear breaches of duty in that he had failed to provide humane conditions for the complainant's detention and he had failed to properly supervise an "at risk" prisoner. The Chief Constable agreed with the Police Ombudsman's recommendations in respect of this case and misconduct charges were formulated around the failures of duty identified. At the misconduct hearing the Custody Sergeant pleaded guilty to each of the misconduct charges.

CASE STUDY

Table 14

Recommendations	Cases	Officers
Formal Disciplinary Proceedings	11	12
Advice/Guidance	39	58
Superintendents Warning	8	10
Policy/Practice/Training/Referrals	18	18

Figure 21: Proportions of Respondents aware of the Police Ombudsman, October 2000 to January 2004

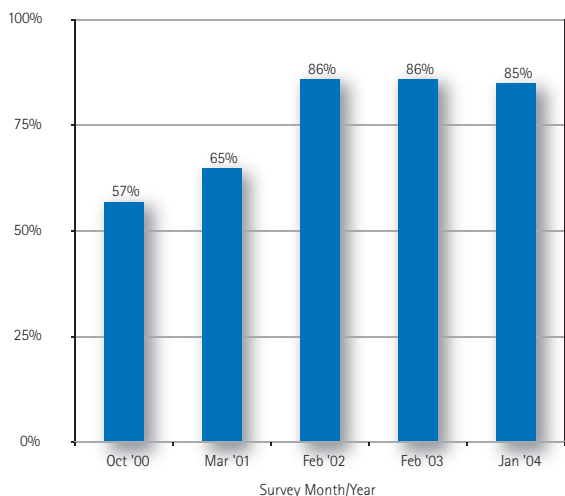


Figure 22: Proportions of Respondents aware of the Independence of the Police Ombudsman, October 2000 to January 2004

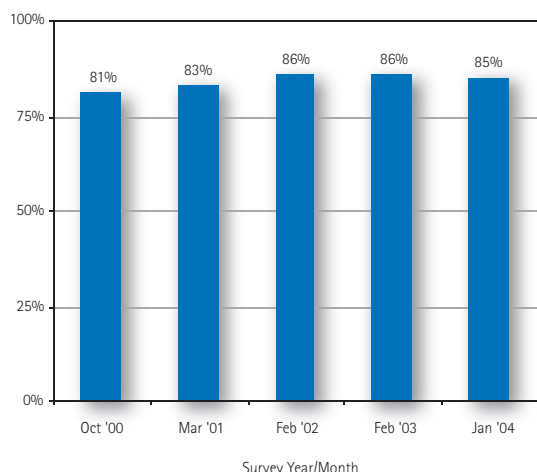
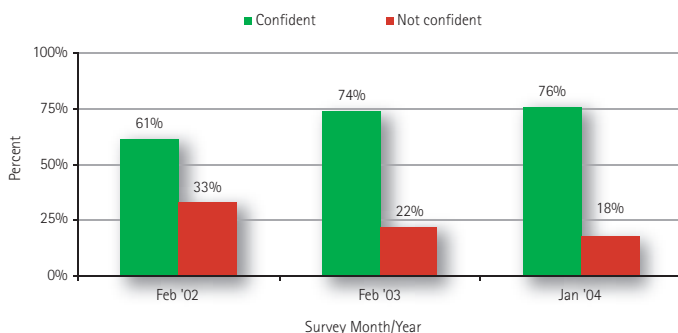


Figure 23: Confidence in the impartiality of the Police Ombudsman's investigations, October 2000 to January 2004



PUBLIC ATTITUDES TO THE POLICE OMBUDSMAN'S OFFICE, JANUARY 2004

Fourteen questions were commissioned by the Police Ombudsman's Office for inclusion in the January 2004 NISRA Omnibus Survey. The fieldwork took place between mid-January and mid-February 2004, with nearly 1,300 respondents being interviewed.

AWARENESS OF THE POLICE OMBUDSMAN

- 85% of respondents said they had heard of the Police Ombudsman, a similar proportion to those seen in previous surveys.
- Protestants were marginally more likely than were Catholics to be aware of the Police Ombudsman.
- Respondent's aged less than 25 showed lower levels of awareness of the Police Ombudsman than did older age groups.
- The source of information about the Police Ombudsman most frequently cited by respondents was television (93%).

AWARENESS OF THE INDEPENDENCE OF THE POLICE OMBUDSMAN

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

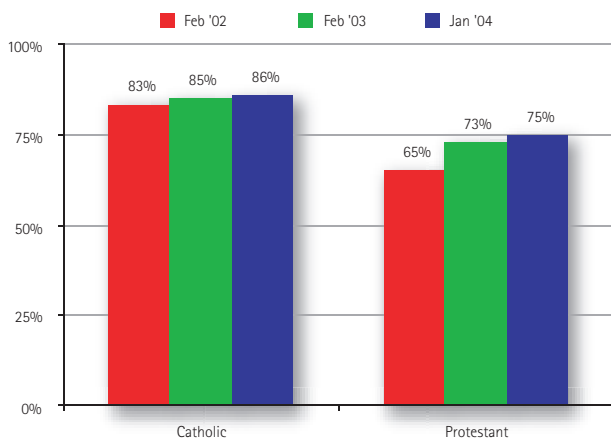
IMPARTIALITY OF INVESTIGATION

- 76% of respondents were confident that the Police Ombudsman deals with complaints in an impartial way, up from 61% in 2002.
- 18% were not confident that investigations were impartial.
- 84% of Catholics and 70% of Protestants were confident that the Police Ombudsman deals with complaints impartially; the latter figure has risen from 51% in 2002.

EFFECT OF POLICE OMBUDSMAN ON POLICING

- 79% of respondents thought the Police Ombudsman would help ensure that the police do a good job.
- Catholics were more likely than Protestants to hold this view (86% compared to 75%).
- The main reasons given by respondents were:
 - The police would treat the communities in Northern Ireland more impartially;
 - The police would give less cause for complaints from the public; and
 - The police would investigate crime better.

Figure 24: Proportions of Catholic and Protestant respondents thinking that the Police Ombudsman would help the police do a good job, February 2002 to January 2004



Joint research with Policing Board on views of young people on policing. Suneil Sharma (Policing Board) with researchers Jennifer Hamilton, Katy Radford, Neil Jarmin and Police Ombudsman Nuala O'Loan release report, June 2003.

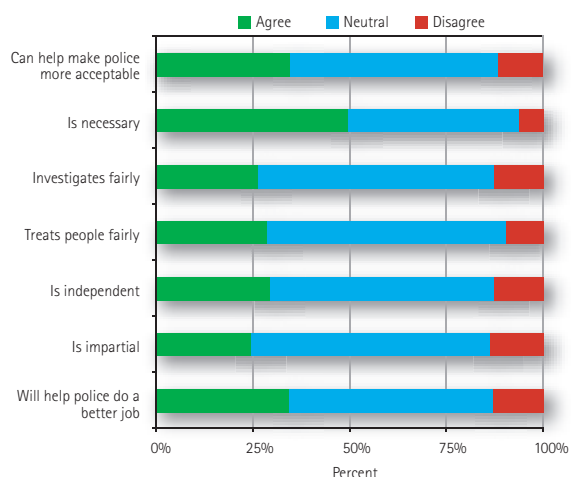
YOUNG PEOPLE'S ATTITUDES TO POLICING

Research on young peoples attitudes to policing and police accountability was commissioned from the Institute for Conflict Research; in a novel initiative, this work was jointly funded by the Office and the NIPB. Over 1150 young people were surveyed and a further 242 took part in focus groups in this study.

Half of the young people questioned were aware of the Office, with TV being the most frequently cited source of information. Media reports of the investigation into the events associated with the Omagh bombing were also mentioned as a source of knowledge. The great majority of those that were aware of the Office correctly identified the Police Ombudsman's role in dealing with complaints against the police.

