

# Annual Report and Accounts

For the year ended 31 March 2006

Together with the Report of the Comptroller and Auditor General



## *Glossary of Abbreviations*

ACPO	-	Association of Chief Police Officers
AEP	-	Attenuated Energy Projectiles
BME	-	Black and Minority Ethnic
C&AG	-	Comptroller and Auditor General
CETV	-	Cash Equivalent Transfer Value
CS Vote	-	Civil Service Vote
DCU	-	District Command Unit
FRS	-	Financial Reporting Standard
IIP	-	Investors in People
ILEF	-	International Law Enforcement Forum
IPCC	-	Independent Police Complaints Commission
LGB	-	Lesbian Gay and Bisexual
NDPB	-	Non Departmental Public Body
NIO	-	Northern Ireland Office
NIPB	-	Northern Ireland Policing Board
NISRA	-	Northern Ireland Statistical Research Agency
PCSPS	-	Principal Civil Service Pension Scheme
PPS	-	Public Prosecution Service (formerly DPP)
PSNI	-	Police Service of Northern Ireland
RUC	-	Royal Ulster Constabulary

# Police Ombudsman for Northern Ireland

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## **ANNUAL REPORT AND ACCOUNTS FOR THE YEAR ENDED 31 MARCH 2006**

Together with the Report of the Comptroller and Auditor General

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

19th July 2006

Ordered by the House of Commons to be printed 19 July 2006

## Foreword

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Dear Secretary of State

I am pleased to submit to you our Annual Report and Accounts for the year 2005/06 as required by s.61 of the Police (Northern Ireland) Act 1998.

We are all aware of the immense changes in the structures, direction and governance of policing in Northern Ireland over the past six years. The nature and the speed of change has been unrelenting and I admire, as many do, the willingness of so many people within our society and within policing who are determined to make our systems and practice of policing the very best in the world. In terms of building a firm structure of accountability I trust that Members of Parliament and Government will view the information in this Report and Account as a significant contribution to the governance of the conduct and practice of policing. Whatever the difficulties and challenges I face at times with the Police Service of Northern Ireland, I can report a willingness by the Chief Constable and many of his staff in responding positively to the requirements of the legislation which governs the police complaints system.

I would like to acknowledge your interest and support during the past year and in particular to thank you for taking the time to award 23 of our investigators with the Certificate of Accreditation in Investigation from Portsmouth University in February. I also acknowledge the ongoing assistance and support of the Department through your officials.

You will know that this year the Treasury issued detailed guidance for Accounting Officers in relation to the production of Annual Reports. My Accounting Officer, Chief Executive Sam Pollock, has endeavoured to produce this Report and Account in line with the Government Financial Reporting Manual and, therefore, it takes a slightly different format from previous years. The changes have also required significant effort on the part of our Auditors in auditing the report and I am indeed grateful to our Auditors and the Audit Committee for achieving very tight deadlines this year.

Finally I want to thank my staff for their continuing effort in what is a challenging and difficult area of work.

I commend this Report to you.

Yours sincerely

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

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

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# Report of the Police Ombudsman

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## GROWING WORK LOAD

The year 2005/06 has been the most challenging year since the establishment of my Office. During the year there was an increase in the work of the Office of some 23 per cent. The level of allegations with which we have to deal increased from 4,386 in 2004/05 to 5,381 of 2005/06. This together with a high level of Chief Constable referrals and other matters which required investigation, meant that the Office has been under significant pressure throughout the reporting period. I note with interest a significant rise in complaints relating to failure of duty (a rise of 75 per cent over the last three years) which would appear to indicate an enhanced level of expectation by the public of the police and a belief that there is purpose in making a complaint.

## CHANGES IN THE CRIMINAL JUSTICE SYSTEM

This has been a year during which significant changes have been made to criminal justice and policing structures across the United Kingdom and these will impact on us as we have been given responsibility for serious complaints against the Serious Organised Crime Agency which came into existence on 1 April 2006. At the request of Government, it is anticipated that we will also be responsible for the investigation of serious complaints against staff of the Immigration Service and of Her Majesty's Revenue and Customs. Such an extension of the mandate of the Office would require to be resourced from the Departments concerned and these matters remain under discussion at the present time. Assumption of responsibility in respect of such matters would bring the number of organisations for which the Office has responsibility to eight. Our responsibility for the investigation of complaints against the PSNI is also being further developed, as legislation is currently being enacted to bring complaints against designated civilian officers of the PSNI within the remit of my Office.



*Former Northern Ireland Security Minister Shaun Woodward  
with Mrs Nuala O'Loan*

## HISTORIC ENQUIRIES

During the year the PSNI Historic Enquiries Team came into existence, with a remit to review and where necessary investigate all deaths which occurred as a consequence of the Troubles during and after 1969. The establishment of the Historic Enquiries Team was a significant event for my Office. Under the law the Chief Constable must refer to me any case in which a death may have resulted from the conduct of a police officer. The consequence of this is that the PSNI have no jurisdiction over a significant number of cases, which must by law be referred to this Office. To date some 78 cases have been identified and nine have already been received. This work is additional to the planned work of the Office, and has necessitated a request to Government for funding to enable the work to be done. The response was that funding for the cases which we would receive would be proportionate to the number of cases with which we would be required to deal, having regard to the total number of deaths to be reviewed and investigated. The sum of £93,000 was allocated for the three months from January to March 2006, pending a decision by the Northern Ireland Office as to the allocation of appropriate resources. I continue to have concerns about those cases in which non-police officers are alleged to have committed offences together with police officers. My inability to investigate anything other than a police officer means that in those cases we cannot conduct a fully compliant Article 2 investigation.

## CAUSE OF CONCERN

There are significant issues with which this Office must deal in the context of PSNI's Historic Enquiries Team. In the first instance the law requires that all matters referred by the Chief Constable "shall be investigated." Obviously this Office faces the same challenges in investigation as those faced by the Historic Enquiries Team. A particular problem, which is faced on a fairly regular basis, involves retired officers who are witnesses in matters in which they were involved as serving members of the RUC/PSNI. Many such officers are unwilling to engage with investigations, and to provide to the investigation the knowledge which they have, despite the fact that these historic investigations all involve grave or exceptional matters and to date have, with one exception, related to murders. It is regrettable that former officers who are, or may be, in possession of information which might well assist such investigations, and ultimately bring closure to many families, decline to co-operate. This has been a cause of concern to me since the Office opened.

## CURRENT SIGNIFICANT INVESTIGATIONS

The investigations referred by the Chief Constable as a consequence of the work of the Historic Enquiries Team are in addition to those in which families have alleged police wrongdoing in relation to other matters. Those routinely form part of the work of the Office, and matters the subject of complaint this year include the police handling of the bomb at McGurk's Bar in Belfast, in which 15 people died, and allegations in relation to the shooting incident at Greysteel in which 7 people died. Major incidents referred to the office under the Chief Constable referral protocol, or as a consequence of complaints during the year, relate to a tragic drowning in Warrenpoint, a fatal Road Traffic Accident in Ballymoney, the Northern Bank Robbery, a death in custody in Lisburn, a double fatal road traffic accident in Castledawson and matters relating to the events of serious public disorder involving gunfire directed at the police and by the police last September. The use of AEPs (attenuated energy projectiles – the replacement for the Baton Round) is also routinely investigated by agreement with the Chief Constable and last year we had three referrals to examine.

## MAJOR INVESTIGATION REPORT AWAITED

In 2003 a young man called Neil McConville died after being shot by a police officer. He was in a car with another man. Police had determined that there was a necessity to stop the vehicle. After the vehicle had come to a halt both men had been shot. Neil McConville died of his injuries. Following a lengthy investigation we finished the investigation in December 2005. Unfortunately, owing to ongoing legal proceedings involving the man who was in the car with Neil McConville, it has not been possible to publish the findings of this investigation. However, cognisant of our obligations under Article 2 of the European Convention on Human Rights, we briefed the family extensively, but confidentially as to our findings. When the legal proceedings affecting the man who was in the car with Mr McConville have concluded, we will be in a position to publish our findings. In the interim, we have communicated to the Chief Constable all the findings and recommendations of this investigation.

## SERVING ALL THE PEOPLE

We are pleased that the evidence confirms that we continue to serve both communities, that there appears to be a continuing acceptance of the independence and impartiality of the Office across all our communities and also a growing perception that we contribute to the improvement of policing. It has always been the case that many of those who complain against public sector organisations seek to understand why what happened to them occurred, and also the case that they seek to ensure that, where possible, processes and policies are changed to facilitate an enhanced level of service delivery. That 83 per cent of those surveyed consider that we contribute to the improvement of policing is important – it demonstrates that in the eyes of the public we are making that contribution which goes beyond the resolution of individual matters to the enhancement of police service delivery. This is something to which we have aspired since the creation of the office on 6 November 2000.

## BEING AVAILABLE AND ACCESSIBLE

During the year we attended about a hundred meetings with groups across Northern Ireland ranging from Tenants Action Projects to District Policing Partnerships to youth groups and schools. These events are very worthwhile, and we have been pleased that we have learned much from these meetings. On occasion we have been able to facilitate communities not just in interacting with our Office and using the service which is there for them, but also in developing their relationships with the police.

## PROMOTING DEVELOPMENT THROUGH RESEARCH

Our programme of research and analysis has enabled us to publish nine major reports, into matters such as CS Spray use, baton round use and our Equality Monitoring Report, in addition to our Annual Report and Business Plan. Together with the investigation reports which are also posted on the website, these reports should provide a high level of information about police accountability in Northern Ireland. Each month and each quarter we release reports on trends and patterns to the Policing Board and Police Commanders which are used constructively in policy, practice and training developments.

## THE TRANSFER OF NATIONAL INTELLIGENCE RESPONSIBILITIES FROM THE PSNI TO MI5

It is anticipated that in 2007 responsibility for the management of national security will pass from the PSNI to the Security Service. I have significant concerns about the implications of this. Under current arrangements all PSNI informant handlers, controllers and managers are accountable for their conduct to my Office. I also have a statutory right to all material and information held by the PSNI. This gives my Office a right of access to national intelligence material. This has proved critical for the investigation of allegations against the police. The link between organised crime and paramilitary organisations in Northern Ireland is widely recognised and the Chief Constable, on occasion, attributes specific crimes to identified paramilitary organisations. Where there is a complaint of collusion by the police (whatever the nature of that alleged collusion) access to intelligence is essential. Where the complaint received is, for example, one of failure to investigate a serious crime it is necessary to establish what intelligence was available to those investigating that crime, what use was made of such intelligence as was made available, and what intelligence should have been made available. On occasion it is equally necessary to see whether a crime could have been prevented. It is vitally important that my Office retains an ability to access relevant information and intelligence matters. We are therefore currently in discussion with the Security Services, who have no obligation to disclose material to us, attempting to reach a protocol which would facilitate our access to material held by the Security Service. It would, of course, be preferable for there to be an appropriate legislative imperative on the Security Services to disclose information.

## COMMUNICATIONS WITH POLICE

The establishment of the Joint Communications Group including the PSNI and the police staff associations continues to develop. The purpose of this Group, which meets quarterly, is to identify and address issues of concern to the various participants. The Group has met regularly and my Chief Executive has ensured that this Office plays its part constructively and purposefully. It has been a useful initiative. In addition to this we have continued to meet regularly with the Police Federation, and with the Superintendents Association. My Policy and Practice Directorate has since September 2005 been surveying all officers who have been the subject of investigations which have been closed. The purpose of this survey which was initiated following consultation with PSNI and the police staff associations is to establish the nature of officers' experience of being the subject of investigation by this Office, and of being the subject of informal resolution, by PSNI officers, of a complaint. The early results are most encouraging.

## JOINT WORK IN TRAINING

Over the year we have continued to commit significant resources to police training events, and we have met some 2500 police officers at 126 different events. Both the Criminal Justice Inspector and the Northern Ireland Affairs Committee encouraged us to continue this level of interaction with groups of police officers, and we have endeavoured to sustain the programme. However the recent increases in our workload make it less likely that we will be able to continue this level of interaction.



*Mrs Nuala O'Loan chats with (from left) Secretary of State Peter Hain, Deputy Chief Constable Paul Leighton, and Professor John Craven, Vice Chancellor of Portsmouth University. They met during a graduation ceremony for more than 20 investigators who had completed the Police Ombudsman's Accredited Training Programme.*

## CRIMINAL JUSTICE INSPECTORATE

In December 2005 the Criminal Justice Inspectorate produced its inspection report on the Office. Inspectors reported that the Office:

- is well and tightly managed;
- staff were motivated by the work they do and enthusiastic about it;
- gave equality and human rights issues a high priority;
- is a learning organisation showing real commitment to continuous improvement;
- has a comprehensive outreach programme that has yielded positive results with the public and stakeholders;
- has gained international recognition as the 'gold standard' for police complaints systems.

The Criminal Justice Inspectorate's overall assessment is that the Office is effective and efficient and keen to improve further. The report made a number of recommendations which were welcomed and are being actioned by the Office. The report is available at [www.cjini.org](http://www.cjini.org)



“Its task is a unique one and in the current situation devoting around one percent of the cost of policing to providing a genuinely independent police complaints service cannot be regarded as disproportionate”.

**CRIMINAL JUSTICE INSPECTORATE**

### OTHER CRIMINAL JUSTICE ORGANISATIONS

The Office continues to work with other organisations which operate in the criminal justice field. We were disappointed that, although we had hoped to secure two meetings during the year, the Northern Ireland Policing Board only met with us on one occasion, although we had a couple of meetings with a committee of the Board. We welcome the creation of the new Board and look forward to our first meeting with them and to enhanced working relationships. We continued our programme of very useful meetings with District Policing Partnerships. The Oversight Commissioner, the Surveillance Commissioner, and the Interception Commissioner continue to inspect the Office and have all reported very positively on procedures and compliance by the office with its statutory and other obligations. The PPS have now, following consultation, established a separate unit to deal with Police Ombudsman cases in the hope that matters will be dealt with as rapidly as possible. We welcome this development.



*The Police Ombudsman, Mrs Nuala O'Loan and her Chief Executive, Sam Pollock (right), pictured with Northern Ireland Prisons Ombudsman, Brian Coulter (left), during a visit to the Police Ombudsman's offices.*

### EXCELLENCE IN TRAINING

Over recent years we have been engaged in a university training programme for investigators, which we created in conjunction with, and which is accredited by the University of Portsmouth. It was the first course of this kind in the United Kingdom. We held the first formal graduation programme for graduates of this course during the year and were delighted to welcome Mr Peter Hain, the Secretary of State for Northern Ireland, the Vice-Chancellor of the University of Portsmouth, the Oversight Commissioner, the Chairman of the Policing Board and the Deputy Chief Constable to the event.



*The Secretary of State, Peter Hain, meets a Police Ombudsman Investigating Officer.*

### INVESTORS IN PEOPLE ACCREDITATION

We were very pleased to be awarded IIP status in recognition of our ongoing programmes of staff care, training and development. This recognition of the involvement of all our staff in a process of continuous development, and of our efforts to create a very positive working environment is very welcome. Our commitment to the training and development of all our staff has been an important factor, and the fact that the Office provided almost 481 training events for individuals over the year demonstrates the extent of our commitment to training.

### DEVELOPING OUR WORK

Since I was appointed I have sought to arrange for the development of an alternative process of complaint handling which appears to be particularly suitable for some of the matters which we must currently investigate. A huge amount of work has been done in conjunction with all interested parties to develop a mediation model, which could be used to resolve complaints. The Northern Ireland Affairs Committee in its Report on this Office said that there was a strong case for amending the law to enable mediation and the Criminal Justice Inspector also endorsed the proposal in his recent Report on the Office. It has been a very lengthy process, but we hope that we are now nearing the situation in which government can move to amend the legislation to allow us to use this method of alternative dispute resolution, which is proving very effective in many different sectors.

## INTERNATIONAL INTEREST

Since the Office opened we have been the focus of much interest and attention. Over the year we have received visitors from many different countries all of whom seek to learn more about the process of police complaints here. Visitors from countries such as Brazil, Russia, America, Columbia, South Korea all want to spend time with us. We have continued to co-operate with our sister organisation in England and Wales, the IPCC, and have been engaged with the newly appointed Garda Ombudsman Commission in Ireland as they move into the establishment of their office and all its processes. We are pleased to receive such visitors, and have also responded to consultations about accountability issues across a range of sectors such as the Defence Select Committee considering the appointment of an ombudsman service for complaints against the military and the Joint Committee of the House of Lords and House of Commons on Human Rights. I was also asked to attend as a member of a panel of international experts advising the Arar Commission in Canada in relation to matters of accountability in the context of national security issues. The two most senior members of my Investigations Directorate are members of the International Law Enforcement Forum (ILEF) and on ACPO Professional Standards and Anti-Corruption Committees. These engagements enable a high level of interaction with the global community and facilitate our continued development of our services.



*Mrs Nuala O'Loan with Dirk Reyneveld Q.C.,  
Police Complaints Commissioner for Canada*

## LOOKING FORWARD

There is no sign that the massive workload which we encountered this year will diminish. We seek to develop and fine-tune our systems in the hope that we will be able to bring complaints to completion more rapidly. I am acutely aware of the fact that complaints take longer to investigate than we would wish. We hope that the police will also seek ways to speed up the delivery of material to us, because although in many cases responses are very rapid, we still encounter many delays in our interactions with the police. We hope also that arrangements to interview officers will be able to be made more speedily.