- When questioned about the Office most young people found it difficult to express an opinion one way or the other.
- Half of them agreed that the Office was necessary.
- Large proportions agreed that it would help the police do a good job and make them more acceptable.

Figure 25: Young people's attitudes to Office



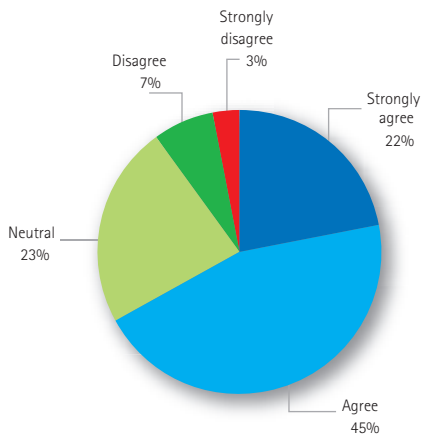
POLICE OFFICERS' ATTITUDES TO THE POLICE OMBUDSMAN AND THE NEW COMPLAINTS SYSTEM

The Police Ombudsman has a statutory responsibility to secure the confidence of the public and of the police in the complaints system. Along with the survey of the general public, a large-scale survey of all police officers was carried out in 2003. The research sought to provide information on officers' knowledge of and attitudes towards the Office. Over 3,924 officers responded to the survey.

POLICE KNOWLEDGE OF THE POLICE OMBUDSMAN'S OFFICE

- Two thirds of officers questioned agreed that they would like to know more about the Police Ombudsman's Office.

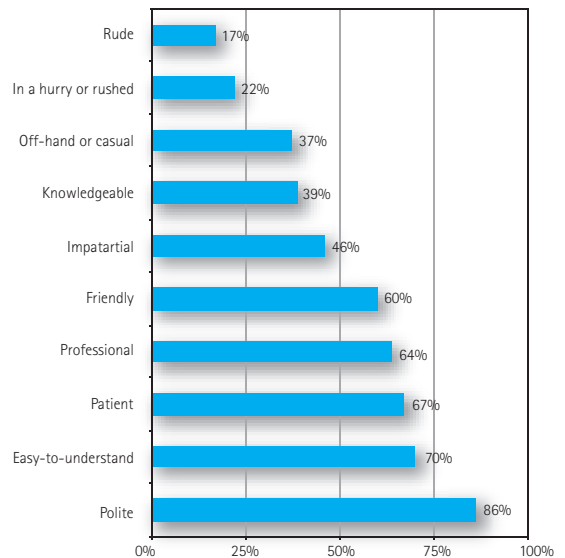
Figure 26



OFFICERS' VIEWS ABOUT POLICE OMBUDSMAN'S OFFICE STAFF

- Of officers who had been in contact with Police Ombudsman's staff, the majority thought they were:
 - Polite (86%)
 - Friendly (60%)
 - Patient (67%)
 - Easy to understand (70%)
 - Professional (64%)
- 37% of police officers felt that staff were off-hand or casual; 22% in a hurry or rushed and 17% thought that staff were rude.
- Only 39% thought that staff were knowledgeable and 46% thought that staff were impartial.

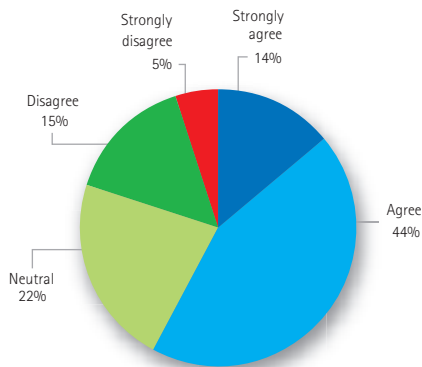
Figure 27: Police Officer's views of Police Ombudsman's staff



THE PRINCIPLE OF INDEPENDENT INVESTIGATION OF COMPLAINTS

- The majority of officers agreed that complaints against the police should be independently investigated by people outside PSNI.

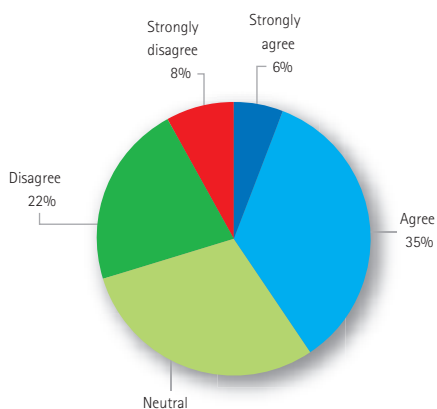
Figure 28



OFFICE HELPING INCREASE CONFIDENCE IN POLICE

- About two-fifths of officers agreed that the Police Ombudsman's Office would help increase public confidence in the police.

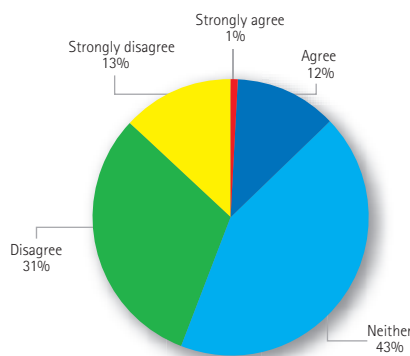
Figure 29



POLICE VIEWS ON THE POLICE OMBUDSMAN'S INVESTIGATORS

- Only 13% of officers agreed that the Police Ombudsman's investigators investigated complaints impartially; 44% disagreed, 13% strongly.
- However a large proportion of officers (43%) were unable to express an opinion either one way or the other.

Figure 30



GEOGRAPHICAL DISTRIBUTION OF COMPLAINANTS

In terms of the areas of Northern Ireland in which complainants lived, Table 15 shows that 28% had postal addresses in Greater Belfast (BT1 to BT17 inclusive). This compares to 36% in 2002–03, a drop that is clearly correlated with the general fall in the numbers of allegations in the four Belfast DCUs.

Table 15: Number of Complainants in each Post Code area, 2003–04

Town	Post Code	Number of Complainants	% of Complainants
Belfast East	BT3 to 6, 8, 16	207	7.8
Belfast North	BT14, 15	148	5.6
Belfast South	BT1, 2, 7, 9, 10, 17	184	6.9
Belfast West	BT11 to 13	208	7.8
All Belfast: sub-total		747	28.0
Hollywood	BT18	31	1.2
Bangor	BT19, 20	117	4.4
Donaghadee	BT21	7	0.3
Newtownards	BT22, 23	109	4.1
Ballynahinch	BT24	23	0.9
Dromore	BT25	12	0.5
Hillsborough	BT26	8	0.3
Lisburn	BT27, 28	89	3.3
Crumlin	BT29	15	0.6
Downpatrick	BT30	52	2.0
Castlewellan	BT31	10	0.4
Banbridge	BT32	24	0.9
Newcastle	BT33	19	0.7
Newry	BT34, 35	97	3.6
Newtownabbey	BT36, 37	89	3.3
Carrickfergus	BT38	42	1.6
Ballyclare	BT39	24	0.9
Larne	BT40	45	1.7
Antrim	BT41	96	3.6
Ballymena	BT42 to 44	142	5.3
Magherafelt	BT45	45	1.7
Maghera	BT46	11	0.4
Derry	BT47, 48	117	4.4
Limavady	BT49	37	1.4
Coleraine	BT51, 52	76	2.9
Ballymoney	BT53	26	1.0
Ballycastle	BT54	16	0.6
Portstewart	BT55	6	0.2
Portrush	BT56	7	0.3
Bushmills	BT57	5	0.2
Armagh	BT60, 61	65	2.4
Craigavon	BT62 to 67	153	5.7
Caledon	BT68	0	0.0
Aughnacloy	BT69	0	0.0
Dungannon	BT70, 71	71	2.7
Fivemiletown	BT75	5	0.2
Clogher	BT76	3	0.1
Augher	BT77	1	0.0
Omagh	BT78, 79	74	2.8
Cookstown	BT80	28	1.1
Castlederg	BT81	6	0.2
Strabane	BT82	38	1.4
Enniskillen	BT74, 92 to 94	76	2.9
Total		2664	100

COMPLAINANT DEMOGRAPHICS

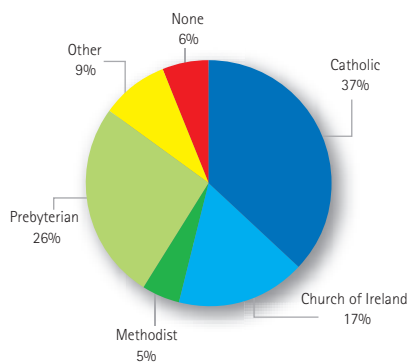
Various aspects of complainants' backgrounds are monitored as a means of satisfying the obligations laid upon the Office by Section 75 of the Northern Ireland Act 1998. The majority of these data are collected by means of a monitoring form which complainants complete voluntarily.