We are concerned about the level of resources which we have available to deal with these matters. The procurement of our new Case Handling System has been underway during the year. The project is managed by the Senior Director of Investigations who leads a multi-disciplinary team, which reports to a Project Board which I chair. We anticipate that the new system will significantly enhance our case handling processes.



*Irish Foreign Minister Dermot Ahern pictured with Mrs Nuala O'Loan  
during a visit to the Police Ombudsman's offices  
at New Cathedral Buildings, Belfast*

## FIVE YEARS ON

We are currently engaged in the statutory five year review of the operation of the legislation governing the Office. This is a very large exercise and involves extensive consultation. We hope through this process to identify further efficiencies and thus to ensure that the Office will continue to be capable of performing the very demanding and challenging tasks which it has been given. I will report to the Secretary of State in this current year as to how the law regulating the police complaints system has worked over the last five years with some recommendations for consolidating and improving its effectiveness. The consultation process which will lead to that Report is ongoing at the present time.

All in all a huge amount of work has been done and continues to be done by my staff in the service of the people and the police of Northern Ireland.

## NUALA O'LOAN Police Ombudsman for Northern Ireland

# Report of the Chief Executive

## INTRODUCTION

This is the fifth Annual Report to be issued by the Police Ombudsman and I agree with her that the last year has been most challenging. The weight of duties laid upon the Police Ombudsman, the investigation challenges for our staff, and the pressure on our resources, have been significant. The work of all Directorates within the Office is illustrated in detail in the Review of the Work and Performance of the Office pages 16 to 45. I also recommend you to visit our website for more detail on our work. [www.policeombudsman.org](http://www.policeombudsman.org)

I am pleased to report to the Police Ombudsman and through her to the Secretary of State on the business and performance of the Office. I appreciate the work of our Directors and staff in providing information and detail for this Report. I also appreciate the great effort of the Auditors in undertaking their audit work in time to meet the statutory requirement for this Report to be laid in Parliament in July.

## STATUTORY DUTIES AND BACKGROUND

The Office of the Police Ombudsman for Northern Ireland was established under the Police (Northern Ireland) Act 1998, accountable to Parliament through the Secretary of State for Northern Ireland. The Office 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 is a Non Departmental Public Body (NDPB). It is not governed by a Board but is headed by the Police Ombudsman who is appointed by Royal Warrant and serves for a period of seven years. The status of the Police Ombudsman is that of corporation sole.

## PRINCIPAL ACTIVITIES

The Office of the Police Ombudsman for Northern Ireland provides an independent impartial police complaints system for the people and the police of Northern Ireland. It investigates complaints against the Police Service, the Belfast Harbour Police, the Belfast International Airport Police and Ministry of Defence Police in Northern Ireland and the Serious Organised Crime Agency when it's staff operate in this jurisdiction.

The Police Ombudsman investigates complaints about the conduct of police officers and where appropriate makes recommendations in respect of criminal, disciplinary and misconduct matters. The Police Ombudsman also investigates matters of public interest, and all grave or exceptional matters referred to her and reports as appropriate. In addition the Police Ombudsman publishes reports and makes policy recommendations aimed at improving policing within Northern Ireland.

She also provides statistical information for management purposes to the Police Service of Northern Ireland, the Northern Ireland Policing Board and the Secretary of State.

## THE POLICE OMBUDSMAN FOR NORTHERN IRELAND IS:

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

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

- exercise his powers in such manner and to such extent as appears to him to be best calculated to secure:-
  - (a) the efficiency, effectiveness and independence of the police complaints system; and
  - (b) the confidence of the public and of members of the police force in that system;
- observe all requirements as to confidentiality;
- receive complaints and other referred matters and to decide how to deal with them;
- investigate complaints, referred matters and matters called in for investigation by the Police Ombudsman;
- receive and record policy complaints and refer them to the Chief Constable;
- make recommendations to the Director of Public Prosecutions (DPP) for criminal prosecution;
- make recommendations and directions in respect of disciplinary action against police officers;
- notify the Secretary of State, NIPB and Chief Constable of the outcome of certain complaints, referred matters and any investigation which the Police Ombudsman initiates without a complaint;and
- report to the Secretary of State annually.

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

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

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

- investigate a current practice or policy of the police if the practice or policy comes to his attention under the Police (NI) Act 1998, and he has reason to believe that it would be in the public interest to investigate the practice or policy.

## FUNDING AND FINANCIAL ACCOUNTABILITY

The Permanent Secretary, who is the Principal Accounting Officer of the Northern Ireland Office, has designated me as Chief Executive and Accounting Officer for the Office of the Police Ombudsman for Northern Ireland. The Office of the Police Ombudsman operates under a management framework governed by the Police (Northern Ireland) Act 1998 as amended by the Police (Northern Ireland) Act 2000 and 2003. The Police Ombudsman is financed by a Grant in Aid from the Northern Ireland Office. The allocation from which this funding comes is the NIO Request for Resources 1 which; enables it to play a full part in implementing the Good Friday Agreement; 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.

## EXPENDITURE AND ACCOUNTS

The statutory authority to incur expenditure is Schedule 3, Paragraph 11 of the Police (Northern Ireland) Act 1998 and these 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.

## FINANCIAL POSITION AS AT 31 MARCH 2006

The financial position at the end of the financial year is set out in the Income and Expenditure Account and the Balance Sheet on pages 55 and 56 respectively. The Office incurred a retained deficit of £388,301 in the financial year. The additional expenditure incurred within the year which has resulted in the deficit has been incurred in resourcing on average 11 agency investigators throughout the year in response to increasing pressures. As a consequence of the deficit incurred the Office had at the end of the financial year net current liabilities of £272,809 and a negative general fund reserve of £199,980. However, it is important to note that the Office remained within the cash resources which were granted to it.

The Office continues to be funded by the NIO and has set a budget for 2006/07 to ensure it will operate within available resources. The financial statements of the Office have been prepared on a going concern basis.

## POST BALANCE SHEET EVENTS

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

## EXECUTIVE MANAGEMENT

The Police Ombudsman for Northern Ireland is supported by me as Chief Executive and a Senior Management Team. The executive management structure at 31 March 2006 was as follows:

Mrs N O'Loan	Police Ombudsman
Mr S Pollock	Chief Executive
Mr J Felice	Senior Director of Investigations
Mr T Gracey	Director of Information
Mrs O Laird	Director of Corporate Services
Mr J Larkin	Director of Investigations (Acting)
Mr G Mullan	Director of Policy and Practice

In December 2005 we lost the services of Mr David Wood who took up a key appointment in the Home Office. David had set up the infrastructure of the Investigations Directorate and had given strategic leadership in all our investigations since the Office opened. His contribution to the Office was considerable.

## REMUNERATION AND PENSIONS

Full details of the executive management remuneration and pension interests for the year ended 31 March 2006 are contained in the Remuneration Report on pages 46 to 49. Pensions are provided to staff through the Principal Civil Service Pension Scheme. Further details in respect of pensions can be found in the Remuneration Report on pages 46 to 49 and in Note 4.4 to the Accounts.

## REGISTER OF INTERESTS

A register of interests is maintained within the Office of the Police Ombudsman for all members of the senior management team. No interests were identified which may cause a conflict of interests with management responsibilities.

## RISK MANAGEMENT AND REGISTER

Within the executive processes of the Office, there is now embedded a corporate Risk Register in line with Government guidance. Currently nine high levels are identified, assessed in terms of regularity of occurrence and impact and then ranked in terms of risk. The most significant risk attached to the business of the Office is that of maintaining confidence and credibility in running the system of complaints for the police.

Any lessening or lack of confidence in the accountability of policing impacts disproportionately on many spheres of life in Northern Ireland. This year the management of risks connected to inadequate resources and the impact on the resilience and sustainability of operations has been critical.

The Risk Register is reviewed by Senior Management if necessary each month, but normally at quarterly intervals. Directors consider signs or warning of risks, examine existing controls to reduce or manage risks and if necessary take additional action.

### CORPORATE BUSINESS PLAN 2005/06

The objectives, indicators and targets for the year 2005/06 were set by the Police Ombudsman, Directors, managers and staff to set the strategic direction for 2005/06. They were subject of consultation within the Office, with the Northern Ireland Office, with PSNI and community groups before being finalised and published in May 2005. The 2005/06 plan is available on the Office website at [www.policeombudsman.org](http://www.policeombudsman.org)

Progress in relation to targets was reviewed quarterly by all Directorates and steps taken throughout the year to focus effort on those targets requiring attention. At the end of the six month and twelve month periods the progress achievement and performance of the Office was formally reviewed by managers and reported to the Police Ombudsman. A quarterly report was provided to the Permanent Secretary through the Northern Ireland Office Policing Division.

### COMPLAINTS

The primary objective of the Office is to be able to receive and handle all complaints coming from the public or other matters referred under the remit of the Office. It has been a concern that this last year has seen a significant rise (8 per cent) in the number of new complaints and more specifically a rise of 23 per cent in allegations related to complaints. The Office has struggled to meet the resource demands of this massive increase in the volume of complaints. In the last twelve months 3,108 complaints were received and 2,943 were closed through a range of disposals as described in the operational review at pages 16 to 45.

### CHIEF CONSTABLE, OTHER REFERRALS AND CALL-INS

This year there were 23 matters referred by the Chief Constable as set out in page 22. These included eight relating to the discharge of firearms, four relating to fatalities in road traffic collisions and three other fatalities, one in custody, one following police contact and one in the course of a police pursuit. While the number of referrals was less than the previous year, the nature of the referrals was indeed of a more significant nature and required a full and rigorous response. The impact of these referrals on resources is immense. 25 Chief Constable referrals from previous reporting periods were finalised and Reports under Regulation 20 of the RUC (Complaints etc) Regulations were lodged with the Policing Board, PSNI and the Secretary of State. There were also three PPS referrals and two Police Ombudsman call-ins.

### CRIMINAL CHARGES AND TRIALS

Complaints involving criminal allegations against police officers must be submitted to the Public Prosecutions Service for direction. Last year 169 such cases were submitted, the vast majority of which did not contain sufficient evidence which would have substantiated allegations or resulted in criminal charge directions by Public Prosecutions Service. However, nine recommendations were made to the Director, relating to nine officers and are now subject of due processes. In the course of the year five trials concluded relating to charges brought by the Public Prosecutions Service following investigations. Two officers were acquitted, two officers were convicted and one charge was dismissed.

### MISCONDUCT CHARGE RECOMMENDATIONS AND OUTCOMES

In 66 cases information and evidence gathered in the course of investigations led investigators to recommend to the Chief Constable a range of action. In 14 cases recommendations related to specific charges under the Code of Conduct and 52 other cases involved recommendations for advice or guidance or Superintendents' warnings. Seventy six officers were involved in these matters. In the course of the year ten officers appeared on formal disciplinary charges by the Chief Constable relating to complaints. One officer was dismissed, two were required to resign, three were fined, one reduced in pay, two cautioned and one charge dismissed.

### REGULATION 20 CLOSURES

At the time of closure of complaints stemming from investigations and Chief Constable referrals, there are often significant recommendations focusing on corrective action, policy and practice amendment or training requirements. A sample of these is set out on page 24. There is now a vibrant and healthy mechanism between the Office and the Chief Constable's office, which is monitored directly through the Policing Board Sub Committee where recommendations for action or improvement are considered and responded to by the appropriate PSNI officers.

## INFORMAL RESOLUTION

The Office assesses complaints suitable for informal resolution, referring these with the consent of the complainant to the PSNI and ensuring that the necessary administrative work in gaining consent of complainants is communicated quickly. 684 cases were deemed suitable for Informal Resolution. 91 per cent of suitable complaints are referred within three days. 75 per cent of complaints suitable for informal resolution are resolved successfully.

## PROMPT AND TIMELY SERVICE

Providing a prompt and timely response in the handling of complaints and in all related investigations continues to be a major priority for the Office. The targets set are exceptionally high and the tables indicate the current achievement. Performance against indicators in some areas showed a dip in timeliness and the average length of time for investigations has lengthened. Managers are doing everything to ensure that the previous performance is regained. On the other hand, the ability of investigation staff to update complainants and police officers in a timely manner at least every six weeks is continuing to improve and is now at a very high level in the region of 85 per cent.

## KEEPING THE PUBLIC INFORMED

Ensuring that the public and police are accurately informed about and have confidence in the Office is a major priority. The achievement of the Information and Media Directorate, a small group of four staff, is significant. They reach many thousands of members of the public with relevant information about the work of the Office. Over 2,500 police officers were also directly engaged in information or training sessions designed to help build awareness and understanding. The Office website is vibrant and heavily accessed.

## BUILDING CONFIDENCE

The level of public confidence in the Office is measured by an independent survey annually and is one of the most critical factors in building accountability and transparency into new policing governance. Results have risen to a very high level and remain at this level. It is pleasing that 84 per cent of Catholics and 83 per cent of Protestants believe that the existence of the Office helps ensure that the police do a good job. Again, 84 per cent of the public recognise the independence of the Office. The Office continues to be concerned however that younger members of the public, those under 25, appear to be less aware of the role and work of the Office.

## SUMMARY OF OBJECTIVES

### OBJECTIVE 1

**To deliver the highest quality of service to complainants in the receipt, recording and processing of complaints**

- 8% rise in complaints
- 23% rise in allegations
- 85% of complaints acknowledged and actioned within 4 working days
- Time taken to administer and process complaints is 32 days
- 70% of complainants would use the system again.

#### Overview

Prompt and timely response has remained high but dropped in some areas. The overall response of complainants surveyed has shown that 70% would use the service again.

### OBJECTIVE 2

**To ensure appropriate complaints are identified for the Informal Resolution process, achieving maximum confidence of both the public and police**

- 91% of suitable cases for informal resolution are referred within 3 working days
- 75% of complaints referred for informal resolution are satisfactorily resolved
- 15% of complainants receive apology from PSNI
- Report on informal resolution processes issued
- Consultation on mediation mechanisms now completed.

#### Overview

Informal resolution processes are administered promptly by the Office and successful resolutions are increasing. The development of proposals for mediation has taken longer than expected, but is now progressing.

### OBJECTIVE 3

To provide an independent and impartial investigation process which is timely and of the highest quality

- 23 call outs by Chief Constable responded to within target time of 1.5 hours
- 25 Regulation 20 reports submitted to PSNI, Policing Board and NIO
- Current time for completion of investigations 117 days
- 86% of police officers are updated within six weeks
- 78% of complainants are updated every six weeks.

#### Overview

The nature of referrals by the Chief Constable in the current period has weighed heavily on the resources of the Office. Investigation time is too long, but complainants and officers are more regularly updated on progress.

### OBJECTIVE 4

To ensure the public and police are accurately informed about and have confidence in the Office of the Police Ombudsman

- Over 100 community outreach events resourced
- 84% of people are aware of the police complaints system
- 2,500 police officers engaged in presentations or training programmes
- Survey of police officers subject of investigation indicate growing confidence
- Freedom of Information requests managed in line with guidance.

#### Overview

The public of Northern Ireland are well informed as to the work of the Police Ombudsman. Confidence in the independence and impartiality of our staff continues to remain high.

### OBJECTIVE 5

To provide information about the nature and outcomes of complaints against the Police and about investigations into police policy and practice issues

- Monthly and quarterly reports are issued on time
- Tracking of multiple complaints against officers used constructively
- Quarterly presentations to Policing Board Community and Human Rights Committee, one meeting with full Policing Board
- Policy and Practice Report on police identification issued January 2006
- Four other research reports issued.

#### Overview

Extensive information about the Office is increasing public confidence in the accountability of policing. Information, reports and recommendations have supported improvements in police conduct, practice and training.

### OBJECTIVE 6

To measure and develop all the resources necessary for the functions of the Office

- Expenditure maintained within grant-in-aid
- IIP awarded January 2006
- 23 investigators accredited, 481 staff training events provided
- Level of staff vacancy time reduced
- Case handling system project progressing well
- Equality profile of staff remains in line with census benchmarks.

#### Overview

The Office achieved its business within the grant-in-aid approved by the NIO, but only with the utilisation of existing resources coming forward from the previous year. The development of the trainee programme has been a major achievement.

## POLICY AND PRACTICE

Over the space of the year the Policy and Practice Directorate released monthly and quarterly reports on the nature of complaints and allegations, trends and patterns reports and demographic profile of complaints which are of particular value to the District Policing Partnerships and District Police Commanders. This year has also seen an exceptionally high level of publications of research papers as set out on pages 40 to 43. The Office also released a key report on Policy and Practice issues relating to Identification of Police Officers, vehicles and equipment. Page 41 refers.

## STAFFING

Expenditure on staffing represents the largest area of expenditure for the Office. The Office is staffed mainly by directly recruited staff, but also by staff seconded from police services in England and Wales, from Civil Service organisations, and by agency investigators on short term contracts. During the financial year, staff costs represented the greatest pressure on the budget. Details of the average full time equivalent staff employed is provided at Note 4.2 of the financial statements on Page 61 of this report. Much of this pressure on budget was as a result of employing on average 11 agency investigators during the year in response to the increasing investigative workload. The cost of these short term agency contracts and of seconded police officers is a heavy resource commitment for the Office, but essential for the infrastructure of investigation experience and competence as the Office continues to develop. The number of seconded police officers has reduced from 14 at the start of the financial year to 12 at the end of March 2006. Over this period the number of directly employed staff within the Office has increased from 102 to 111. This represents a positive and more settled staffing profile.