COMMUNITY BACKGROUND

Of the complainants who provided information about their community background (about 25% of all complainants), 37% said they were Catholic (38% in 2002-03), 48% identified their background as Presbyterian, Church of Ireland or Methodist (49% in 2002-03), and 15% said they were of other or no religion (13% in 2002-03).

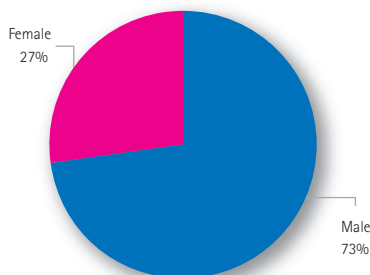
GENDER

Figure 31: Complainants' Community Background, 2003-04



73% of complainants were male (72% in 2002-03) and 27% were female (28% in 2002-03).

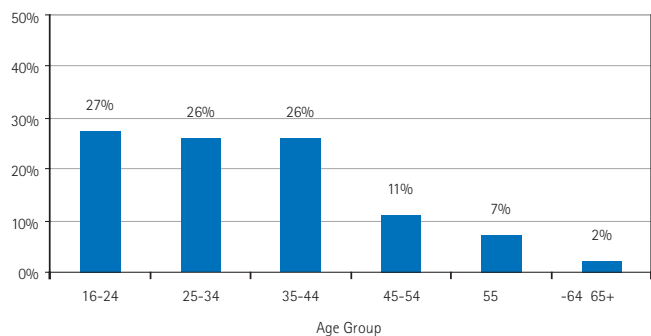
Figure 32: Complainants' Gender, 2003-04



AGE

Of those complainants whose ages were known, similar proportions fell into the 16-24, 25-34 and 35-44 age groups (27%, 26% and 26% respectively). This distribution represents a significant variation from that seen in previous years; for example, in 2002-03 35% of complainants were in the 16-24 age group, 24% in the 25-34 group and 22% in the 35-44 group. This change in profile is probably related to the fall in the number of allegations of Oppressive Behaviour mentioned previously, as younger complainants are more likely to make allegations of this nature than are older complainants.

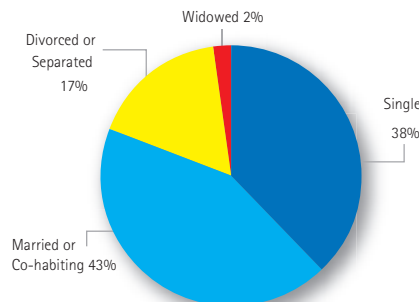
Figure 33: Complainants' Age, 2003-04



MARITAL STATUS

The largest proportion of complainants (43%) said they were married or co-habiting, while 38% said they were single. In comparison, in 2002-03 40% said they were married or co-habiting and 40% said they were single.

Figure 34: Complainants' Marital status, 2003-04



EMPLOYMENT STATUS

Monitoring of complainants' employment status shows that in 2003-04 46% of complainants were working either full-or part-time or as self-employed persons (42% in 2002-03). 23% said they were unable to work because they were permanently sick (20% in 2002-03), while 13% said they were unemployed (18% in 2002-03).

Figure 35: Complainants' Employment Status, 2003-04

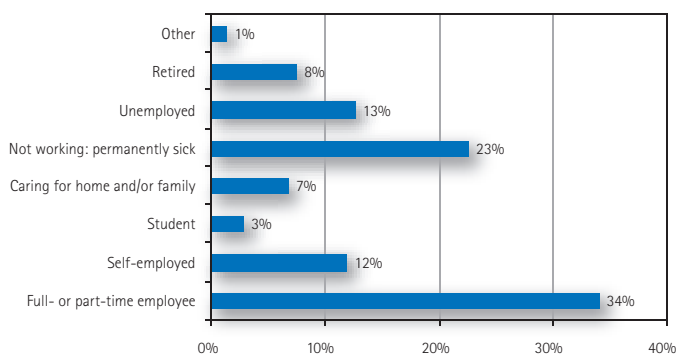


Table 16: Budget and Expenditure

Year	Cash Budget	Cash Expenditure	Cash Drawdown
2001-02	£5,815k	£5,681k	£5,675k
2002-03	£6,838k	£6,503k	£6,643k
2003-04	£7,120k**	£6,803k	£6,930k

** SR2002 baseline of £6,925k plus £195 carry forward

RESOURCE ALLOCATION AND EXPENDITURE

The primary function of the Office is to deliver an effective police complaints system within the resources allocated to it by the Department. This objective has been achieved in each financial year since the Office was established. Table 16 shows that in the 2003-04 financial year the cash expenditure was £6,803k against a total cash budget of £7,120k.

STAFF COSTS BY FUNCTIONAL AREA 2003-04

Further analysis of the expenditure on staffing is included in figure 37. 63% of the staff resource of the Office is directly involved in the investigation of complaints of which 57% was directed to routine and 31% to special investigations.

NATURE OF EXPENDITURE 2003-04

An analysis of the cash expenditure by type of expenditure is shown in figure 36. Clearly staff costs at 65% are the most significant expenditure of the Office.

Figure 36: Nature of Expenditure 2003-04

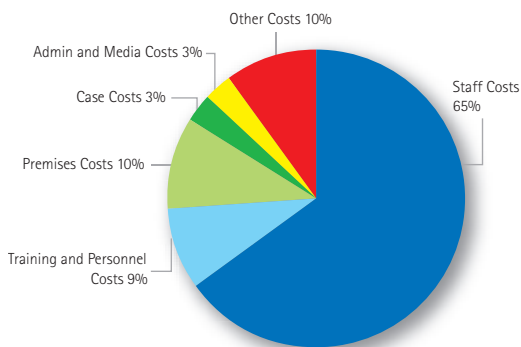


Figure 37: Staff Costs by Functional Area 2003-04

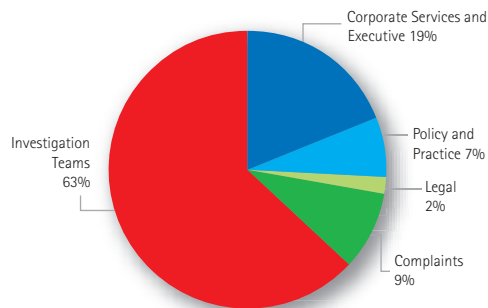
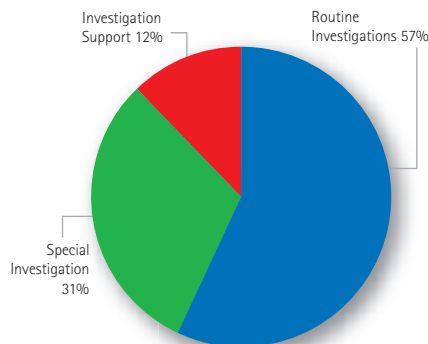


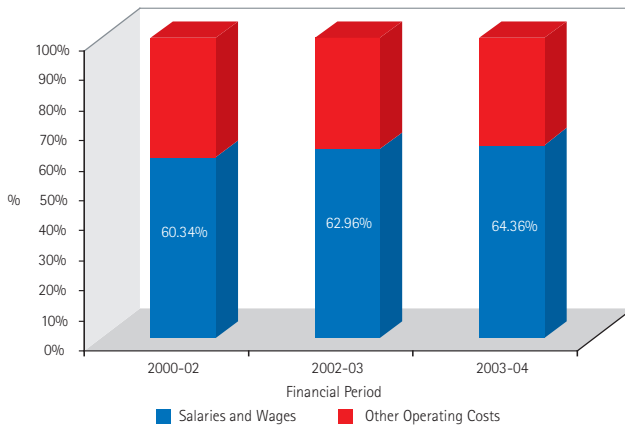
Figure 38: Allocation of Investigative Resource



STAFF AND OPERATIONAL COSTS

The proportion of resource which has been expended on staff costs has increased year on year from 60.34% in 2000-02 to 64.36% in 2003-04 (refer figure 39). This is consistent with the fact that staff levels are now approaching full complement and is as a result of efforts to maximise the effectiveness of the operation of the Office.

Figure 39: Salary Costs as a % of Total Operating Costs



LOW LEVEL OF ABSENCE

The Office is committed to providing an environment which is as far as possible safe and free from risk to health. During the reporting period a confidential welfare service was established for staff of the Office complementing the existing occupational health services arrangements already in place. During the period of this report the absence rate was 3.9% which compares favourably with other public sector organisations. (7.0% for NICS in 2002-03)

BUILD UP OF STAFF COMPLEMENT

The numbers of staff employed in the Office have increased from 59 on the 6th November 2000 when the Office commenced to 122 at the 31st March 2004 against an agreed staff complement of 126. In order to supplement the investigative experience in the Office police officers have been seconded from forces in England and Wales. The numbers of these seconded officers is now being reduced as the Office has become established and has developed an accredited training programme for investigative staff. Seconded staff numbers have decreased from 21 at 31 March 2002 to 16 at 31 March 2004.

Figure 40: Build up of staffing

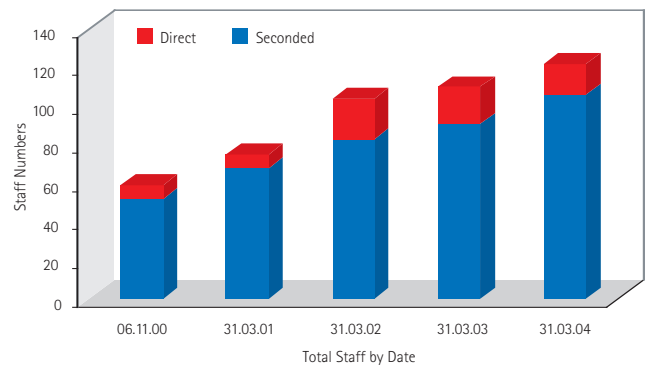


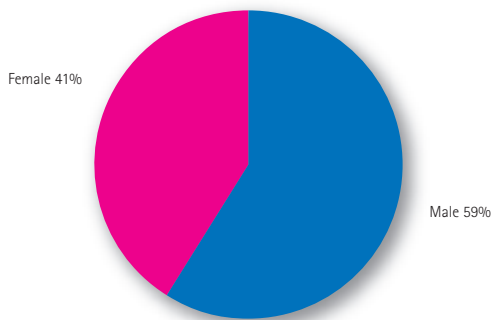
Table 17

Staff Build-up	Total	Direct	Seconded
Nov 2000	59	52	7
Mar 2001	75	68	7
Mar 2002	104	83	21
Mar 2003	110	91	19
Mar 2004	122	106	16

STAFF PROFILES AND EQUALITY ISSUES

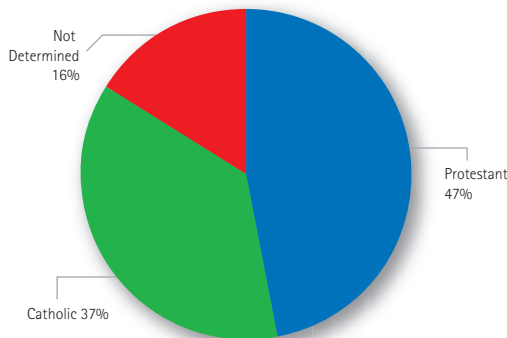
Information taken from the Fair Employment Monitoring Return as at 1st January 2004 indicates that 59% of staff employed in the Office are male, 41% female. The gender breakdown of the population of Northern Ireland is 49% male and 51% female. It is evident that the Police Ombudsman employs more males to females. In an effort to address this situation, advertisements for positions which are under-represented by females now include a statement that applications are particularly welcome from women.

Figure 41: Gender of Staff



In the Fair Employment Monitoring Report as at 1st January 2004 47% of staff employed in the Office are Protestant, 37% Catholic and 16% have been reported as not determined.

Figure 42: Community background of staff



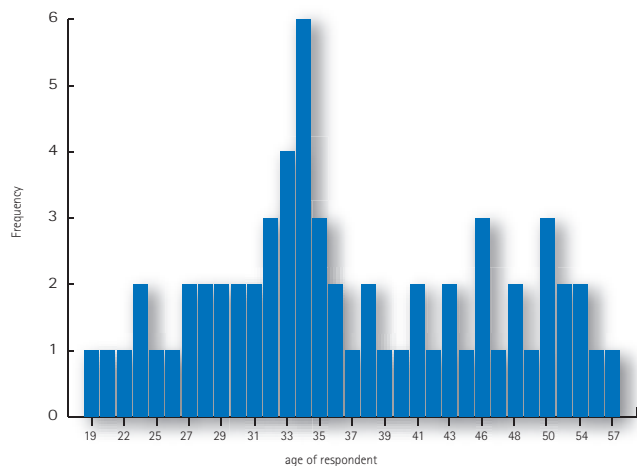
EQUALITY IMPACT ASSESSMENT SURVEY

During the period under review the Office conducted an equality impact assessment survey on its employees. Comparing the survey data to the population of Northern Ireland indicates that the marital status, race and religion of respondents are generally reflective of the population. However, the Police Ombudsman employs more males than females.

- The majority of respondents believe that existing policies and procedures do not adversely affect any persons within the 9 categories (included in section 75 of the Northern Ireland Act).
- Respondents believe that they have on no occasion been treated less favourably because of their status within the 9 categories.
- The majority of respondents believe that they are adequately aware of equality of opportunity within the Office.

The age of respondents was normally distributed with an average age of 37.

Figure 43: Age of Staff responding to survey



PROGRESSING AND ACHIEVING OBJECTIVES

Objective: Achieving high level of satisfaction through quality of investigation process.

Targets

- Carry out survey on levels of satisfaction on 50% of completed investigations by December 2003.
- Carry out 10 quality assurance audits on investigation processes by March 2004.
- Reduce average completion time for investigations to 90 working days excluding time beyond the control of the Police Ombudsman.

Objective: Developing and maintaining resource ability to conduct complex investigations

Targets

- Increase percentages of resources to investigations specified as intensive by July 2003.
- Put in place enquiry databases, support facilities, equipment and training for complex and intensive investigations by July 2003.

Objective: Promoting greater understanding and effective use of the police complaints system by those who use it

Targets

- Publish report on youth and policing in collaboration with NIPB by June 2003.
- Complete research on effectiveness of Informal Resolution process by October 2003.
- Review the nature and extent of complaints closed through non-cooperation by January 2004.

Objective: Planning for anticipated operational and legislative change

Targets

- Agree operating and resource arrangements with the NIO for investigation of police and practice and of police support personnel before commencement of new Policing Act.
- Establish a research framework for new functions by September 2003 subject to commencement of legislation.

Objective: Bringing to the attention of the PSNI and NIPB recommendations for improvements in policing that have been identified through investigations

Targets

- Undertake presentations on lessons learned from complaints and investigations to the Chief Constable and personnel in all PSNI DCUs before the end of March 2004.
- To participate fully and actively in initial and in-service training of police officers during 2003/2004.