## MILESTONES – TRAINEES AND ACCREDITED INVESTIGATORS

In attempting to develop the long term effectiveness of the staff we succeeded in launching our new trainee programme. Eight trainee investigators were recruited and are progressing through a two year training and accreditation programme. This commitment, in terms of training, added pressure to revenue costs without in the short term adding experience to the investigating teams. A significant number of investigators within the Office have now successfully completed the accredited investigator programme in conjunction with Portsmouth University. We were delighted to see the graduation of 23 investigators during the year and the presence of the Secretary of State to present awards to successful staff in January was a big milestone for the Office.

## IMMEDIATE PRIORITIES AND DEVELOPMENTS

The decision of Government to establish an enquiry into deaths during the years 1969 to 1998 and the setting up of a Historic Enquiry Team by the Chief Constable involves the Office of the Police Ombudsman in related activity. By law the review and investigation of any deaths which may have resulted from the conduct of a police officer must be referred to the Police Ombudsman. Agreement in principle to establish an investigation team for this policy initiative has been given in writing by the Northern Ireland Office. The development of a dedicated team for these purposes was initiated in the last quarter of this reporting period and is now being taken forward in the current financial cycle.

The Business Plan for 2006/2007 has again been published setting out the revised targets and priorities for this incoming business cycle. It is also available on our website at [www.policeombudsman.org](http://www.policeombudsman.org)

## MEDIATION

Currently legislation provides for the mediation of a complaint at the conclusion of a Police Ombudsman investigation. At present there is no legislative provision for using mediation as an option upon receipt of a complaint of a less serious nature. Following consultation with its major stakeholders and the community at large, the Office of the Police Ombudsman has submitted to government a substantive report arguing the case for legislative change to facilitate mediation at the front end of the complaints process. The Office is hopeful for a positive response and has plans to launch a mediation pilot project during the latter part of 2006.

## CASE HANDLING SYSTEM

Two years ago the Office considered that updating its Information Technology was a priority in order to assist, support and underpin the complaint/investigation process and to meet its statutory and other requirements. A Project Team was established and following funding approval for the project a lengthy procurement process was initiated. ICS Computing Limited was selected as the providers of the new system. Development of the system is currently underway with an expectation of a 'go live' date in January 2007. The capital investment in this new system over seven years will be approximately £1.2 million.

## FREEDOM OF INFORMATION

The year 2005 saw the implementation of the Freedom of Information Act and members of the public and police officers have used this new provision to obtain information appropriately. Over the year there have been 120 specific requests for information.



## DISABLED EMPLOYEES AND EQUAL OPPORTUNITIES

It is the policy of the Office of the Police Ombudsman to promote equality of opportunity. The Office provides equal opportunity for all job applicants and employees. All recruitment, promotion and training is based on personal ability and job performance and excludes any consideration of religious beliefs, racial grouping, political opinion, sexual orientation, marital status or disability.

The Office of the Police Ombudsman submitted an Equality Scheme in accordance with Section 75 of the Northern Ireland Act 1998. In line with its obligations, the Office has recently undertaken a review under article 55 of the Fair Employment and Treatment (NI) Order 1998. The Police Ombudsman and her Senior Management Team are fully committed to the promotion of equality and will continue to consult extensively in the development and implementation of the Equality Scheme. Pages 35 to 36 indicate the performance of the Office in relation to Section 75 obligations.

## EMPLOYEE CONSULTATION AND INVOLVEMENT

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

## 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.

## 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 2005 to 31 March 2006 the Office of the Police Ombudsman paid 99.1 per cent of suppliers within 30 days, (98 per cent for the year ended 31 March 2005).

## FIXED ASSETS

Fixed assets are valued at cost, adjusted as appropriate to reflect current replacement costs. The leasehold interest in respect of leasehold improvements carried out to New Cathedral Buildings has been capitalised under land and buildings and valued on the basis of existing use value at £1,000,000 at 31 March 2006 (£1,000,000 at 31 March 2005). The open market value of the leasehold interest in New Cathedral Buildings has been valued at £nil at 31 March 2006 (£nil at 31 March 2005). Details of the movement of fixed assets are set out in Note 7 to the Accounts.

## AUDITORS

The financial statements are audited by the Comptroller and Auditor General (C&AG). His certificate and report are reproduced on pages 53 and 54. 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 £13,500 (£15,000 for the year ended 31 March 2005). The C&AG may also undertake work, both statutory and non statutory that is not related to the audit of the Office of the Police Ombudsman's financial statements. No such activity was undertaken by the C&AG during the year.

## DISCLOSURE OF AUDIT INFORMATION

As Accounting Officer I am required to ensure that all relevant audit information is provided to the auditors. I have taken all reasonable steps to make myself aware of any relevant audit information and have ensured that all such information is available to the auditors. I would also confirm that there is no relevant audit information about which I am aware that the auditors have not been informed about.



**Samuel Pollock, OBE**  
**BSc (Hons), Dip. App. Soc. Studies**  
**Chief Executive**  
**9 June 2006**

## Review of the Work and Performance of the Office

### COMPLAINTS AND ALLEGATIONS

#### Complaints and allegations received 2005/06

During the year we received a total of 3,108 complaints involving 5,381 allegations. There were 2 matters which the Police Ombudsman decided to investigate in the public interest and a further 23 matters which the Chief Constable referred to the Office. There were also 3 PPS referrals.

Complaints and allegations received 2005/06 Incoming work	
Complaints	3,108
Allegations	5,381
Police Ombudsman Call-ins	2
Chief Constable Referrals	23
Public Prosecutions Referrals	3

#### Additional miscellaneous work

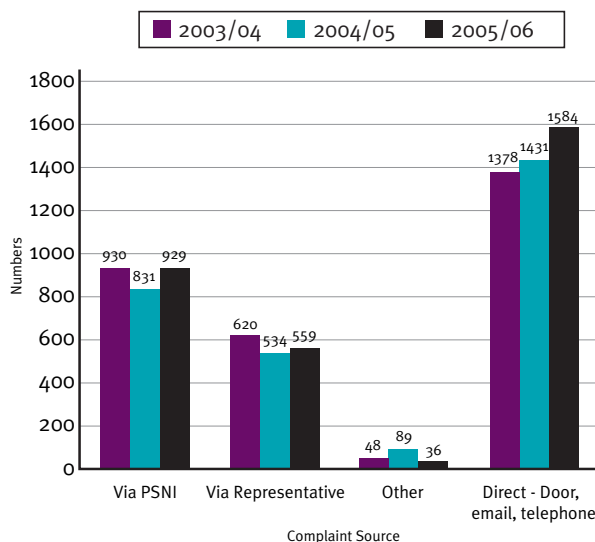
In addition to the casework of Complaints Officers in receiving, recording and handling complaints, there is a significant number of telephone calls to the Office from members of the public seeking information about specific matters or clarification on particular issues. The Complaints Team also log and check referrals in relation to civil claims as well as queries from the Compensation Agency and requests for information from the Public Prosecution Service.

Other work of complaints team	
Miscellaneous complaints	138
Miscellaneous call logs	811
Referral of civil claim files	231
Compensation Agency queries	21
PPS material requests (no complaint)	161

#### Source of Complaints

During the past year 51 % of complaints were made directly to the Office of the Police Ombudsman by way of letter, email, telephone or in person to the Office. 30 % of complaints were received via PSNI whilst 18 % were made to the Office by representatives on behalf of complainants<sup>1</sup>.

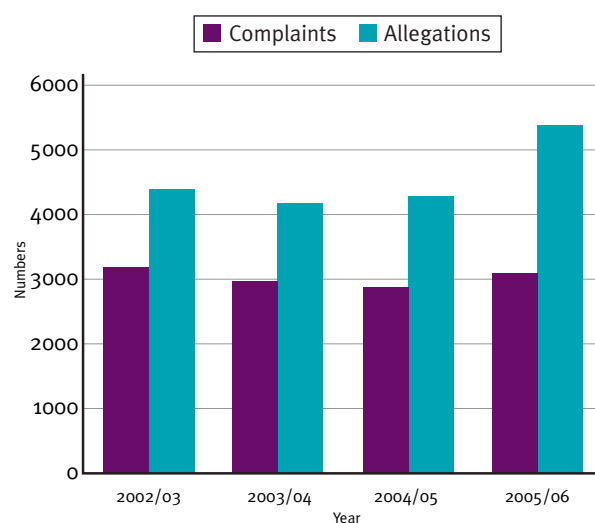
#### Source of Complaints, 2003/04 - 2005/06



#### Increase in complaints and allegations received

In the last year 3,108 complaints involving 5,381 allegations were received by the Office. This represents an increase of 8% in complaints received and a 23 % increase in allegations recorded over the previous period. A complaint may contain one or more allegations.

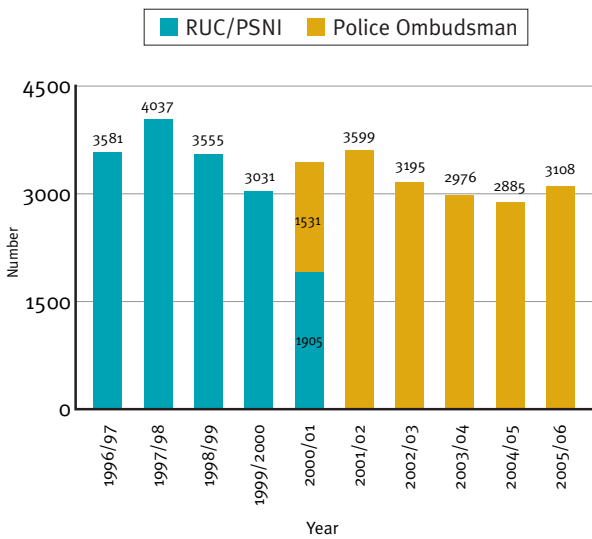
#### Number of complaints and allegations, 2002/03 - 2005/06



<sup>1</sup> Percentages may not always total 100 per cent due to the effect of rounding

Complaints against the RUC reached a peak of 4,037 in 1997/98. During 2001/02 complaints against PSNI were at their highest, reaching 3,599. Complaints received steadily decreased in subsequent years. However, the increase in complaints in the last year reversed this trend.

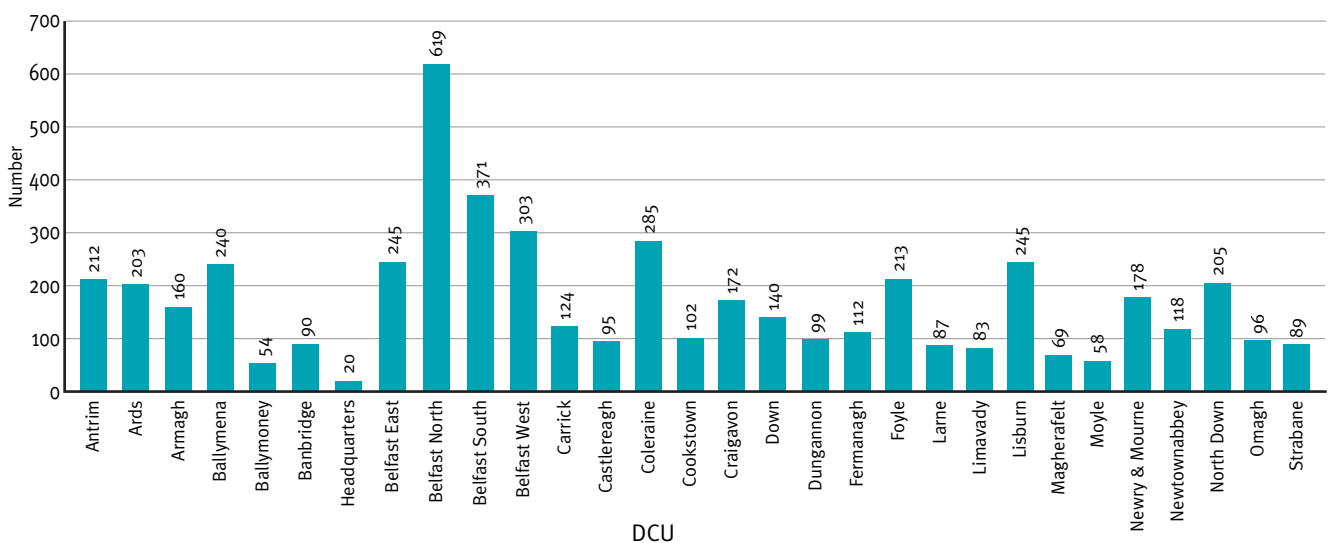
**Complaints received, 1996/97 - 2005/06**



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

On a monthly basis the Office forwards statistical reports to PSNI detailing the number of allegations arising from each District Command Unit. This information assists local District Commanders and District Policing Partnerships to profile the nature and level of complaints against officers within each District. It also indicates the density of complaints against police officer strength. It is recognised that there is a wide variation in the nature of policing in different District Command Units. The Office also provides police with monthly reports pertaining to the frequency of complaints against officers. This information is based on officers who attract 3 or more complaints in a rolling 12 month period and helps local police managers consider if there are particular issues which need to be addressed with individual officers or units.

**Allegations by DCU, 2005/06**

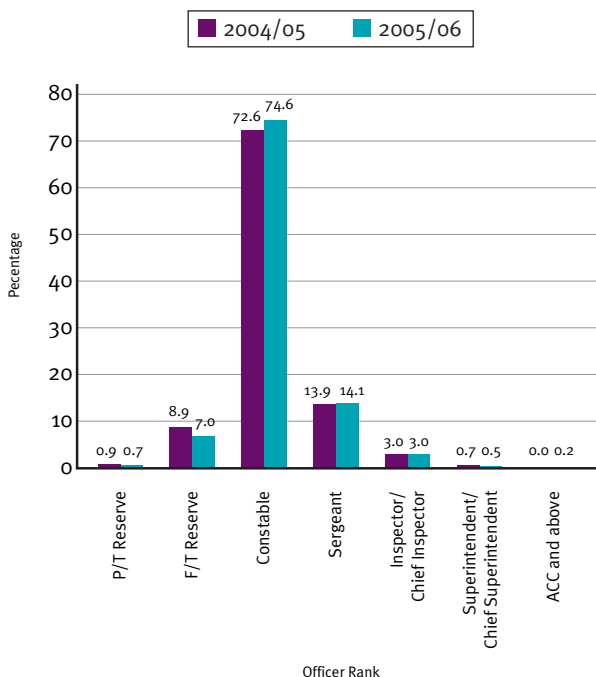


Number of complaints and allegations arising from each DCU, 2005/06, and number of officers in each DCU								
	Complaints		Allegations		Officers		2004/05	2005/06
	Number	%	Number	%	Number	%	Allegations/ 100 officers	Allegations/ 100 officers
Antrim	142	4.7	212	4.2	194	3.1	77	109
Ards	114	3.8	203	4.0	230	3.7	60	88
Armagh	85	2.8	160	3.1	172	2.8	70	93
Ballymena	133	4.4	240	4.7	190	3.1	103	126
Ballymoney	34	1.1	54	1.1	80	1.3	24	68
Banbridge	47	1.6	90	1.8	143	2.3	58	63
Belfast East	158	5.3	265	5.2	334	5.4	60	79
Belfast North	337	11.3	619	12.2	467	7.5	61	133
Belfast South	215	7.2	371	7.3	503	8.1	51	74
Belfast West	175	5.9	303	6.0	313	5.0	62	97
<b>Belfast Sub-Total</b>	<b>885</b>	<b>29.6</b>	<b>1,558</b>	<b>30.6</b>	<b>1,617</b>	<b>26.0</b>	<b>58</b>	<b>96</b>
Carrick	66	2.2	124	2.4	129	2.1	43	96
Castlereagh	66	2.2	95	1.9	191	3.1	51	50
Coleraine	164	5.5	285	5.6	218	3.5	93	131
Cookstown	49	1.6	102	2.0	102	1.6	61	100
Craigavon	112	3.7	172	3.4	242	3.9	83	71
Down	93	3.1	140	2.8	214	3.4	65	65
Dungannon	71	2.4	99	1.9	174	2.8	48	57
Fermanagh	60	2.0	112	2.2	223	3.6	48	50
Foyle	130	4.3	213	4.2	310	5.0	65	69
Larne	45	1.5	87	1.7	96	1.5	81	91
Limavady	44	1.5	83	1.6	100	1.6	85	83
Lisburn	149	5.0	245	4.8	389	6.3	54	63
Magherafelt	47	1.6	69	1.4	114	1.8	45	61
Moyle	32	1.1	58	1.1	47	0.8	70	123
Newry & Mourne	113	3.8	178	3.5	251	4.0	47	71
Newtownabbey	73	2.4	118	2.3	253	4.1	46	47
North Down	122	4.1	205	4.0	218	3.5	62	94
Omagh	58	1.9	96	1.9	164	2.6	46	59
Strabane	56	1.9	89	1.7	159	2.6	60	56
Other/Unknown/No allegation	202	-	294	-	-	-	-	-
<b>Total</b>	<b>3,192</b>	<b>100</b>	<b>5,381</b>	<b>100</b>	<b>6,220</b>	<b>100</b>	<b>64</b>	<b>87</b>

### Rank of Officers subject of Complaints

Almost three quarters of officers subject of complaints are Constables, with Sergeants attracting around 14 % of complaints.