Objective: Enhancing the programme of information and education regarding the role of the Police Ombudsman for the public, District Policing Partnerships and others

Targets

- Organise an international conference on police accountability for November 2003.
- Offer information events to all new District Policing Partnerships before the end of January 2004.
- Target information events widely in the community and to community groups and advice givers.
- Research continuing level of awareness and satisfaction of the Police Ombudsman complaints system through public independent survey by February 2004.

PROGRESSING AND ACHIEVING OBJECTIVES

- Volume of complaints going down
 - Volume of oppressive behaviour allegations going down
 - Drop in Use of Force related complaints significant
 - Customer satisfaction survey showing improvement
 - Audit and quality assurance reports showing improvement
 - Average completion time for investigation reducing
 - Surveillance Commissioner Report on procedures positive
-
- 63% of resources now going directly to investigations
 - 31% of resources going into complex and intensive investigations
 - Critical incident room and exhibits storage completed
 - Investigation software extended
 - Additional training on communications resourced
-
- Joint NIPB/Office Report on youth and policing published June
 - Joint youth conference project with PSNI and NIPB very successful
 - Successful informal resolution of complaints improving
 - Level of complaints which are closed through non-cooperation dropping
 - Brochure for all police officers explaining procedures produced and distributed
-
- Regulations for amended mediation powers not yet in place
 - Policy and practice investigation resources not yet approved
 - Structure for Policy and Practice operations now in place
 - First Policy and Practice investigation initiated
-
- Regular meetings with NIPB now agreed
 - Regular input to police officer induction and in-service training
 - Investigation reports identifying specific training needs responded to positively by PSNI
 - Trend and pattern information now used actively by Commanders
 - Special investigation Regulation 20 reports making impact on PSNI policy and practice
-
- Research reports contributing to debate in civilian oversight
 - Successful international conference held in November 2003
 - Information events to District Policing Partnerships well attended
 - Visits to schools and community groups have been well received
 - New Web site launched with excellent feedback
 - Regular participation in major conferences

PROGRESSING AND ACHIEVING OBJECTIVES

Objective: Achieving Investors In People and accredited programmes of training and staff development

Targets

- Prepare the organisation for assessment for the award of "Investors in People" by November 2003.
- Put in place a programme of accredited training and development for complaints and investigation staff by the end of March 2004.

Objective: Assessing the impact of policies on equality of opportunity as required by the Northern Ireland Act 1998 and in accordance with our Equality Scheme

Targets

- Provide first Report to the Equality Commission by July 2003.
- Complete impact assessment and produce results on awareness, independence and impartiality of the Police Ombudsman complaints system following three years operations by March 2004.
- Raise awareness of the equality of opportunity and provision of service of the Police Ombudsman complaints system, particularly among young people, the elderly and other categories of groups identified in the Northern Ireland Act 1998.

Objective: Continuing to build public and police confidence in the fairness, impartiality and independence of the Police Ombudsman complaints system as measured through research

Targets

- Maintain public awareness of the independence of the Office at current level (86%).
- Increase public confidence of impartiality and fairness of the Office to at least 75%.
- Build public confidence that the work of the Office will help police do a good job to at least 80%.
- Build confidence of police officers in the fairness, impartiality and independence of the Office of the Police Ombudsman to at least 50% in next 12 months.
- Build confidence of police officers that the work of the Office will help them do a good job to at least 60% in the next 12 months.

Objective: Formalising working relationships with key organisations

Targets

- Review working arrangements with NIPB in relation to provision of management and other information by August 2003.
- Fully satisfy the OOC on the compliance of the Office in relation to all Patten recommendations requiring action by the Police Ombudsman before December 2003.
- Continue to build relationships with the DPP and establish a protocol and working arrangements with the new Public Prosecution Service.
- Establish working arrangements with the District Policing Partnerships.
- Secure a working agreement with the Ministry of Defence Police.

Objective: Achieving operating cost targets in line with Business Plan for 2003/2004

Targets

As set in budget plan

PROGRESSING AND ACHIEVING OBJECTIVES

- Initial assessment of Investors in People carried out, but not finalised
 - 15 investigators almost completed first programme and accreditation with Portsmouth University
 - 11 other staff supported on recognised or accredited skills programmes
 - Wide range of skills training provided to other staff.
-
- Work in relation to Equality Scheme on target
 - Favourable progress report received from Equality Commission
 - Office Impact Assessment Survey indicated positive results
 - Work with young people well progressed
 - Staff representative of community
 - Complainants representatives of community
-
- 85% of public aware and confident of independence of Office
 - 76% confidence of impartiality of the Office
 - 86% of Catholics and 75% of Protestants think that the Office is helping police do a better job
 - 37% Catholic, 48% Protestant use of complaint system
 - 44% of police officers believe Police Ombudsman is not impartial
 - 58% of police officers believe in principle of independent investigation
 - 43% of police officers believe they should be able to complain about other members
-
- Working relationships with PSNI and police associations improving
 - Joint Working Committee agreed and planned
 - Protocols agreed with PSNI
 - Working relationship with the NIPB adequate
 - Compliance with the OOC extremely high
 - Initial work with Criminal Justice Inspectorate and Justice Oversight Commissioner positive
 - Initial work with Surveillance Commissioner positive
 - MoD Protocol now in place
-
- Distribution of resources well targeted to functions
 - Focus on operational requirements in investigations
 - Overall expenditure maintained well within limits
 - Fit for purpose improvements in accommodation



impartial | independent | investigation

SECTION 3

STATEMENT OF ACCOUNTS
1st April 2003 - 31st March 2004
UNAUDITED

FOREWORD

HISTORY AND STATUTORY BACKGROUND



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

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

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

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

UNAUDITED

PRINCIPAL ACTIVITIES

The purpose of the Office of the Police Ombudsman for Northern Ireland is to provide an independent and impartial police complaints service in which both the public and the police have confidence. The main activities of the Office include:

- Establishing an efficient, effective and independent police complaints system.
- Receiving complaints and other referred matters and deciding how to deal with them.
- Investigating complaints and keeping complainants and police officers informed as to progress.
- Seeking, when appropriate, to have complaints resolved through informal resolution.
- Notifying the Secretary of State, Policing Board and the Chief Constable of the outcome of complaints.
- Making recommendations, where appropriate, to the Director of Public Prosecutions for criminal action.
- Making recommendations, where appropriate, to the Chief Constable or the Policing Board for disciplinary action.
- Reporting annually to the Secretary of State.
- Carrying out inquiries as directed by the Secretary of State or as requested by the Policing Board.
- Reporting on priorities and policy matters to be drawn to the attention of the Chief Constable and the Policing Board.
- Providing statistical information to the Policing Board and to the Police Service.
- Carrying out research to inform and improve policing policy and practice.

FUNDING AND FINANCIAL POSITION

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

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

The financial position at the year end is set out in the Income and Expenditure Account included on page 58. The surplus for the year was £179,867.

EVENTS SINCE THE END OF THE FINANCIAL YEAR

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

FUTURE DEVELOPMENTS

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

FIXED ASSETS

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

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

SENIOR MANAGEMENT

The Office of the Police Ombudsman for Northern Ireland is headed by the Police Ombudsman who is supported by a Chief Executive and a Senior Management Team. A further development of the management structure took place during the year, creating the post of Director of Policy and Practice. The management structure at 31 March 2004 was as follows:

Mrs N O'Loan	Police Ombudsman
Mr S Pollock	Chief Executive
Mr D Wood	Executive Director of Investigations
Mr J Felice	Director of Investigations
Mrs O Laird	Director of Corporate Services*
Mr G Mullan	Director of Policy & Practice**
Mr E McMullan	Director of Legal Services***

Note

- * Mrs O Laird was appointed on 17th November 2003, replacing Mr J O'Hagan who left the organisation on 7th September 2003.
- ** Mr G Mullan was appointed as Director of Policy and Practice on 1st December 2003
- *** On career break since 1st January 2004

All other members of the Senior Management Team were in post during the period 1 April 2003 to 31 March 2004.