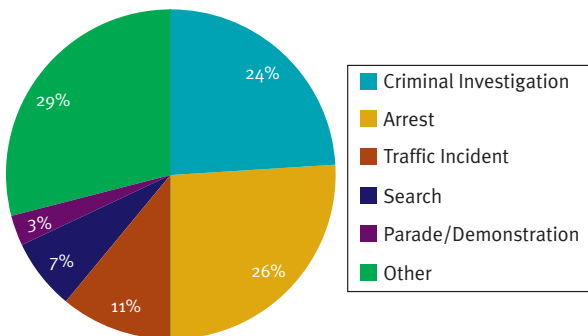
Rank of officers complained about, 2004/05 - 2005/06



### Factors underlying Complaints

Where practicable, the Office retains records identifying the nature of factors underlying complaints. The manner in which police conducted criminal investigations was the leading factor behind complaints, followed closely by arrest.

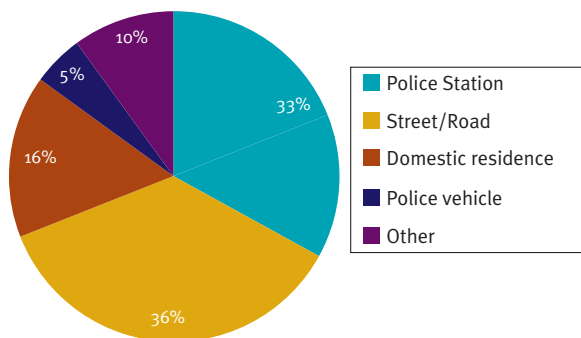
Factors underlying complaint, 2005/06



### Location of incidents

The Office also keeps records relating to the location of complaints. More than two thirds of complaints arose from incidents at police stations or in the street or road.

Allegation location, 2005/06



### Continuing increase of allegations of police failure in duty

Over the last 3 years there has been a significant increase of 75 % in failure of duty allegations, from 1,295 in 2003/04 to 2,270 allegations in 2005/06. Allegations relating to Oppressive Conduct have increased less significantly (22 %) from 1,564 in 2003/04 to 1,915 in 2005/06.

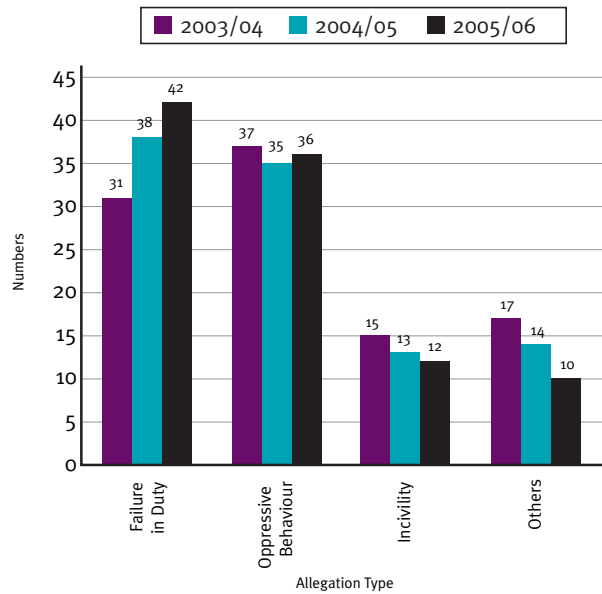
### OFFICERS ADVISED – FAILURE OF DUTY

*A complainant alleged that police officers planted drugs in his possession whilst he was in police custody. Although the Police Ombudsman’s Investigating Officer found insufficient evidence to substantiate the allegations, it was considered that police had failed to properly account for the complainant’s property during the time he was in police custody. The Investigating Officer’s report, recommending two officers be given Advice and Guidance in respect of the matter, was forwarded to police who agreed with the findings. The two officers concerned were subsequently provided with appropriate advice and guidance.*

**OFFICER RECEIVES SUPERINTENDENT’S WARNING FOR FAILURE TO INVESTIGATE ACCIDENT**

A Reserve Constable received a Superintendent’s Written Warning in February 2006 for failing to conduct a proper investigation into a road traffic accident. The accident happened near a town in Tyrone in June 2004 when a fence panel blew off a trailer and struck another vehicle as it passed from the opposite direction. Police were called and the Reserve Constable began an investigation. However, although the officer took some initial steps to investigate the accident, a delay in following through with other aspects of the investigation resulted in no charges being brought against the driver who had been responsible for the accident. This was due to the officer’s failure to complete the investigation within six months, after which the alleged offence committed by the driver became statute barred, preventing him from being prosecuted. Upon learning of this, the injured party lodged a complaint with the police, and advised that rather than refer the matter to the Police Ombudsman, they would be happy for the police to look into it themselves. An Inspector was tasked to do this, and subsequently produced a report identifying the failures in the Constable’s investigation. This decision by the police to investigate the complaint themselves rather than referring it to the Police Ombudsman’s Office was incorrect. Legally, all complaints against police officers received by the PSNI must be forwarded as soon as is reasonable to the Police Ombudsman’s Office for independent investigation. The Police Ombudsman became aware of the complaint only when the complainant wrote to her Office. A subsequent investigation concluded that both the Reserve Constable and the Inspector should be disciplined for their handling of the situation. The Police Ombudsman recommended that the Reserve Constable should receive a Superintendent’s Written Warning for failing in his duty to properly investigate the road traffic accident. She also recommended that the Inspector should receive advice and guidance for failing to inform the Police Ombudsman’s Office about a public complaint. The recommendations for disciplinary action were accepted by the Chief Constable and both officers have now received the disciplinary sanctions.

Allegation types, 2003/04 - 2005/06



Allegations by type and sub-type, 2005/06			
Allegation type	Allegation Sub-type	Total	%
Failure in Duty	Detention, treatment and questioning	103	1.9
	Failure in duty	1,846	34.3
	Identification procedures	1	0.0
	Multiple or unspecific breaches which cannot be allocated	3	0.1
	Other irregularity in procedure	153	2.8
	Searching of premises and seizure of property	136	2.5
	Stop and Search	25	0.5
	Tape recording	0	0.0
	Unknown	3	0.1
	<b>Sub-total</b>		<b>2,270</b>
Incivility	Incivility	641	11.9
	Sectarian Abuse	19	0.4
	<b>Sub-total</b>	<b>660</b>	<b>12.3</b>
Malpractice	Corrupt Practice	31	0.6
	Irregularity in relation to evidence/perjury	54	1.0
	Mishandling of Property	32	0.6
	<b>Sub-total</b>	<b>117</b>	<b>2.2</b>
Oppressive Behaviour	Oppressive conduct or harassment	602	11.2
	Other assault	1,095	20.3
	Serious non-sexual assault	11	0.2
	Sexual assault	16	0.3
	Unlawful/unnecessary arrest or detention	184	3.4
	Unknown	7	0.1
	<b>Sub-total</b>	<b>1,915</b>	<b>35.6</b>
Racial Discrimination	Racial discriminatory behaviour	8	0.1
Traffic	Traffic irregularity	65	1.2
Other	Other	309	5.8
Section 55 Referral	Article 55 Referral	28	0.5
No allegation	No allegation	9	0.2
<b>Total 2005/06</b>		<b>5,381</b>	<b>100.0</b>

**Chief Constable referrals**

During the last year the Chief Constable referred 23 serious matters to the Office. Following investigation of each referral a report is forwarded to the Chief Constable, Northern Ireland Policing Board and Secretary of State giving details of the enquiry and highlighting any recommendations made in respect of disciplinary proceedings or improvements in police practice.

**DISCHARGE OF FIREARM**

*Following an incident involving a group of men a police officer discharged a single burst of three warning shots from his MP5 machine gun. The suspects immediately fell to the ground, surrendered themselves and were arrested without further incident. All were subsequently charged with serious criminal offences. The incident was referred by the Chief Constable to the Police Ombudsman and the scene was preserved pending the arrival of Police Ombudsman Investigators. After a protracted and extensive investigation the Police Ombudsman took the view that the action of the officer in discharging his firearm was appropriate in the circumstances. However, during the investigation it was noted, upon examination of an MP5, that it was easy to accidentally move the single shot setting onto the three shot burst (automatic) setting. Indeed the officer concerned when interviewed stated it was his intention to fire a single warning shot but he had inadvertently moved the setting past single shot to the three shot burst. Given this, the Police Ombudsman recommended to the Chief Constable that police review the suitability of the Heckler and Koch MP5 as an operational weapon and implement whatever safeguards appear appropriate. The recommendation was reviewed, as are all recommendations arising from Chief Constable referrals, by a PSNI panel chaired by the Chief Superintendent, Operations Department. In a letter to the Police Ombudsman, the Deputy Chief Constable advised that PSNI Operations Department were examining the possibility of a replacement weapon for the Heckler and Koch MP5 which, while still having the capability to fire bursts of three rounds, would require an entirely different and deliberate process to engage the selector.*

Chief Constable Referrals 2005/06	
Factor underlying referral	Number
Discharge of firearm	8
Discharge of AEPs*	2
Discharge of AEPs and firearms*	1
* over 260 discharges of AEPs in these 3 referrals	
Fatal RTC	4
Police Investigation	2
Assault	2
Death in Custody	1
Death following contact with police	1
Death following police pursuit	1
Police raid	1
<b>Total</b>	<b>23</b>

**OFFICERS WERE CARING AND CONSIDERATE**

*The Police Ombudsman concluded that police officers who had contact with a man in the hours before his death in April 2005, had acted in a caring and considerate way towards him. The man died within eight hours of being released from police custody. He was found slumped on the pavement. The Police Ombudsman launched an investigation, as she does in all cases where death has occurred following contact with police officers. The investigation established that, given his intoxicated state upon admission, officers in the custody suite had checked on the man’s well-being 15 times overnight. Investigators also found that, upon his release from custody, the man had asked police to take him to a train station, which they did. They later went back to the train station after receiving a phone call from the man, who asked if they would accompany him to a relative’s house as the person would only allow him access if police were in attendance. Investigators received statements from each of the officers who had had dealings with the deceased in the hours leading up to his death. They spoke to a series of civilian and medical witnesses, and reviewed CCTV footage. There was no evidence of police misconduct in any of the evidence reviewed. A post mortem revealed that the man had died from a combination of acute alcohol intoxication and heart disease. There was no evidence of any other injury.*



### Police Ombudsman Call-ins

On two occasions during the reporting year the Police Ombudsman of her own volition called in her Office to investigate, in the public interest, non-complaint matters. The first of these matters related to the manner in which police investigated a case of domestic violence and the second was in connection with the drawing of a firearm by an off-duty police officer.

### Public Prosecution Service Referrals

The Public Prosecution Service referred three matters under Section 55(4A) of the Police (Northern Ireland) Act 1998. These referrals related to: video footage of a police officer using a baton during arrest; an officer acting with intent to pervert the course of justice; and an officer alleged to have committed perjury. All matters arose during proceedings.

### Section 55 Reports Submitted

During the reporting year 25 Section 55 Regulation 20 reports were submitted by the Office to the Chief Constable, Northern Ireland Policing Board and Secretary of State. A number of these reports made recommendations aimed at improving police policy and practice.

#### Section 55 Reports submitted 2005/06

Referral	Number
Discharge of baton rounds	1
Discharge of CS Spray	22
Death in custody	1
Use of force	1

### YOUNG MAN DROWNED FOLLOWING POLICE PURSUIT

*The death of a 19-year-old man was referred to the Police Ombudsman by the Chief Constable in 2004. A vehicle was reported to police because of erratic driving and the police launched a pursuit which ended on wasteland. The police vehicle continued to pursue the man as he ran from his vehicle and subsequently trapped the young man underneath the police vehicle in a river, drowning him. The driver of the police car claimed that because of the rough terrain and poor visibility he had been driving slowly immediately prior to the accident. A file was submitted to the Director of Public Prosecutions who directed that there were insufficient grounds to prosecute any of the officers involved. In reporting on the investigation the Ombudsman made strong criticism of police procedures and training and recommended to PSNI that: specialist commentary training should be an essential component of police driver training; police drivers' discretion to pursue should be clarified and central management and control of pursuits increased; and a new pursuit policy, based on guidelines developed by the Association of Chief Police Officers, should be developed and applied across all of Northern Ireland.*

Sample of recommendations to PSNI for improvements	
Category	Recommendation
Central Process	To review the processes for issuing summons from the Central Process Office
Searches	To review Search Warrant Policy
Bail	To review policy and practice in obtaining information about bail conditions.
Discharges of CS Spray	<ul style="list-style-type: none"> <li>• All officers issuing CS Spray are reminded of the requirements in General Force Order.</li> <li>• All CS2 entries are checked and amended to comply with Force Order 28/2004 where necessary, any amendments being initialled and dated by amending officer.</li> <li>• Accurate and comprehensive records be maintained of the modules undertaken by individual officers during training and whether or not the modules were successfully completed.</li> <li>• All officers issued with CS Spray be reminded of the importance of accurately recording all aspects relating to CS Spray use and aftercare issues.</li> <li>• Custody officers should be reminded of force policy relating to aftercare issues.</li> <li>• The PSNI should review its CS Spray storage policy to ensure that at all times at least one senior officer has access to storage facilities.</li> <li>• Custody officer should be reminded of need to visit and rouse drunk prisoners every 30 minutes.</li> <li>• An issuing officer should be made aware of his failure to enter issue dates on Form CS2, and have the PSNI CS INCAPACITANT SPRAY General Order brought to their attention.</li> </ul>
Discharges of baton rounds	<ul style="list-style-type: none"> <li>• That the issue and return of baton rounds are accurately recorded.</li> <li>• That public warnings prior to discharge of baton rounds should be recorded.</li> <li>• Baton gunners are required to maintain their classification on the baton gun they carry in public disorder situations.</li> </ul>
Road Traffic Pursuit Fatality	<ul style="list-style-type: none"> <li>• Specialist commentary training should be an essential component of police driver training.</li> <li>• Police drivers' discretion to pursue should be clarified and central management and control of pursuits increased.</li> <li>• A new pursuit policy, based on guidelines developed by the Association of Chief Police Officers, should be developed and applied across all of Northern Ireland.</li> </ul>

### OFFICERS WARNED OF DANGERS OF CS SPRAY USE DURING STREET VIOLENCE

*After investigating a discharge of CS Spray in Co. Fermanagh, the Police Ombudsman concluded that the use of the spray was justified, but warned of the dangers of using the weapon during situations of spontaneous public disorder. The incident happened in August 2004 as officers attempted to break up a fight involving six or seven males. One was lying on the ground while being repeatedly kicked and punched by the others. The fight continued even when officers tried to separate them. In an attempt to stop the fight, one officer directed a single burst of CS spray at the group from a distance of around three metres, aiming it at their head and chest areas. The spray took a few seconds to have an effect, during which time one of the men approached the officer and demanded to know what he had been sprayed with. The officer warned him she would use the spray again, but he fell to his knees before she had to do so. After reviewing the evidence of the case, the Police Ombudsman concluded that immediate action had been necessary and said the use of CS Spray was justified and proportionate given the circumstances. However, she also warned about the potential dangers of using CS Spray during situations of spontaneous street violence. There was the potential for the spray to affect fellow officers or innocent bystanders, leaving officers vulnerable and potentially undermining confidence in police. These points were subsequently underlined in a memo issued to PSNI officers by the Deputy Chief Constable Paul Leighton.*

### Outcome of Complaints and Investigations

Of the 3,108 complaints received and registered by the Office, 1,345 were referred for formal investigation under Section 56 of the Act. The remaining 1,763 complaints were dealt with within the environment of the Complaints Office. 684 (22 %) of complaints involving less serious matters were considered suitable for informal resolution.

Outcome of complaints	
Complaints referred for formal investigation	1,345
Complaints dealt with by Complaints Office	1,763
<b>Total</b>	<b>3,108</b>

Of those complaints received, 217 (7 %) were withdrawn by the complainant following contact by the Office. A complaint can only be classified as withdrawn when a written statement of withdrawal signed by the complainant is received.

803 (27 %) of complaints were closed due to failure on the part of the complainant to provide reasonable assistance to enable meaningful enquiries to be conducted. The Office of the Police Ombudsman, being unable to identify the reasons for this non co-operation, has launched a major research project aimed at ascertaining why members of the public, having made a complaint, fail to pursue the matter. It is hoped the research results with recommendations as to how best to address the issues highlighted will be published during the latter part of 2006.

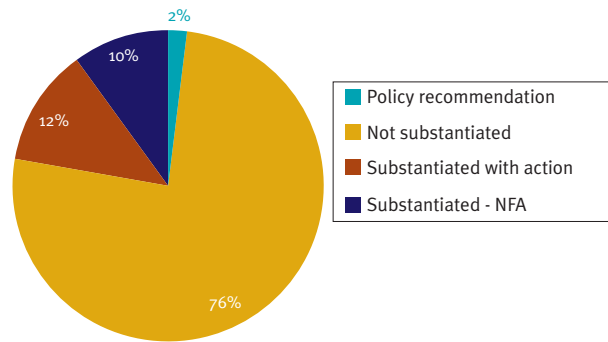
The Office is not empowered to investigate complaints relating to police operational matters or complaints about off duty conduct unless the fact of being a police officer is relevant to the complaint. Normally an allegation relating to off duty conduct will only be recorded as a complaint if the fact of being a police officer is essential to the burden of the complaint. 388 (13 %) of complaints were closed as falling outside the remit of the Office. A further 13 % of complaints were closed as following enquiries the Office did not consider there was any foundation to the allegations made.