DISABLED EMPLOYEES AND EQUAL OPPORTUNITIES

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

The Office of the Police Ombudsman submitted an Equality Scheme in accordance with Section 75 of the Northern Ireland Act 1998. The Equality Scheme was approved by the Equality Commission in February 2003. The Police Ombudsman and her Senior Management Team are fully committed to the promotion of equality and will continue to consult extensively in the development and implementation of the Equality Scheme.

EMPLOYEE INVOLVEMENT

The Office of the Police Ombudsman recognises the importance of good industrial relations and is committed to effective employee communications. Trade Union representation is open to all employees and the Office has put in place a Joint Negotiating Consultative Committee.

PAYMENT OF SUPPLIERS

In line with the Better Payment Practice Code it is the policy of the Office of the Police Ombudsman for Northern Ireland to pay all invoices not in dispute within 30 days of receipt or if stated otherwise in accordance with agreed contractual terms. The Office aims to pay 100% of invoices, including disputed invoices, once the dispute has been settled, on time within these terms. During the year 1 April 2003 to 31 March 2004 the Office of the Police Ombudsman paid 98% of suppliers within 30 days, (98.3% for the year ended 31 March 2003).

UNAUDITED

HEALTH AND SAFETY

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

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

AUDITORS

The financial statements are audited by the Comptroller and Auditor General.

His certificate and report will be included in the published accounts following completion of the audit.

The audit fee for the work performed by his staff during the reporting period and which relates solely to the audit of these financial statements was £14,500.

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

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

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

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

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

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

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

Samuel D. Pollock,
BSc (Hons), Dip. App. Soc. Sts,
Chief Executive
30th June 2004

STATEMENT ON INTERNAL CONTROL

1. SCOPE OF RESPONSIBILITY

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

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

2. THE PURPOSE OF THE SYSTEM OF INTERNAL CONTROL

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

The system of internal control is based on an ongoing process designed to identify and prioritise the risks to the achievement the policies, aims and objectives of the Office, to evaluate the likelihood of those risks being realised and the impact should they be realised, and to manage them efficiently, effectively and economically. The system of internal control has been in place in the Office of the Police Ombudsman for the year ended 31 March 2004 and up to the date of approval of the annual report and accounts, and accords with treasury guidance.

UNAUDITED

3. CAPACITY TO HANDLE RISK

The Office of the Police Ombudsman's Senior Management Team is committed to achieving high standards of corporate governance throughout the organisation and to integrity and high ethical standards in all its dealings. Responsibility for implementing the risk management process rests with me, as Accounting Officer, supported by the Senior Management Team. A risk management policy and strategy has been established and has been communicated to all staff.

4. THE RISK CONTROL FRAMEWORK

In order to ensure risk management is embedded throughout the Office it is incorporated into the corporate planning process.

A risk register has also been established which includes all risks which have been identified prioritised by likelihood and impact. Each risk has been assigned with an owner who is responsible for ensuring that the necessary actions are undertaken within an established timescale. The risk register is regularly reviewed and updated accordingly. The key organisational risks have also been separately identified and are informed to staff through the internal website.

Further, the risk management process was audited within the financial year as part of the internal audit programme.

5. REVIEW OF EFFECTIVENESS

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

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

An Audit Committee was established in 2002 and provides an essential oversight of the controls and good governance of the Office. The Committee is self standing with a terms of reference and comprises representatives of the Police Ombudsman and the Department (Northern Ireland Office). I am required to report to this Committee quarterly or more often if required.

The Office is in the process of appointing independent non-executive membership to the Audit Committee in order to enhance and to be able to demonstrate more clearly the independence of the Committee.

U N A U D I T E D

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

The report includes the HIA's independent opinion on the adequacy and effectiveness of the Office's system of internal control. The internal audit report, completed during the period of the accounts, provided assurance that controls were operating adequately in respect of research and policy, complaints and investigations, legal services and financial management systems. In respect of risk management, the report commended the Office on the progress that had been made to date but highlighted a need to further develop Business Continuity Plans. This matter is now being addressed by the Office.

Samuel D. Pollock,
BSc (Hons), Dip. App. Soc. Sts,
Chief Executive
30th June 2004

UNAUDITED

OFFICE OF THE POLICE OMBUDSMAN FOR NORTHERN IRELAND
Income and Expenditure Account for the year ended 31 March 2004

	Note	2003/04 £	2002/03 £
Income			
Revenue Grant in Aid	1.2, 3	6,562,132	6,428,000
Expenditure			
Salaries and Wages	4	<u>4,104,370</u>	<u>3,966,011</u>
Depreciation	7	291,605	290,902
Other Operating Costs	5	2,277,895	2,333,726
Loss on disposal of fixed assets	7	-	10,932
Permanent diminution on revaluation of fixed assets	7, 12	<u>123,717</u>	<u>130,771</u>
Notional cost of capital	6	70,798	116,170
Total expenditure		6,868,385	6,848,512
Deficit of Income Over Operating Expenditure		<u>(306,253)</u>	<u>(420,512)</u>
Release from Government Grant Reserve re loss on disposal	7	-	10,932
Release from Government Grant Reserve re depreciation & diminution	12	415,322	421,673
Credit in respect of notional costs and cost of capital	6	70,798	116,170
Retain Surplus for the year		<u>179,867</u>	<u>128,263</u>

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

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

Statement of Total Recognised Gains and Losses

There are no other gains or losses for the year apart from the retained surplus above.

The notes on pages 61 to 72 form part of these accounts.

Samuel D. Pollock,
BSc (Hons), Dip. App. Soc. Sts,
Chief Executive
30th June 2004

UNAUDITED

OFFICE OF THE POLICE OMBUDSMAN FOR NORTHERN IRELAND
Balance Sheet as at 31 March 2004

	Note	as at 31 March 2004 £	as at 31 March 2003 £
Fixed Assets			
Tangible assets	7	1,767,761	1,767,519
Intangible assets	7	175,419	94,093
		<u>1,943,180</u>	<u>1,861,612</u>
Current Assets			
Debtors and prepayments	8	128,593	69,814
Cash at bank and in hand	9	377,977	241,727
		<u>506,570</u>	<u>311,541</u>
Creditors – amounts falling due within one year	10	<u>(222,518)</u>	<u>(210,056)</u>
Net Current Assets / (Liabilities)		284,052	101,485
Total Assets less Current Liabilities		2,227,232	1,963,097
Creditors – amounts falling due after more than one year	10	-	-
Provisions for liabilities and charges	11	(73,500)	(70,800)
		2,153,732	1,892,297
Financed By:			
Capital and Reserves	12		
General Fund		195,281	15,414
Government Grant reserve		1,958,451	1,876,883
		2,153,732	1,892,297

The notes on pages 61 to 72 form part of these accounts.

Samuel D. Pollock,
BSc (Hons), Dip. App. Soc. Sts,
Chief Executive
30th June 2004

U N A U D I T E D

OFFICE OF THE POLICE OMBUDSMAN FOR NORTHERN IRELAND
Cash Flow Statement for the year ended 31 March 2004

	Note	2003/04 £	2002/03 £
Net cash inflow from continuing operating activities	15	136,250	110,550
Capital expenditure	7	(290,868)	(218,069)
Net cash outflow before financing		(154,618)	(107,519)
Financing			
Grant in Aid to fund capital expenditure	12	290,868	215,000
Increase in cash and cash equivalents	16	136,250	107,481

The notes on pages 61 to 72 form part of these accounts.

Samuel D. Pollock,
BSc (Hons), Dip. App. Soc. Sts,
Chief Executive
30th June 2004

NOTES TO THE ACCOUNTS

1. ACCOUNTING POLICIES

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

1.1 ACCOUNTING CONVENTION

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

Without limiting the information given, the accounts meet:

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

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

in so far as those requirements are appropriate.