### OFF-DUTY BEHAVIOUR OUTSIDE REMIT

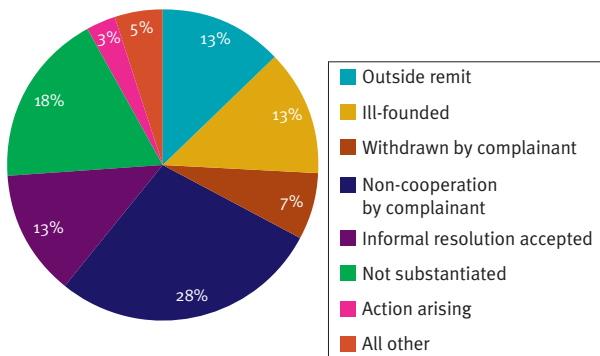
*A complaint about an alleged threat of violence made by an off-duty police officer at a bar in Bangor, Co. Down, was closed by the Police Ombudsman as outside remit. The complainant stated that the officer had become annoyed when he smoked beside him at the bar. He said he later heard the officer talking about attacking him. The complainant said he only became aware that the man was a police officer when told by another person in the bar. The complaint was closed as outside remit as the Police Ombudsman has no powers to investigate the conduct of an off-duty police officer unless the fact he or she is an officer is relevant to a complaint. It was noted that in this case there was no suggestion that the officer had mentioned that he was in the police or placed himself on duty by producing his warrant card. The closure letter sent to the complainant explained that details of the allegation would be forwarded to the PSNI's Internal Investigation Branch for their consideration.*

Overview of complaint closures, 2005/06		
Closure type	Number	%
Outside remit	388	13
Ill-founded	381	13
Withdrawn by complainant	218	7
Non-cooperation by complainant	803	27
Informal resolution accepted	368	13
Not substantiated	532	18
Action arising	98	3
Substantiated – No Further Action	73	2
All other	82	3
<b>Total</b>	<b>2,943</b>	<b>100</b>

Cases closed following investigation, 2005/06



Complaint closures, 2005/06



**POLICE OFFICER CONVICTION**

Following a lengthy Police Ombudsman investigation the driver of a police vehicle was convicted of Dangerous Driving. At a subsequent appeal hearing the conviction was confirmed. The officer concerned appealed a second time by way of case stated and at this Appeal Hearing the conviction was quashed and the matters remitted for retrial. When the case was again heard at Court the officer was found guilty of Dangerous Driving and the original sentence of £400 fine and disqualification from driving was reaffirmed. The Judge commented, "It's with considerable regret that I conclude that the driving of the Appellant on this occasion has all the appearance of an act designed to frighten those on the waste ground, as a parting shot to those left behind." As the officer is no longer a serving police officer the issue of disciplinary proceedings cannot be considered.

**Substantiation of Complaints subject of Investigation**

Fourteen per cent of cases were closed following investigation with specific action recommended. A further 10 % were substantiated, but without specific recommendations.

### Cases of complaint referred to the Public Prosecution Service

During the year 169 cases were referred to the PPS for direction as to whether criminal charges should be preferred, of these seven cases were referred seeking advice from the Prosecution Service in respect of matters of criminality. A total of nine criminal charges were recommended against nine police officers.

Cases referred to the Public Prosecution Service 2005/06	
Total cases submitted	169
Cases submitted for advice	7
Cases submitted with no recommendations for prosecution	157
Cases submitted with recommendations for prosecution	5
Number of officers subject to recommendations	9
Number of charges recommended	9

Recommendations of prosecution to the Public Prosecution Service 2005/06	
Charge	Total
Attempting to pervert the course of justice	4
Breach of Section 55 (1) Data Protection Act (1998)	1
Unlawful disclosure of information under the Data Protection Act	1
Common Assault	3
<b>Total</b>	<b>9</b>

Number of cases referred for direction to the Public Prosecution Service 2001/2006				
2001/02	2002/03	2003/04	2004/05	2005/06
78	184	174	149	169

### CRIMINAL CHARGES RECOMMENDED

During September 2005 the complainant telephoned the Office of the Police Ombudsman alleging that he was assaulted earlier by a number of police officers. In particular the complainant claimed he was batoned about the legs without justification. The Office investigated the allegations and interviewed a large number of police and civilian witnesses as well as the members concerned. Having reviewed all the statements and after consideration of the supporting documentation, the Office recommended to the Public Prosecution Service that the two officers be charged with common assault. At the end of the reporting year a direction was awaited.

### POLICE OFFICER ACQUITTED

The complaint arose following an altercation between an off-duty police officer and at least two other people in which the off duty police officer was alleged to have punched one or more of these people. Following investigation the PPS directed a charge of Common Assault against the officer. The police officer was acquitted by a majority verdict.

Recommendations for prosecution submitted to PPS by year												
	2001/02		2002/03		2003/04		2004/05		2005/06		Total	
	No. Cases	No. Offences	No. Cases	No. Offences	No. Cases	No. Offences	No. Cases	No. Offences	No. Cases	No. Offences	No. Cases	No. Offences
Grievous Assault occasioning Bodily Harm	1	1	-	-	-	-	-	-	-	-	1	1
Assault occasioning Actual Bodily Harm	4	4	4	4	-	-	2	3	-	-	10	11
Common Assault	-	-	5	5	3	3	1	1	2	3	11	12
Causing death by dangerous driving	-	-	1	2	-	-	-	-	-	-	1	2
Dangerous driving	-	-	1	1	2	2	-	-	-	-	3	3
Careless driving	-	-	1	1	-	-	-	-	-	-	1	1
Perverting the course of justice	1	1	2	9	-	-	2	5	1	4	6	19
Perjury	1	1	-	-	-	-	-	-	-	-	1	1
Kidnapping	1	1	-	-	-	-	-	-	-	-	1	1
Intimidation	-	-	-	-	1	1	-	-	-	-	1	1
Causing harassment, alarm or distress	-	-	-	-	1	1	-	-	-	-	1	1
Prosecute under Section 1 Children & Young persons Act 1933	-	-	1	1	-	-	-	-	-	-	1	1
Racially or religiously aggravated	-	-	-	-	1	1	-	-	-	-	1	1
Breach of S. 55 Data Protection Act	-	-	-	-	1	1	-	-	1	1	2	2
Unlawful disclosure of information under Data Protection Act	-	-	-	-	-	-	-	-	1	1	1	1
Breach of S. 17 CPIA	-	-	-	-	1	1	-	-	-	-	1	1
Left for PPS to decide	4	4	1	1	-	-	-	-	-	-	5	5
Obstructing the Police Ombudsman	-	-	-	-	-	-	1	4	-	-	1	4
Theft	-	-	-	-	-	-	1	1	-	-	1	1
Administering a noxious substance	-	-	-	-	-	-	1	1	-	-	1	1
Criminal damage	-	-	-	-	-	-	1	2	-	-	1	2
Discharge of firearm with intent	-	-	-	-	-	-	1	1	-	-	1	1
Offence under the Protection from Harassment (NI) Order	-	-	-	-	-	-	1	1	-	-	1	1
<b>Total</b>	<b>12</b>	<b>12</b>	<b>16</b>	<b>24</b>	<b>10</b>	<b>10</b>	<b>11</b>	<b>19</b>	<b>5</b>	<b>9</b>	<b>54</b>	<b>74</b>

### POLICE OFFICER CONVICTED

*This complaint relates to an allegation of assault during a band parade where the complainant alleged that he had been struck with police batons and kicked. A Sergeant was convicted of the offence of Common Assault at court. The presiding RM ruled that the Sergeant's actions were not proportionate, not justified, and excessive and had no doubt that he had committed an unfortunate but nevertheless criminal misjudgement and fined him £100. In 2006 the officer appeared at a misconduct hearing at IIB. The case was proven and the officer was fined £100.*

#### Number and type of direction by Director of Public Prosecutions/Public Prosecutions Service 2001/06

Type of Charge	No of Charges
Assault occasioning actual bodily harm	7
Common Assault	7
Causing death by dangerous driving	2
Dangerous driving	3
Careless driving	1
Perverting the course of justice	8
Criminal damage	1
Malicious wounding	1
Possession of firearm with intent	1
Unlawful and injurious imprisonment	1
Data protection	2
<b>Total</b>	<b>34</b>

### POLICE OFFICER TRIAL

*The complainant alleged that the driver of a police landrover deliberately drove into the path of his vehicle causing in a collision. Following an extensive investigation which included photographic, mapping and other expert evidence, the Office recommended that the officer concerned be prosecuted in respect of his driving. The Public Prosecution Service agreed and directed that the Officer be charged with dangerous driving. At the subsequent court hearing, although the charge was dismissed, the Resident Magistrate expressed satisfaction with the Police Ombudsman investigation saying it was in the public interest that the case be tried.*

### Disciplinary referrals to the Chief Constable

When it is determined that evidence exists to the effect that an officer has committed a disciplinary breach it may be recommended that the officer concerned receives Advice and Guidance in relation to his/her conduct; that he/she receives a Superintendent's Warning; or that he/she appears before a Misconduct Panel to answer a charge/charges of misconduct. The range of sanctions available to a Misconduct Panel is:

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

### POLICE OFFICER REQUIRED TO RESIGN

*A police officer suspected of making inappropriate telephone calls was the subject of disciplinary proceedings recommended by the Police Ombudsman. The police officer was charged with behaving in a way which was likely to bring discredit upon the police service. Even though the police officer failed to appear at the misconduct hearing the panel decided to proceed in his absence. The charge was subsequently deemed to be proven and the panel imposed the sanction 'Requirement to Resign' as an alternative to 'Dismissal from the Service'. Shortly thereafter the police officer tendered his resignation in compliance with the panel's decision.*

#### Recommendations made to Chief Constable, 2005/06

Charge	Cases	Officers involved
Misconduct Charges	14	14
Superintendent's Written Warning	11	12
Advice and Guidance	41	50
<b>Total</b>	<b>66</b>	<b>76</b>

**POLICE OFFICER DISMISSED**

The complainant alleged that he was assaulted by a police officer whilst detained in the Custody Suite of a police station. CCTV camera footage operating within the Custody Suite was obtained and viewed by Police Ombudsman investigators. As a result of the video evidence and additional evidential papers secured during the course of the investigation, the Police Ombudsman recommended to the Director of Public Prosecutions that the officer concerned be charged with assault. The Director of Public Prosecutions agreed and at Court the police officer was convicted of unlawful assault. As a consequence the police officer was the subject of a misconduct charge of Integrity in that he behaved contrary to Article 7.2 of the Police Code of Ethics (Police Officers shall, at all times, respect and obey the law and maintain the standards stated in this Code. They shall, to the best of their ability, support their colleagues in the execution of their lawful duties.) The police officer when he appeared before a misconduct panel pleaded guilty to the charge of Integrity and was dismissed from the service. A second police officer who was present in the room appeared before the misconduct panel and pleaded guilty to a charge relating to his supervisory responsibilities, failing to report the assault. A sanction of ‘caution’ was imposed on this officer.

During the year, following investigation, 66 cases involving 76 police officers were referred to the Chief Constable with recommendations for disciplinary charges, Superintendent’s Written Warning or Advice and Guidance. 14 cases were the subject of a recommendation that formal misconduct hearings be convened to hear disciplinary charges.

In addition to the above, there were 9 cases, involving 12 police officers, recommending management discussion. A further 31 cases resulted in recommendations in relation to police operations and policies/practices. There were 73 complaints investigated which were classified as ‘substantiated – no further action’. Forty four of these complaints related to one incident. A complaint can be classified as ‘substantiated – no further action’ for a number of reasons including failure to identify officer(s) involved or resignation of officer from the Police Service whereupon disciplinary proceedings cannot be considered.

**POLICE OFFICER FINED**

The complainant alleged that a police officer failed to properly investigate an assault on him. It was also alleged that despite sending numerous letters and faxes requesting updates, the officer concerned failed to contact him. Following receipt of all the relevant documentation from police and interview of the complainant and member concerned, the Office recommended that the officer be charged with failing to investigate the assault on the complainant in a proper and expeditious manner and failing to update the complainant or his legal representative on developments. Misconduct charges relating to the officer’s performance of his duties and in respect of the manner in which he conducted the criminal investigation were preferred against the officer. At the misconduct hearing the officer admitted the charges and fines were imposed.

**Misconduct Hearings**

During the reporting year ten misconduct charges were heard involving ten police officers. In all but one of these cases officers were found guilty and sanctions ranged from dismissal to caution.

Formal Misconduct Charges, arising from complaints heard 2005/06			
Nature of Misconduct Charges	Officers involved	Nature of plea	Sanction
Integrity	2	Guilty (2)	Dismissed from Police Service Required to resign
General Conduct	1	Guilty	Required to resign
Performance of Duty/ Lawful Orders	2	Guilty (2)	Reduced in Pay (1 Spine Point) Fined £600
Property	1	Guilty	Fined £200
Criminal Offences	1	Guilty	Fined £100
Neglect of Duty	1	Guilty	Caution
Duty of Supervisors	1	Guilty	Caution
Use of Force	1	Not Guilty	Charge Dismissed



**POLICE OFFICER’S PAY REDUCED**

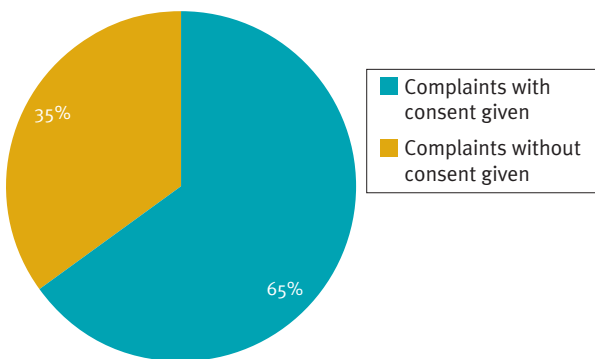
A complaint was received by the Office of the Police Ombudsman to the effect that a member of the service failed in his duties as a police officer. A lengthy enquiry was conducted resulting in a criminal file being prepared and forwarded to the Director of Public Prosecutions who directed no prosecution against the police officer concerned. A misconduct file was then prepared by the Police Ombudsman and forwarded to police recommending disciplinary proceedings against the police officer. At the misconduct hearing the police officer pleaded guilty to one charge relating to his Performance of his Duty and another in respect of his failure to obey lawful orders and comply with PSNI Regulations. The misconduct panel imposed a sanction of a reduction in pay for a period of twelve months on each charge.

**Referrals for Informal Resolution**

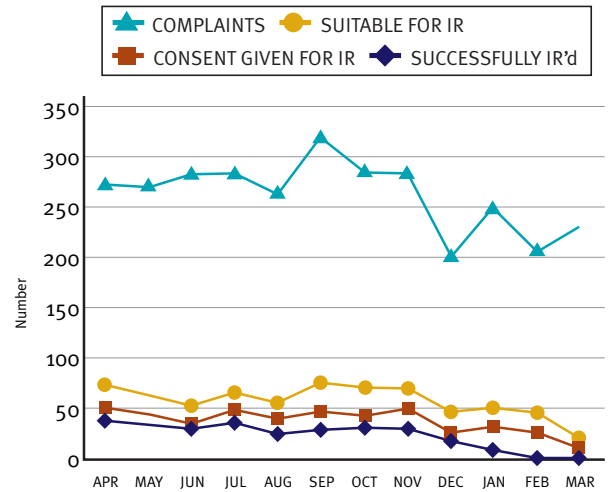
Informal Resolution provides an opportunity, in relation to complaints of a less serious nature, for a senior police officer to speak to the complainant and officer concerned separately with a view to reaching a satisfactory resolution of the matter.

The number of complaints considered suitable for Informal Resolution was 684 (22 %) of complaints received. When contacted, 442 (65 %) of complainants consented to participating in the process of informal resolution.

**Consent levels for complaints suitable for Informal Resolution**



**Profile of Information Resolution April 2005 - March 2006**



**VALUABLE LESSON**

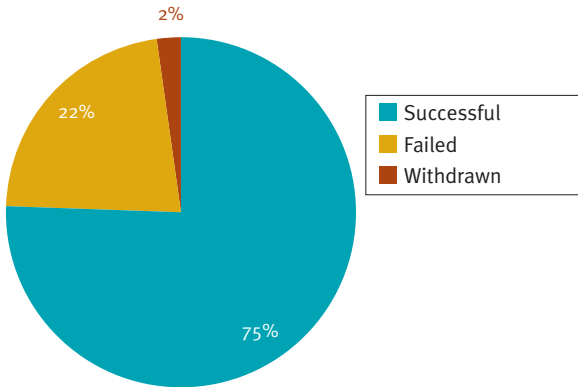
A man complained to the Police Ombudsman’s Office that police had not kept him fully informed about developments following the death of his daughter in a road accident. The man’s daughter lived with his ex-wife and her husband. Police dealing with the issue concentrated their attention on the woman’s mother and her husband and did not communicate with her father. The man said that he only learnt of a court case arising out of the accident from a newspaper report. He also said that he wanted to be kept informed of any developments in relation to the case. The police said that the woman who died had lived with her mother and stepfather and they had focused their attention on this section of the deceased’s family. The police apologised and said such oversights would not happen again. They said they had learned a ‘valuable lesson.’ The man who made the complaint said he was satisfied with this outcome.