1.2 GRANT IN AID

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

U N A U D I T E D

Income and Expenditure Account.

1.3 VALUE ADDED TAX

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

1.4 FIXED ASSETS

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

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

Leasehold improvement expenditure has been capitalised and is restated at current cost using professional valuations every year. Valuations are carried out each year by professional external valuers, employed by the Valuation and Lands Agency, in accordance with the Appraisal and Valuation Manual prepared and published by the Royal Institution of Chartered Surveyors, as at 31 March. The unexpired term in respect of the lease for New Cathedral Buildings is eleven years, with an option to extend it for a further ten years.

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

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

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

The estimated useful lives of fixed assets are summarised under each category below:
The threshold levels will be reviewed regularly and revised to reflect the effect of inflation on asset values. The estimated useful lives of assets will also be reviewed regularly and when necessary revised.

1.5 PENSION COSTS

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

2. FINANCIAL TARGETS

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

UNAUDITED

3. INCOME

	2003/04	2002/03
	£	£
HMG		
Grant in Aid received, from the Northern Ireland Office, Request for resources 1, for revenue expenditure	6,562,132	6,428,000
Other income		
Miscellaneous receipts	-	-
Total Income	6,562,132	6,428,000
HMG		
Grant in Aid received, from the Northern Ireland Office, Request for resources 1, for capital expenditure	290,868	215,000
Total Grant in Aid received	6,853,000	6,643,000

4. STAFF COSTS AND NUMBERS

4.1 Staff costs incurred during the period were as follows:

	2003/04	2002/03
	£	£
Directly employed Police Ombudsman staff		
Wages and salaries	2,541,288	2,239,463

Name / Title	Column 1 Salary including performance pay (£'000)	Column 2 Benefits in Kind (rounded to nearest £100) (£'000)	Column 3 Real increase in pension and related lump sum at age 60 (£'000)	Column 4 Total accrued pension at age 60 at 31/03/04 and related lump sum (£'000)	Column 5 CETV at 31/03/04	Column 6 CETV at 31/03/04	Column 7 Real increase in CETV after adjustment for inflation and changes in market investment	Column 8 Employer contribution to partnership pension account including risk benefit cover - to nearest £100
Mrs. Nuala O'Loan Police Ombudsman	Wages and salaries 924,956	N/A	0 - 2.5 plus 5 - 7.5 lump sum	20 - 25 plus 65 - 70 lump sum	329	382	32	1,091,284
	Social security costs					82,916		94,065
Mr. Samuel Pollock Chief Executive	Employer's pension contributions		0 - 2.5 plus 2.5 - 5 lump sum	0 - 5 plus 5 - 10 lump sum	28	46	16	85,202
	Total seconded staff costs					1,064,594		1,270,651
Mr. David Wood Executive Director of Investigations	Total staff costs	110 - 115 £32,600	N/A	N/A	N/A	N/A	N/A	N/A
						4,104,370		3,966,011
*Mr. Jim O'Hagan Director of Corporate Services (left 7/9/03)	20 - 25	N/A	0 - 2.5 plus 0 - 2.5 lump sum	10 - 15 plus 10 - 15 lump sum	118	117	1	N/A
*Mrs. Olwen Laird Director of Corporate Services (appointed 17/11/03)	15 - 20	N/A	0 - 2.5 plus 0 - 2.5 lump sum	0 - 5 plus 0 - 5 lump sum	0	0	0	N/A
**Mr. Eunan McMullan Director of legal Services	30 - 35	N/A	0 - 2.5 plus 0 - 2.5 lump sum	5 - 10 plus 15 - 20 lump sum	85	93	4	N/A
Mr. Justin Felice Director of Investigations	70 - 75	£10,100	N/A	N/A	N/A	N/A	N/A	N/A
***Mr. Greg Mullan Director of Policy & Practice (appointed 1/12/03)	10 - 15	N/A	0 - 2.5 plus 0 - 2.5 lump sum	10 - 15 plus 30 - 35 lump sum	145	166	11	N/A

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

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4.2 THE AVERAGE NUMBER OF FULL TIME EQUIVALENT PERSONS EMPLOYED DURING THE PERIOD WERE AS FOLLOWS:

	2003/04	2002/03
	No.	No.
Directly employed Police Ombudsman staff		
Management and executive	5	6
Administrative and support staff	40	32
Complaints and investigation officers	57	50
Seconded staff		
Management and executive	2	2
Administrative and support staff	-	-
Complaints and investigation officers	16	16
Total	120	106

4.3 POLICE OMBUDSMAN'S REMUNERATION

During the year the Police Ombudsman's total remuneration, excluding pension contributions, was £89,155 (£83,234 for the year ended 31 March 2003). The Police Ombudsman is an ordinary member of the Principal Civil Service Pension Scheme.

4.4 SENIOR MANAGEMENT TEAM REMUNERATION

The salary, pension entitlements and the value of any taxable benefits in kind of the senior management team, during the year, are disclosed below:

4.4 SENIOR MANAGEMENT TEAM REMUNERATION (CONTINUED)

- * Mr. J. O'Hagan left the Office of the Police Ombudsman on 7th September 2003. Mrs. O. Laird was appointed as replacement for Mr. J. O'Hagan on 17 November 2003.
- ** Mr. E. McMullan commenced a career break on 1 January 2004.
- *** Mr. G. Mullan was appointed as Director of Policy & Practice on 1 December 2004.

Salary

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

Benefits in Kind

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

Mr. David Wood, Executive Director of Investigations, is seconded to the Office of the Police Ombudsman for Northern Ireland from the Metropolitan Police Service. He remains an employee of that organisation and his salary costs reflect the amount reimbursed by the Office of the Police Ombudsman to the Metropolitan Police Service in respect of his salary and allowances. The Office of the Police Ombudsman has no responsibility for his pension. During the year benefits in kind, arising from the provision of a vehicle, the payment of a rent and utilities allowance and the associated taxation costs, amounting to £32,600 (£22,000) for the year ended 31 March 2003) were met by this Office.

Mr. Justin Felice, Director of Investigations, is seconded to the Office of the Police Ombudsman for Northern Ireland from the Lancashire Constabulary. He remains an employee of that organisation and his salary costs reflect the amount reimbursed by the Office of the Police Ombudsman to the Lancashire Constabulary in respect of his salary and allowances. The Office of the Police Ombudsman has no responsibility for his pension. During the year benefits in kind, arising from the payment of a rent and utilities allowance and the associated taxation costs, amounting to £10,100 (none for the year ended 31 March 2003) were met by this Office.

UNAUDITED

4.5 PENSIONS

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

Employee contributions are set at the rate of 1.5% of pensionable earnings for classic and 3.5% for premium and classic plus. Benefits in classic accrue at the rate of 1/80th of pensionable salary for each year of service. In addition, a lump sum equivalent to three years' pension is payable on retirement. For premium, benefits accrue at the rate of 1/60th of final pensionable earnings for each year of service. Unlike classic, there is no automatic lump sum (but members may give up (commute) some of their pension to provide a lump sum). Classic plus is essentially a variation of premium, but with benefits in respect of service before 1 October 2002 calculated broadly as per classic.

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

Further details about the CSP arrangements can be found at the website www.civilservice-pensions.gov.uk

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

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

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

UNAUDITED

For the year employers' contributions of £315,511 were payable to the Principal Civil Service Pension Scheme (£300,684 for the year ended 31 March 2003) at one of four rates in the range 12 to 18.5% of pensionable pay, based on salary bands. Rates will remain the same for the next year, subject to revalorisation of the salary bands. Employer contributions are to be reviewed every four years following a full scheme valuation by the Government Actuary. The contribution rates reflect benefits as they are accrued, not when costs are actually incurred, and reflect past experience of the scheme.