**Outcome of informal resolution**

During the reporting year, 353 complaints were closed as successfully informally resolved. The 22% of complaints which failed to be informally resolved were forwarded for investigation. 10 complaints were withdrawn during the informal resolution process.

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

**Outcome of information resolution where consent was given, 2005/06**

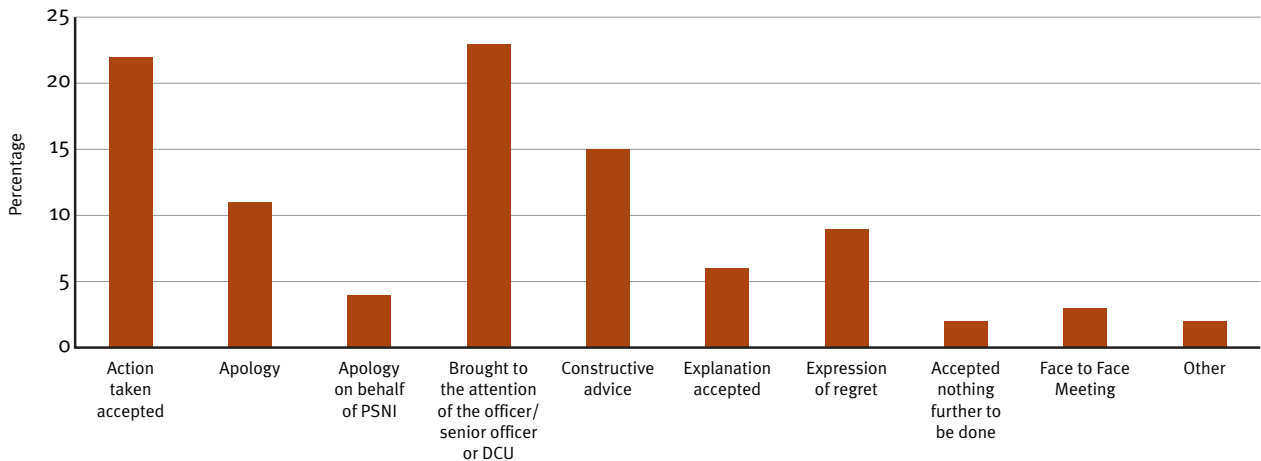


“Many thanks. The whole incident was treated and resolved better than I would ever have expected.” (Complainant)

**MISSING RING**

A woman complained to the Police Ombudsman’s Office in January 2006 following an incident when she came home and found that workmen had incorrectly fitted a door to her flat rather than a neighbouring flat. On going inside, she found that items in her home had been rearranged and that a ring was missing. The woman reported this to the police, but was unhappy with the attitude of the officer who initially dealt with it. That officer apologised. However the woman said she was also unhappy that detectives failed to keep four appointments they had made with her had never followed them up and had not taken a statement from her. A senior police officer raised these concerns with the detective in question who said that when the woman had initially called at the police station he had been very busy and by the time he got to the Enquiry Office she was gone. He said he immediately rang her mobile telephone, but there was no answer. The detective said that as the woman appeared not to be answering her phone he intended to call at her flat but, as it had been a particularly busy time, he neglected to do so. He said he had spoken to the manager of the people who had carried out the work at the flat but they denied any knowledge of the missing ring. The detective said there was no other available evidence at that stage and said arrangements would be made to take the woman’s statement. The woman remained unhappy so it was arranged that she and the police officer meet. When this meeting took place the police officer agreed that if he had been so busy he should have passed the matter to someone else. After further discussion, the woman accepted the apology and the matter was closed.

**Outcome of Information Resolution 2005/06**



## PUBLIC ATTITUDES TO THE OFFICE OF THE POLICE OMBUDSMAN

The Northern Ireland Statistical Research Agency (NISRA) collected data for this independent report and fieldwork took place during January and February 2006. Over 1,000 persons participated.

### Awareness of the Police Ombudsman

84% of respondents said they had heard of the Police Ombudsman.

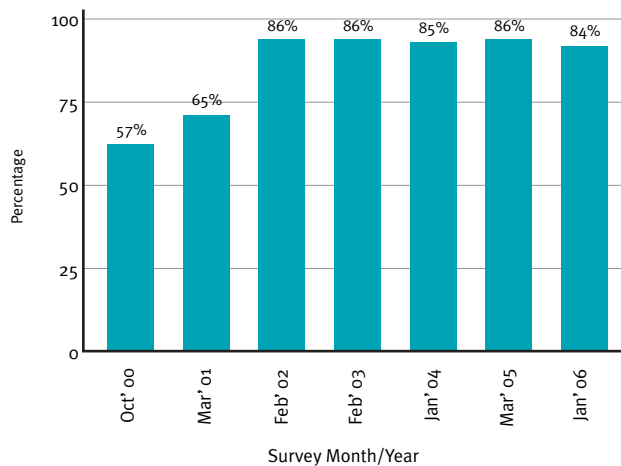
Males (86%) are slightly more likely to have heard of the Police Ombudsman than females (82%).

Protestants (85%) are slightly more likely to have heard of the Police Ombudsman than Catholics (81%).

Respondents aged 25 or less showed lower levels of awareness of the Police Ombudsman than older age groups.

The source of information about the Police Ombudsman most frequently cited by respondents was television (90%).

### Proportions of respondents aware of the Police Ombudsman, October 2000 - January 2006



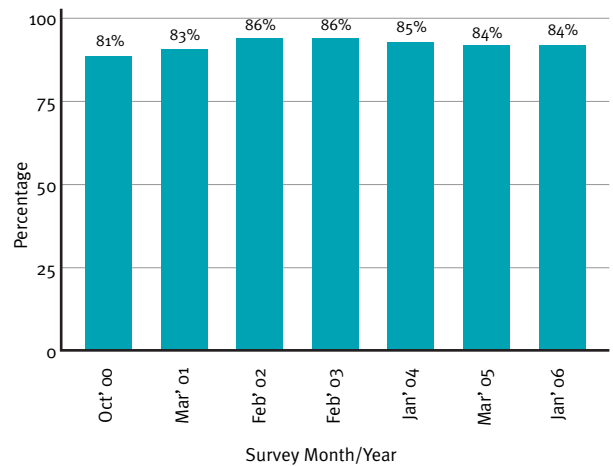
### Awareness of independence of the Police Ombudsman

84% of those respondents who had heard of the Police Ombudsman thought the Office was independent of the police.

11% thought that the Police Ombudsman was part of the police.

81% of Catholic respondents and 85% of Protestant respondents thought the Police Ombudsman was independent of the police.

### Proportions of respondents aware of the independence of the Police Ombudsman, October 2000 - January 2006



“Reassuring to have an organisation that is impartial and professional in dealing with complaints against police. Many thanks.”  
(Complainant)

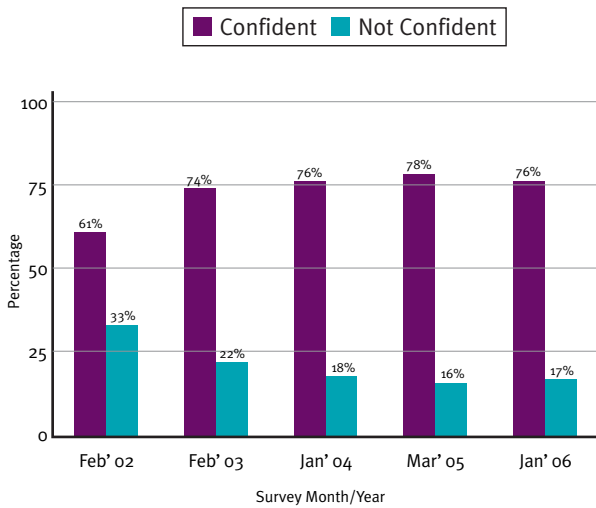
### Impartiality of investigation

76% of respondents were confident that the Police Ombudsman investigates complaints in an impartial manner.

17% of respondents were not confident that investigations were impartial.

73% of Catholics and 78% of Protestants were confident that the Police Ombudsman's investigations were impartial.

**Confidence in the impartiality of the Police Ombudsman's Investigations, February 2002 - January 2006**

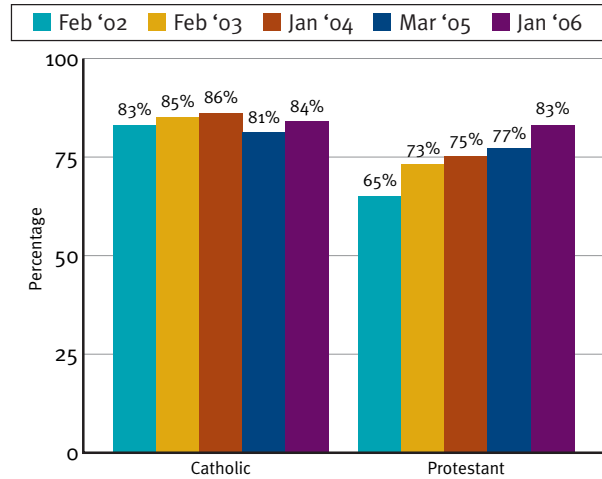


### Effect of Police Ombudsman on Policing

83% of respondents thought the Police Ombudsman would help ensure that the police do a good job.

Catholics (84%) were marginally more likely than Protestants (83%) to hold this view.

**Proportions of Catholic and Protestant respondents thinking that the Police Ombudsman would help the police do a good job, February 2002 - January 2006**



“I would like to say thanks and keep the good work going.” (Complainant)

**Complainant satisfaction**

A complainant satisfaction survey questionnaire was issued to over 2000 complainants following closure of their complaints. Respondents were presented with 23 statements, 13 of which were yes/no answers, 8 were on a scale very satisfied to very dissatisfied, and 2 were open-ended statements. Of the 452 questionnaires returned:

59% of respondents, taking everything into account, were satisfied with the service they received. This includes 29% who were very satisfied.

70% of respondents stated they would use the complaints system again.

95% of respondents thought staff were polite.

86% of respondents thought staff were knowledgeable.

89% of respondents thought staff were professional.

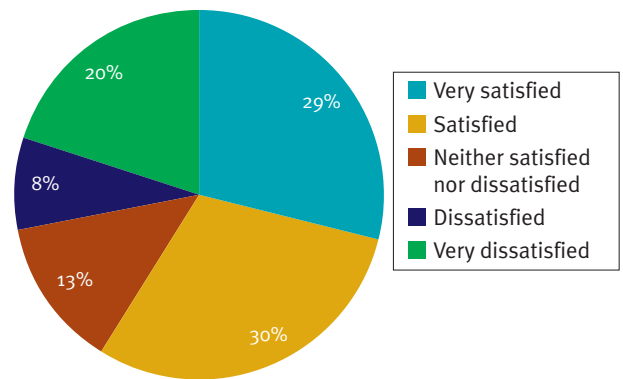
73% of respondents thought staff were impartial.

70% of respondents were satisfied with how long the Office took to reply after making their complaints.

69% of respondents were satisfied with how clearly the process was explained to them.

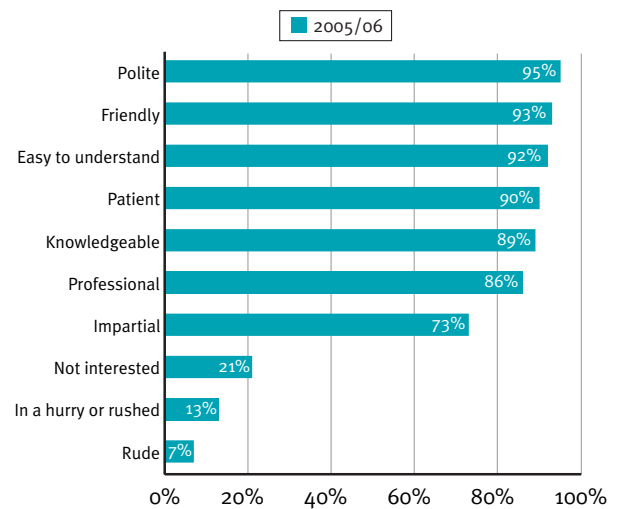
*“The staff made it easy for me to talk to them and explained the ins and outs efficiently. I would not hesitate to contact them again if the need arises.”*  
(Complainant)

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



*“Great service. Thank you.”* (Complainant)

*How did the staff seem to you? 2005/06*



*“At all times your officers have acted in an extremely courteous and professional manner. Very high standards that give confidence. We have been extremely satisfied with all aspects of the process. Excellent and thank you all very much.”*  
(Complainant)

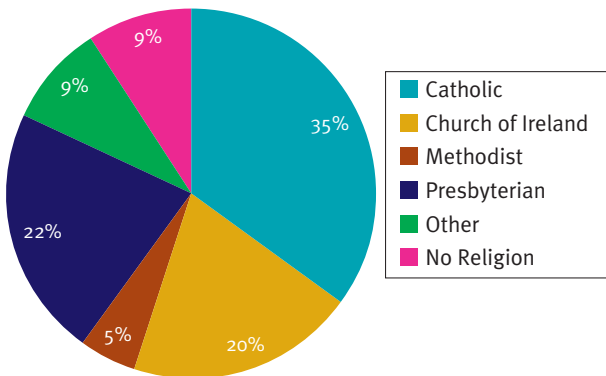
### Complainant diversity

Various demographic aspects of complainants are monitored as a means of fulfilling the obligations laid upon the Police Ombudsman by Section 75 of the Northern Ireland Act 1998. Most of the data collected is extracted from monitoring forms issued to complainants once they have made a complaint. 1,172 monitoring forms were returned representing 38% of those issued.

### Community background

Of the 1,172 complainants who provided information about their community background, 35% said they were Catholic (37% in 2004/05), and 47% identified their background as Presbyterian, Church of Ireland or Methodist (47% in 2004/05). Eighteen per cent identified themselves as other religion or none.

Complainants' Community Background, 2005/06



### Gender

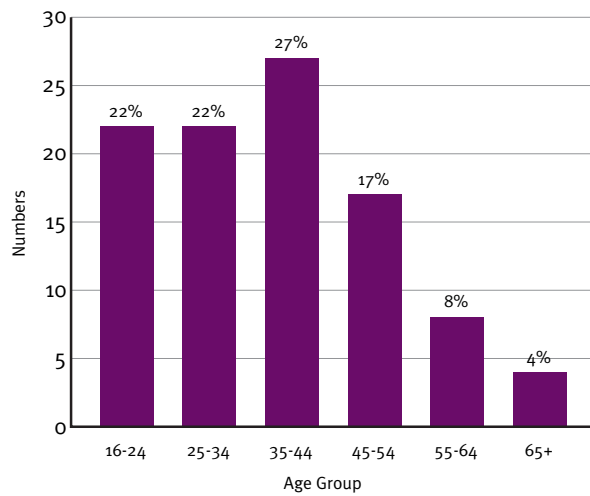
Of those complainants whose gender was known, 70% were male (71% in 2004/05) and 30% were female (29% in 2004/05).

Gender of Complainants		
Gender	Number	%
Male	2,149	70
Female	911	30
Total	3,060	100

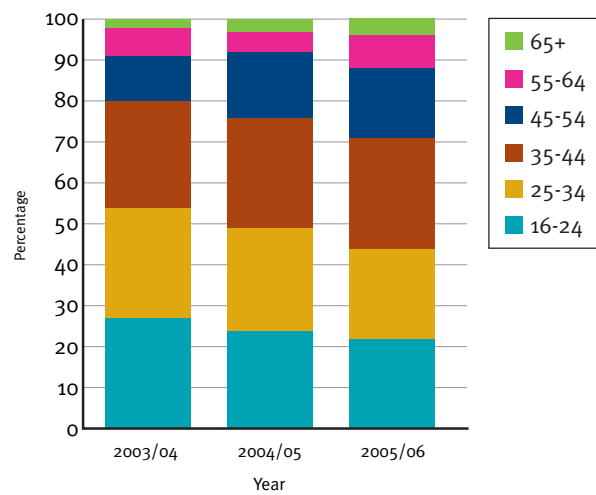
### Age

Of those complainants whose age was known, 27% fell within the 35-44 age group. The percentage of complainants under 25 continues to fall and is now 22%. In 2004/05 the percentage was 24%; in 2003/04 it was 27% and in 2002/03 it was 35%.

Complainants' Age 2005/06



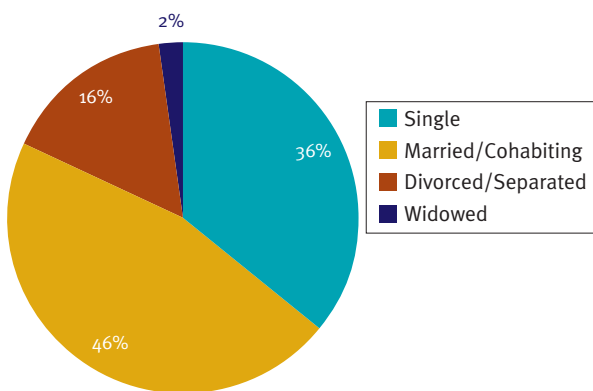
Age of Complainants



### Marital Status

The largest proportion of complainants (46%) described themselves as being either married or cohabiting, 36% said they were single while 16% said they were either separated or divorced.

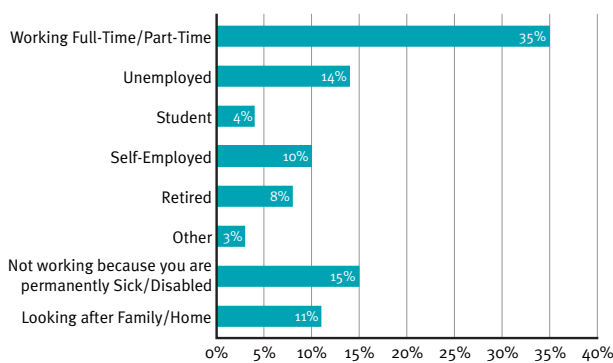
*Complainants' marital status, 2005/06*



### Employment Status

45% of respondents said they were working full time/part time or self employed, 14% of respondents said they were unemployed.

*Complainants' Employment Status, 2005/06*



### POLICE OFFICER SATISFACTION WITH INVESTIGATIONS

During October 2005 the Office of the Police Ombudsman initiated satisfaction surveys in relation to police officers subject to formal Police Ombudsman investigation and police officers who had complaints against them informally resolved.

At the end of the reporting period 499 questionnaires had been issued to police officers subject to Police Ombudsman investigation. 188 (38%) of questionnaires were returned.

217 questionnaires were also issued to officers who had complaints against them informally resolved but conducted by the PSNI and 68 (31%) of these questionnaires were returned.

Although the returns to date are relatively small in number, the Office has nevertheless decided to report on them. In our next annual report we would expect to base findings on a much larger database.

### High levels of police officer satisfaction with Police Ombudsman's investigation

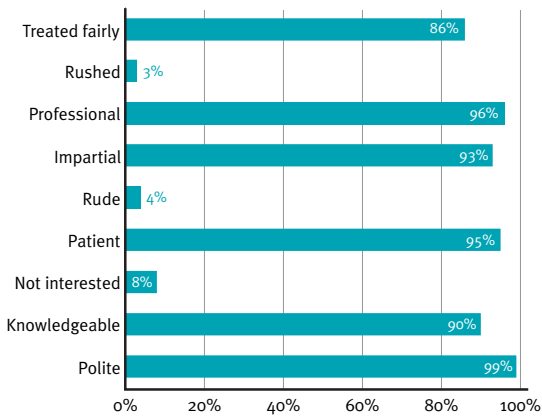
86% of officers investigated thought they were treated fairly.

Of the 91% of police officers who spoke to a Police Ombudsman investigating officer:-

- 96% of officers investigated thought Police Ombudsman investigators acted professionally.
- 93% of officers investigated thought Police Ombudsman investigators acted impartially.
- 95% of officers investigated thought Police Ombudsman investigators were patient.
- 90% of officers investigated thought Police Ombudsman investigators were knowledgeable.
- 99% of officers investigated thought Police Ombudsman staff were polite.

“Certainly the service is getting better to police officers from my first dealings with your Office.” (Police officer)

**Police Officer Satisfaction with Police Ombudsman Investigating Staff**

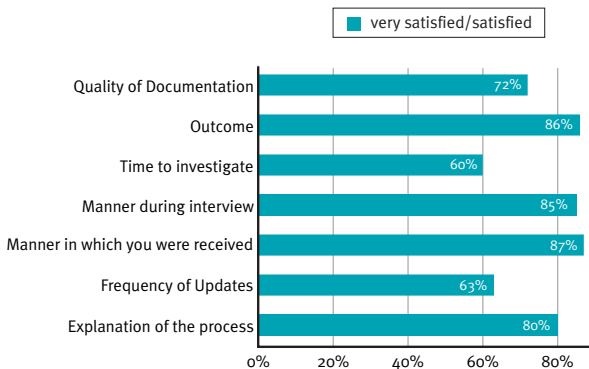


“Everything was dealt with very quickly and professionally.” (Police officer)

**Levels of satisfaction with investigation process**

Officers subject to Police Ombudsman investigation were asked on a scale ranging from very satisfied to very dissatisfied to express views on the investigation process.

**Police officer satisfaction with investigation process**

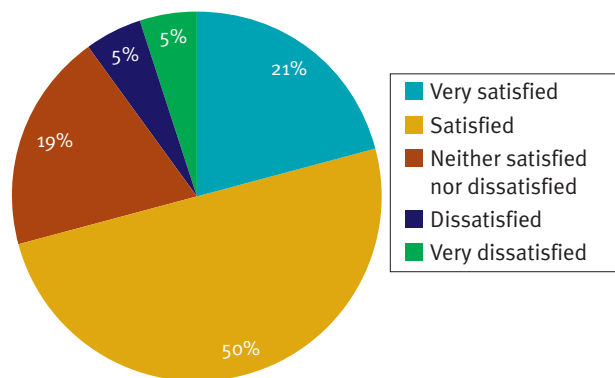


“I was treated very well and professionally by the Investigating Officers.” (Police officer)

**Overall police officer satisfaction with service**

71% of police officers investigated by Police Ombudsman investigators said they were satisfied or very satisfied with the overall service they received from the Office.

**Taking everything into account how satisfied or dissatisfied were you with the overall service you received**



“The service provided by OPONI was excellent.” (Police officer)

“Very satisfied with all aspects of the investigation and outcome. I feel the investigators have to deal with very difficult situations and cope admirably with this.” (Police officer)



**Police officer satisfaction with Informal Resolution conducted by the Police**

Of the 64% of police officers who had spoken to the PSNI officer appointed to conduct informal resolution:

70% of officers thought they were treated fairly.

100% of officers thought the PSNI officer appointed to conduct informal resolution acted professionally.

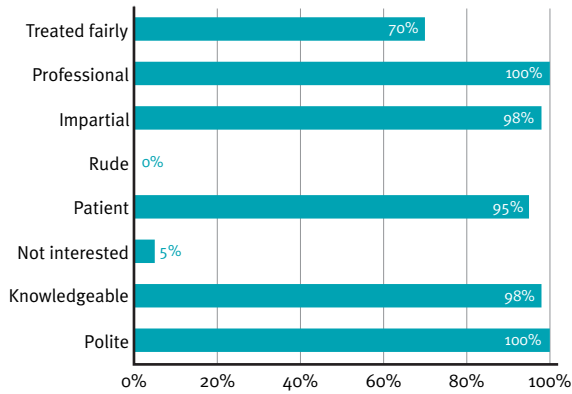
98% of officers thought the PSNI officer appointed to conduct informal resolution acted impartially.

95% of officers thought the PSNI officer appointed to conduct informal resolution was patient.

98% of officers thought the PSNI officer appointed to conduct informal resolution was knowledgeable.

100% of officers thought the PSNI officer appointed to conduct informal resolution was polite.

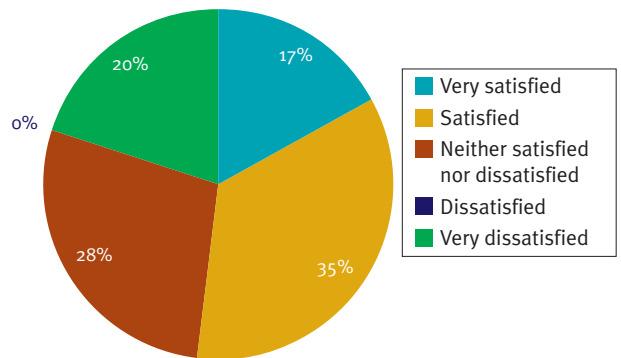
**Police Officer Informal Resolution Survey**



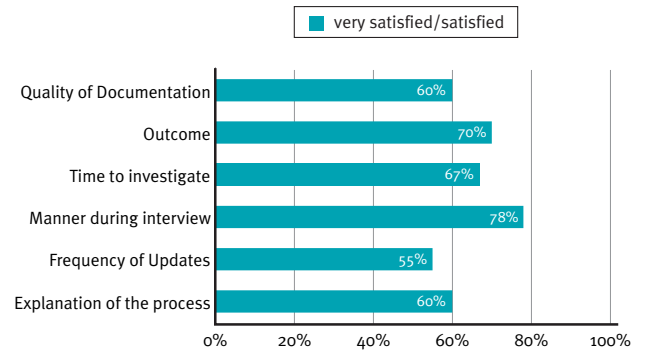
**Levels of satisfaction with informal resolution process**

52% of officers who had complaints against them informally resolved said they were satisfied or very satisfied with the overall service they received.

*Taking everything into account, how satisfied or dissatisfied were you with the overall service you received - Information Resolution*



Officers subject to the informal resolution process were asked on a scale ranging from very satisfied to very dissatisfied to express their views on particular aspects of the informal resolution process.



## RESEARCH REPORTS

During the past 12 months the Office of the Police Ombudsman has published a number of reports covering not only a diverse range of policing related issues but also the system for handling complaints against police. All reports are available on [www.policeombudsman.org](http://www.policeombudsman.org)

### Equality Monitoring Report 2000/05

The Office of the Police Ombudsman is committed to fulfilling its obligations under Section 75 of the Northern Ireland Act 1998. To assist it in achieving this, the Police Ombudsman issues every complainant with a confidential self-completion questionnaire, seeking information relevant to the nine categories specification Section 75.

Between November 2000 and March 2005, the Office issued 14,064 questionnaires. 4,028 complainants (29%) returned completed questionnaires. An analysis of the profile of complainants is based on gender, age, religious belief/community background, race or ethnic group, marital status, disability, employment, dependents and political opinion. A selection of report findings is as follows:

- 38% of respondents described their religious belief as Catholic, 24% Presbyterian, 21% Church of Ireland, 4% Methodist, 8% as Other and 6% No Religion.
- 71% of respondents stated they were male and 29% female.
- 97% of respondents described themselves as white.
- 28% of respondents stated they were between 35 and 44 years of age.
- 38% of respondents reported being single.
- 28% of respondents considered themselves to be disabled.
- 18% of respondents reported being unemployed.
- 41% of respondents declared no support for any political party.
- Less than 1% of respondents disclosed being homosexual or gay.

### Baton Round Reports

In 2002 the Office produced its first baton round report giving a synopsis of seven Police Ombudsman investigations in respect of baton round discharge by police between 24 April 2001 and 9 January 2002.

The Police Ombudsman's second baton round report summarizes a further 24 investigation reports in relation to discharges by police during 2001 and 2002. In the incidents examined the Police Ombudsman concluded that the discharge of baton rounds was justified and proportionate, as were the authorizations and directions given. Whilst no occurrences of police misconduct were uncovered some deficiencies were found in police practice and processes that resulted in a number of recommendations to police in respect of warnings to be given, the issuing of ammunition, the presence of baton gunner assistants and the facilitation of interviewing officers involved in baton round discharge.

Number of baton rounds discharged and incidents by Local Government District and Local Government Ward Boundary for Belfast			
Local Government District	Ward 1992 <sup>1</sup>	Number of baton rounds discharged	Number of baton round incidents
North Belfast	Ardoyne	110	4
	Castleview	7	1
	Duncairn	19	2
	Woodvale	17	2
	New Lodge	4	1
	<b>Total</b>	157	10
East Belfast	Ballymacarrett	74	7
	The Mount <sup>2</sup>	29	2
	<b>Total</b>	103	9
West Belfast	Clonard	30	1
	<b>Total</b>	30	1
South Belfast	Shaftesbury	2	1
	<b>Total</b>	2	1
<b>Belfast Total</b>		292	21
Newry & Mourne	Crossmaglen	2	1
	Craigavon	5	2
<b>NI Total</b>		299	24

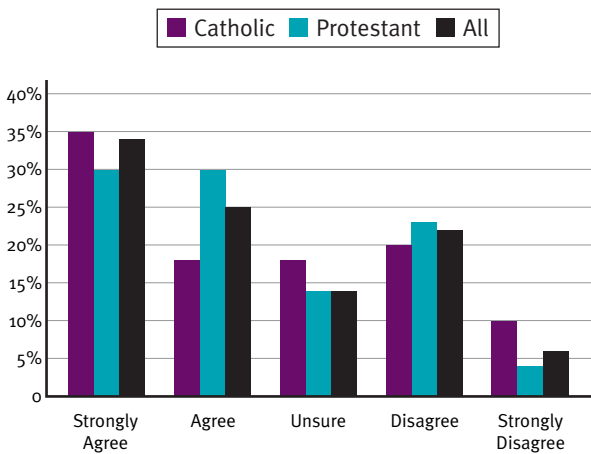
<sup>1</sup> Local Government Ward Boundary – 1992  
<sup>2</sup> Incidents were on the boundary of Ballymacarrett and The Mount

Use of baton rounds has now been discontinued and a new Attenuating Energy Projectile (AEP) is being used by the PSNI.

### Police Led Informal Resolution Report

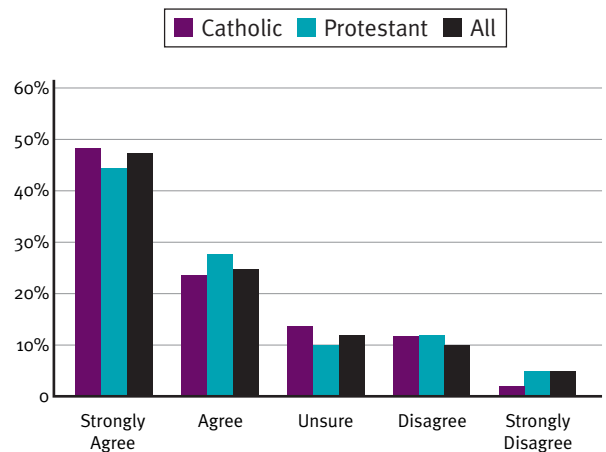
An evaluation of police led informal resolution of police complaints for Northern Ireland from the complainants' perspective was issued in December 2005. The chosen target sample of participants was all complainants who had made a complaint against police between November 2000 and March 2003 and whose complaint was deemed suitable for informal resolution. Of the 1,141 complainants contacted 17% returned a completed questionnaire.

*"I think that that the informal resolution process needs to be improved or replaced"*



Almost 60% of survey respondents considered that the informal resolution process needed to be improved or replaced and 73% considered that persons independent of police should handle the process.

*"I think that the informal resolution process should be handled by people who are independent of the police"*



Arising from the report findings the Police Ombudsman made a number of recommendations including:

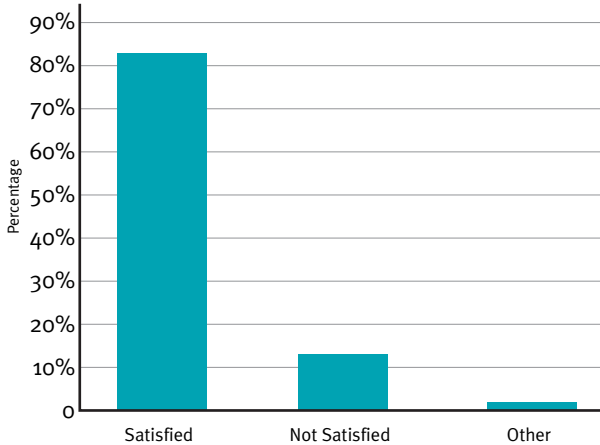
- That legislation be created to provide for a mediation process operated by the Police Ombudsman as an alternative to informal resolution upon receipt of a 'less serious complaint'.
- That sufficient training should be made available to enable officers of the Police Ombudsman to conduct effective mediation and develop the process.
- That the term informal resolution be changed to the Home Office Affairs Committee (1997) recommendation of local resolution to indicate more accurately that it is a serious process.

### Police Identification in Northern Ireland

This report presented the findings of an investigative research project conducted by the Police Ombudsman during 2005 into issues surrounding police identification. The report consisted of four elements:

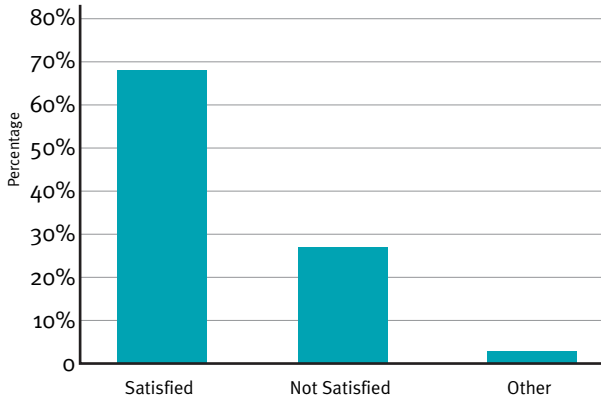
- Consultation surveys seeking the views of both the public and the police on the current methods of identification within PSNI.
- Semi-structured focus groups.
- In depth interviews with consultees.
- Benchmarking exercise on methods of police identification used by a sample of police services throughout the United Kingdom.

**Public satisfaction with uniform identification**



The result of extensive consultation indicated general satisfaction with the current methods of police identification used on uniforms, equipment, and vehicles and on warrant cards.

**Police satisfaction with Warrant Card**



The Police Ombudsman made ten recommendations in respect of the report findings, the majority of which were accepted by PSNI. The Deputy Chief Constable informed the Police Ombudsman that there would be an annual review of the wearing of name badges, with the default position being that name badges should be worn. Only the current security situation would be grounds for not wearing a name badge. The PSNI is also examining how best to identify plain-clothes officers. Among other recommendations accepted by the Deputy Chief Constable was that the use of business cards by police should be promoted and encouraged.