5. OTHER OPERATING COSTS

	2003/04	2002/03
	£	£
Travel and subsistence	<u>333,509</u>	<u>372,420</u>
Training, recruitment and other personnel costs	569,195	607,367
Redundancy Costs	15,788	-
Rent, rates, maintenance, electricity and other accommodation costs	338,712	304,516
Consultancy and legal costs	90,563	118,860
Information and media	107,323	64,549
Printing, stationery, postage and office equipment	102,635	100,628
Direct case investigation costs	90,084	54,697
Computer support including maintenance and telecommunications	282,340	301,870
Operating leases; photocopying machines	18,023	25,267
Operating leases; other	254,574	241,136
Other costs	57,949	58,616
External audit fee	14,500	13,000
Provisions - provided in year	2,700	70,800
Total	<u>2,277,895</u>	<u>2,333,726</u>

During the year the Office of the Police Ombudsman used 5 administrative agency staff, for varying periods of time, to provide temporary administrative cover, at a cost of £47,062 (£52,994 for the year ended 31 March 2003), included above under training, recruitment and other personnel costs.

_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
=====	=====	=====	=====	=====	=====

UNAUDITED

6. NOTIONAL COST OF CAPITAL

A capital charge, reflecting the cost of capital utilised by the Office of the Police Ombudsman, is included in the Income and Expenditure Account along with a reversing notional income to finance the charge. The charge is calculated at the Government's standard rate of 3.5% (6% for the year ended 31 March 2003) of the average capital employed, defined as total assets less total liabilities.

For the purpose of this calculation the opening capital employed as at the 1 April 2003 and the closing capital employed as at 31 March 2004 have been used.

	2003/04	2002/03
	£	£
Interest on capital employed	<u>70,798</u>	<u>116,170</u>

A notional credit equal to the interest on capital employed is included in the Income and Expenditure Account.

7. FIXED ASSETS

	Land & buildings, leasehold improvements New Cathedral Buildings	Furniture & fittings	Information technology	Intangible assets purchased		Total assets
				Total tangibles	software licences	
	£	£	£	£	£	£
Cost or Valuation						
At 1 April 2003	1,265,000	149,052	780,502	<u>2,194,554</u>	154,324	<u>2,348,878</u>
Additions	32,359	23,380	102,475	158,214	132,654	290,868
Revaluation	(47,359)	(489)	(89,111)	(136,959)	(25,555)	(162,514)
Disposals	-	-	-	-	-	-
At 31 March 2004	1,250,000	171,943	793,866	2,215,809	261,423	2,477,232
Depreciation						
At 1 April 2003	105,417	31,350	290,268	427,035	60,231	487,266
Charge for year	100,605	15,872	142,919	259,396	32,209	291,605
Backlog	(206,022)	(56)	(32,304)	<u>(238,382)</u>	(6,437)	<u>(244,819)</u>
Disposals	-	-	-	-	-	-
At 31 March 2004	0	47,166	400,883	<u>448,049</u>	86,003	<u>534,052</u>
Net Book Value						
At 1 April 2003	1,159,583	117,702	490,234	1,767,519	94,093	1,861,612
At 31 March 2004	1,250,000	124,777	392,983	1,767,760	175,420	1,943,180

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Leasehold improvements have been valued by Valuation & Lands Agency on the existing use basis at £1,250,000 at 31 March 2004 . The open market valuation at that date was £100,000.

8. DEBTORS

	as at 31 March 2004 £	as at 31 March 2003 £
Debtors	17,814	9,495
Prepayments	<u>110,779</u>	<u>60,319</u>
	128,593	69,814

Amounts falling due after one year

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

9. CASH AT BANK AND IN HAND

	as at 31 March 2004 £	as at 31 March 2003 £
Bank	377,577	241,047
Cash	400	680
	377,977	241,727

10. CREDITORS

	as at 31 March 2004 £	as at 31 March 2003 £
Amounts falling due within one year		
Taxation, pension and social security accruals	2,269	-
Trade creditors	92,032	15,493
Consolidated fund extra receipts received and receivable due to be paid to the consolidated fund	-	9,057
Other accruals	128,217	185,506
	222,518	210,056

Amounts falling due after one year

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

=====	=====	=====	=====
=====	=====	=====	=====

UNAUDITED

11. PROVISION FOR LIABILITIES AND CHARGES

	as at 31 March 2004 £	as at 31 March 2003 £
Balance as at 1 April 2003	70,800	-
Provided in year	2,700	70,800
	73,500	70,800

Legal Claims

Provision has been made for various legal claims against the organisation. The provision reflects a reliable estimate, based on legal advice, of the amount of the claims. The amount provided is on a percentage expected probability basis and reflects the estimated legal costs with regard to these cases. Generally judicial reviews do not have any award of damages. Expenditure is likely to be incurred within one year. No re-imbursement is likely to be received in respect of any of these claims.

There are no contingent liabilities as at 31 March 2004.

12. RECONCILIATION OF MOVEMENT ON GENERAL FUND AND RESERVES

	General Fund £	Government Grant Reserve £	2003/2004 Total £	2002/03 £
Opening balance at 1 April 2003	15,414	1,876,883	1,892,297	1,980,042
Grant in Aid received to fund capital assets	-	290,868	290,868	215,000
Transfer from Income and Expenditure Account	179,867	-	179,867	128,263
Diminution arising on revaluation of fixed assets	-	(123,717)	(123,717)	(130,771)
Depreciation transferred to Income and Expenditure Account	-	(291,605)	(291,605)	(290,902)
Loss on disposal transferred to Income and Expenditure Account	-	-	-	(10,932)
Surplus on revaluation of fixed assets	-	-	-	1,597
Adjustment for backing depreciation on land and buildings		206,022	206,022	-
Balance at 31 March 2004	195,281	1,958,451	2,153,732	1,892,297

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

	2003/04 £	2002/03 £
Diminution arising on revaluation of fixed assets	(82,305)	130,771
Depreciation transferred to Income and Expenditure Account	291,605	290,902
	209,300	421,673

UNAUDITED

13. CAPITAL COMMITMENTS

As at 31 March 2004 the Office of the Police Ombudsman for Northern Ireland had contracted capital commitments with three suppliers amounting to approximately £42,000 (£8,251 as at 31 March 2003).

14. COMMITMENTS UNDER OPERATING LEASES

	Buildings £	Other £	Total £	as at 31 March 2003 £
Operating leases expiring:				
Within one year	-	3,383	3,383	-
Between one and five years	-	16,837	16,837	39,473
After five years	223,250	-	223,250	223,250
Total	223,250	20,220	243,470	262,723

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

	2003/04 £	2002/03 £
Operating deficit	(306,253)	(420,512)
Depreciation charge	291,605	290,902
Loss on disposal of fixed assets	-	10,932
Permanent diminution in value of fixed assets	123,717	130,771
Notional costs/cost of capital	70,798	116,170
Provisions made in year	2,700	70,800
(Increase)/decrease in debtors and prepayments	(58,779)	(10,675)
Increase/(decrease) in creditors and accruals	12,462	(77,838)
 Net cash inflow/(outflow) from operating activities	 136,250	 110,550

16. ANALYSIS OF CHANGES IN CASH

	2003/04 £	2002/03 £
Opening balance at 1 April 2003	241,727	134,246
Increase in cash	136,250	107,481
 Closing balance at 31 March 2004	 377,977	 241,727

17. RELATED PARTY TRANSACTIONS

UNAUDITED

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

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

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

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

18. FINANCIAL INSTRUMENTS

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

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

Liquidity risk

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

Interest-rate risk

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

Currency risk

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

Fair values

The book values and fair values of the Office of the Police Ombudsman's financial assets and financial liabilities as at 31 March 2004 are set out below:

Primary financial instruments:

	Book value	Fair value
	£	£
Financial assets:		
Cash at bank	377,977	377,977
Financial liabilities:		
None	N/A	N/A