**Analysis of CS Spray use during 2004**

CS Incapacitant Spray (CS Spray) was introduced in Northern Ireland on 1 July 2004. As from 6 August 2004, the Police Ombudsman entered into an agreement with the Chief Constable that all usages of CS Spray from that date would be automatically referred for investigation. The agreement ended on 31 December 2004, after which instances of CS Spray usage were no longer automatically referred. The CS Spray report provides a detailed analysis of all relevant complaints and Chief Constable referrals during 2004. The Police Ombudsman recorded 60 CS Spray incidents between 1 July 2004 and 30 December 2004, 38 of which occurred on the street or road. Thirty-two of the incidents arose in response to public order situations and more than two-thirds of all incidents took place between midnight and 6.00am. Investigations conducted by the Police Ombudsman resulted in a variety of recommendations to the Chief Constable including:

- That CS Spray should not be used at a distance of less than one metre or on a subject who is restrained or handcuffed unless the nature of the risk to the officer is such that this cannot be avoided.
- That all Custody Offices should be reminded of the need for enhanced cell supervision and their duty of care, when dealing with persons who have been exposed to CS Spray.
- That the guidance and training in the use of CS Spray not only articulate caution as regards public order events but also in the more ad hoc street disorder.

**Police accountability and the black and minority ethnic (BME) communities in Northern Ireland**

The Police Ombudsman in conjunction with the Northern Ireland Policing Board jointly commissioned the Institute for Conflict Research to undertake this research. It involved a variety of methodologies including a self-completion questionnaire, which was completed by 542 people from BME groups across Northern Ireland, 25 focus groups involving 207 participants and in depth interviews with minority ethnic individuals.

Respondents' perceptions of the Police Ombudsman's Office			
Perceptions of the Police Ombudsman's Office:	% of responses		
	Agree	Disagree	Don't know
- is impartial	36%	6%	58%
- will help the police do a good job	59%	9%	32%
- is independent of the police	54%	9%	37%
- treats the public and the police equally	52%	8%	40%
- treats the person complaining fairly	48%	3%	48%
- treats the police officer being investigated fairly	42%	1%	57%
- is necessary	76%	3%	21%
- can help change the police	59%	4%	37%
- can help make the police more acceptable	51%	4%	46%
- is racist	4%	44%	51%
- is aware of issues relating to the minority ethnic community	26%	16%	58%

Arising from recommendations made in the report the Police Ombudsman: is identifying appropriate training to be rolled out to all staff; has become engaged in an extensive information programme using as many mediums as appropriate to make all elements of the community aware of the police complaints system; and has altered its complainant monitoring form to not only capture racial classifications but also countries of birth.

**Policing accountability and the Lesbian Gay and Bisexual (LGB) Community in Northern Ireland**

This report was also jointly commissioned with the Northern Ireland Policing Board which researched attitudes towards and experiences of the new policing arrangements in Northern Ireland by individuals who describe themselves as being lesbian, gay or bisexual. Questionnaires were completed by 233 LGB persons across Northern Ireland; 90 persons participated in focus groups and a number of in depth individual interviews were conducted. One of the areas addressed was the role of the Police Ombudsman and the experiences of LGB persons of making complaints about the PSNI.

Respondents' perceptions of the Police Ombudsman's Office			
Perceptions of the Police Ombudsman's Office:	% of responses		
	Agree	Disagree	Don't know
- is impartial	44%	13%	43%
- will help the police do a good job	51%	11%	38%
- is independent of the police	47%	15%	38%
- treats the public and the police equally	35%	20%	45%
- treats the person complaining fairly	46%	7%	48%
- treats the police officer being investigated fairly	40%	5%	55%
- is necessary	74%	4%	22%
- can help change the police	55%	12%	33%
- can help make the police more acceptable	55%	11%	34%
- is homophobic	6%	34%	60%
- is transphobic	7%	29%	64%
- is aware of issues relating to the LGB community	16%	18%	66%

As a result of report recommendations in relation to diversity training, outreach and the provision of information about the complaints procedure, the Police Ombudsman is in the process of identifying appropriate diversity training for all its staff. In addition, the Police Ombudsman is engaged in an information project with a number of 'Section 75' groups which is aimed at informing her Office about the best and most relevant methods of providing information for particular communities. It is proposed that this work will include consultation with LGB representatives.

<b>KEY PERFORMANCE INDICATORS AND TARGETS</b>	
<b>Key Performance Indicators</b>	<b>Targets 2005/06</b>
Prompt response to calls from members of the public	Within 20 seconds
Prompt response in reception of visitors	Within 5 minutes
Responsiveness of complaints being acknowledged, allocated and actioned	Within 4 days - 95%
Time to administer complaints not referred for investigation	Average 30 days
Time taken to refer suitable complaints with consent of complainant for Informal Resolution	Within 3 days - 95%
Initial contact with complainant by investigation officer	Within 3 days - 90%
Time to investigate matters excluding grave and exceptional	Average 80 days
Rapid response to emergency Chief Constable referrals	Within 1.5 hours Belfast 3 hours in Region
Complainants kept informed of complaint progress regularly	Within 6 weeks - 85%
Police officers kept informed of progress of the investigation	Within 6 weeks - 85%
Satisfaction of complainant with service given by complaints and investigation officers	80% satisfaction
Monthly supply of statistical reports of all complaints to PSNI and NIPB	Within 10 days of month end
Responsiveness to Freedom of Information 2004 Act requests	Within 20 days
Public awareness and confidence in the Office	Maintain current results
Accreditation of investigators through Portsmouth University	25 investigators accredited
Staff skills and training development	80% staff training complete
Compliance with Section 75 NI Act 1998 and Article 55 Fair Employment and Treatment Order 1998	Monitoring return May Progress Report August
Risk management controls	Register updated quarterly
Grant-in-Aid compliance	Within 2% limits
Published Corporate Plan and Annual Report	Before 30 June

KEY PERFORMANCE INDICATORS AND TARGETS	
Performance 2004/05	Performance 2005/06
Average response time 8 seconds	Average response time 4 seconds
Average waiting time – 4 minutes	Average waiting time – 3 minutes
90% achievement in 4 days	85% achievement in 4 days
Average 33 days	Average 32 days
93% achievement in 3 days	91% achievement in 3 days
88% achievement in 3 days	82% achievement in 3 days
Average 84 days	Average 117 days
Target achieved	Target achieved
77% of complainants were updated on progress within 6 weeks	78% of complainants were updated on progress within 6 weeks
81% of police officers were updated on progress within 6 weeks	86% of police officers were updated on progress within 6 weeks
75% of complainants satisfied and would use system again	70% of complainants satisfied and would use system again
Targets being achieved	Targets being achieved
Targets being achieved	Targets being achieved
High level of confidences measured in Survey	Omnibus Survey March 2006 Current results maintained
34 investigators enrolled, 10 investigators accredited	24 investigators accredited
477 staff participation on 87 training events	412 staff participation on 105 training events
Complied with deadlines for returns	Complied with deadlines for returns
Risk register updated 3 times during year	Risk register updated 15 April, 12 October 2005, 17 January and 28 March 2006
Achieved within 1% of Grant-in-Aid	Achieved within 0.5% of Grant-in-Aid
Achieved target dates	Corporate Plan published in June Annual Report published in July

# Remuneration Report

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## REMUNERATION POLICY

The Police Ombudsman is remunerated in line with judicial scales. The Chief Executive and Senior Director of Investigations are remunerated as senior civil servants. The level of remuneration and performance award element is set by the Prime Minister following independent advice from the Senior Salaries Review Body.

In reaching its recommendations, the Review Body has regard to the following considerations:

- the need to recruit, retain and motivate suitably able and qualified people to exercise their different responsibilities;
- regional/local variations in labour markets and their effects on the recruitment and retention of staff;
- Government policies for improving the public services including the requirement on departments to meet the output targets for the delivery of departmental services;
- The funds available to departments as set out in the Government's departmental expenditure limits;
- The Government's inflation target.

The Review Body takes account of the evidence it receives about wider economic considerations and the affordability of its recommendations.

Further information about the work of the Review Body can be found at [www.ome.uk.com](http://www.ome.uk.com)

The remuneration of other members of the Senior Management Team within the Office is set within NIO pay structures. Included within the pay award is an element related to performance. Performance is appraised by line managers of achievement against agreed objectives and targets. The performance element of the pay award was a non consolidated bonus of up to £250 dependent on the level of performance. The Office is not involved in NIO pay negotiations.

## APPOINTMENTS

Appointments are made in accordance with the Civil Service Commissioners' Recruitment Code, which requires appointment to be on merit on the basis of fair and open competition but also includes the circumstances when appointments may otherwise be made.

Unless otherwise stated below, the officials covered by this report hold appointments, which are open-ended until they reach the normal retiring age of 60. Early termination, other than for misconduct, would result in the individual receiving compensation as set out in the Civil Service Compensation Scheme.

Further information about the work of the Civil Service Commissioners can be found at [www.civilservicecommissioners.gov.uk](http://www.civilservicecommissioners.gov.uk)

The Police Ombudsman is appointed by Royal Warrant and serves for a period of seven years. Mrs N O'Loan was appointed on 1 January 2000 as Police Ombudsman designate, with appointment as Police Ombudsman taking effect from 6 November 2000.

Mr J Larkin, currently Acting Director of Investigations, is employed with the Office on a secondment arrangement with West Midlands Police who remain responsible for matters of remuneration in respect of Mr Larkin. Mr Larkin is currently seconded for a two year period from 8 November 2004 which may be extended by mutual agreement between West Midlands Police, Mr Larkin and this Office.

Mr E Simpson and Mr R S T Ewing were appointed on 30 June 2004 for three years as Independent Non-Executive members of the Audit Committee in the Office. They are remunerated on the basis of hours employed at a rate of £250 per day.



## SALARY AND PENSION ENTITLEMENTS

The following sections provide details of the remuneration and pension interests of the most senior officials in the Office.

Salary and Pension Entitlements				
	2005/06		2004/05	
	Salary (£'000)	Benefits in kind (to nearest £100)	Salary (£'000)	Benefits in kind (to nearest £100)
Mrs Nuala O'Loan <i>Police Ombudsman</i>	115-120	-	90-95	-
Mr Samuel Pollock <i>Chief Executive</i>	75-80	-	70-75	-
Mr David Wood <i>Executive Director of Investigations</i>	55-60 <sup>1</sup>	-	130-135	32,000
Mr Justin Felice <i>Senior Director of Investigations</i>	55-60 <sup>2</sup>	-	60-65	16,400
Mrs Olwen Laird <i>Director of Corporate Services</i>	45-50	-	40-45	-
Mr Greg Mullan <i>Director of Policy and Practice</i>	45-50	-	40-45	-
Mr Tim Gracey <i>Director of Information</i>	50-55	-	45-50	-
Mr John Larkin <i>Acting Director of Investigations</i>	15-20 <sup>3</sup>	-	N/A	N/A
Mr Eunan McMullan <i>Director of Legal Services (On career break)</i>	-	-	-	-
Mr Edward Simpson <i>Non Executive Audit Committee Member</i>	0-5	-	0-5	-
Mr RST Ewing <i>Non Executive Audit Committee Member</i>	0-5	-	0-5	-

1 Salary quoted is for remuneration from 1 April 2005 to 13 January 2006. The full year equivalent is £70-75k.

2 Salary quoted is for remuneration as Director of Investigations from 1 April 2005 to 18 December 2005 and as Senior Director of Investigations from 19 December 2006 to 31 March 2006. The full year equivalent is £50-55k and £75-80k respectively.

3 Salary quoted is for remuneration as Acting Director of Investigations from 19 December 2005 to 31 March 2006. The full year equivalent is £60-65k.

## PENSION BENEFITS

	Accrued pension at age 60 as at 31/3/06 and related lump sum £'000	Real increase in pension and related lump sum at age 60 £'000	CETV at 31/3/06 £'000	CETV at 31/3/05 £'000	Real increase in CETV £'000	Employer contribution to partnership pension account (Nearest £100)
Mrs Nuala O'Loan <i>Police Ombudsman</i>	27.5-30 plus lump sum of 87.5-90	2.5-5 plus lump sum of 12.5-15	517	422	93	N/A
Mr Samuel Pollock <i>Chief Executive</i>	2.5-5 plus lump sum of 12.5-15	0-2.5 plus lump sum of 2.5-5	88	65	24	N/A
Mr David Wood <i>Executive Director of Investigations</i>	Note 1	Note 1	Note 1	Note 1	Note 1	Note 1
Mr Justin Felice <i>Senior Director of Investigations</i>	Note 1	Note 1	Note 1	Note 1	Note 1	Note 1
Mrs Olwen Laird <i>Director of Corporate Services</i>	5-7.5 lump sum not applicable	0-2.5 lump sum not applicable	59	45	11	N/A
Mr Greg Mullan <i>Director of Policy and Practice</i>	12.5-15 plus lump sum of 42.5-45	0-2.5 plus lump sum of 2.5-5	241	203	46	N/A
Mr Tim Gracey <i>Director of Information</i>	7.5-10 plus lump sum of 22.5-25	0-2.5 plus lump sum of 5-7.5	116	85	28	N/A
Mr John Larkin <i>Acting Director of Investigations</i>	N/A	N/A	N/A	N/A	N/A	N/A
Mr Eunan McMullan <i>Director of Legal Services</i> (On career break)	7.5-10 plus lump sum of 17.5-20	-(0-2.5) plus lump sum of -(0-2.5)	104	98	- (3)	N/A
Mr Edward Simpson <i>Non Executive Audit Committee Member</i>	N/A	N/A	N/A	N/A	N/A	N/A
Mr RST Ewing <i>Non Executive Audit Committee Member</i>	N/A	N/A	N/A	N/A	N/A	N/A

Note 1 Member of the premium scheme with less than 2 years service, therefore only a refund of contributions due.

## 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. This report is based on payments made by the Office and thus recorded in these accounts.

## Benefit 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.

## Civil Service Pensions

Pension benefits are provided through the Civil Service pension 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 in the same way as in 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 from a selection of approved products. 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 Civil Service pension arrangements can be found at the website [www.civilservice-pensions.gov.uk](http://www.civilservice-pensions.gov.uk)

## Cash Equivalent Transfer Values

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 Civil Service pension arrangements and for which the CS Vote has received a transfer payment commensurate with 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.

Please note that the factors used to calculate the CETV were revised on 1 April 2005 on the advice of the Scheme Actuary. The CETV figure for 31 March 2005 has been restated using the new factors so that it is calculated on the same basis as the CETV figure for 31 March 2006.

## Real increase in CETV

This 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.

**Samuel Pollock, OBE**  
**BSc (Hons), Dip. App. Soc. Studies**  
**Chief Executive**  
**9 June 2006**

## Statement of the responsibilities of the Police Ombudsman for Northern Ireland and the Chief Executive

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The duties and responsibilities of the Police Ombudsman are set out on page 9. In addition to this, under paragraph 12 of Schedule 3 of the Police (Northern Ireland) Act 1998, the Police Ombudsman for Northern Ireland is required to prepare a statement of accounts for each financial year in the form and on the basis directed by the Secretary of State.

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

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

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

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

# Statement on Internal Control

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## 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 Secretary of the Northern Ireland Office on progress towards business objectives, financial objectives, staffing and other matters.

## 2 PURPOSE OF THE SYSTEM OF INTERNAL CONTROL

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

The system of internal control is based on an ongoing process designed to identify and prioritise the risks to the achievement of the policies, aims and objectives of the Office, to evaluate the likelihood of those risks being realised and the impact should they be realised, and to manage them efficiently, effectively and economically. This system of internal control has been in place in the Office of the Police Ombudsman for the year ended 31 March 2006 and up to the date of approval of the annual report and accounts, and accords with treasury guidance.

## 3 CAPACITY TO HANDLE RISK

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

## 4 RISK CONTROL FRAMEWORK

In order to ensure risk management is embedded throughout the Office it is incorporated into the corporate planning process. Risk awareness training has been provided to staff to more fully embed risk management throughout the Office.

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

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

## 5 REVIEW OF EFFECTIVENESS

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

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

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## AUDIT COMMITTEE

The Audit Committee continues to provide an essential oversight of the controls and good governance of the Office. The Committee is self standing with a terms of reference and comprises representatives of the Office of the Police Ombudsman, representatives from the Department (Northern Ireland Office) and two independent non-executive members who have been in post throughout the financial year. The Audit Committee is chaired by an independent non-executive member. I am required to report to this Committee quarterly or more often if required.

## INTERNAL AUDIT

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

The report includes the Head of Internal Audit'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 corporate governance, complaints and investigations and financial management systems. There were no high risk issues arising from this report. This builds further on reviews of systems carried out in previous years. In a review of risk management internal audit noted action taken to be in accordance with Treasury guidance and highlighted a need to further develop Business Continuity Plans. This matter is now being addressed by the Office.

**Samuel Pollock, OBE**  
**BSc (Hons), Dip. App. Soc. Studies**  
**Chief Executive**  
**9 June 2006**

# The Certificate and Report of the Comptroller and Auditor General to the Houses of Parliament

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I certify that I have audited the financial statements of the Office of the Police Ombudsman for Northern Ireland for the year ended 31 March 2006 under the Police (Northern Ireland) Act 1998. These comprise the Income and Expenditure Account, the Balance Sheet, the Cashflow Statement and Statement of Total Recognised Gains and Losses and the related notes. These financial statements have been prepared under the accounting policies set out within them.

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

The Office of the Police Ombudsman for Northern Ireland and Chief Executive are responsible for preparing the Annual Report, the Remuneration Report and the financial statements in accordance with the Police (Northern Ireland) Act 1998 and directions made thereunder by the Secretary of State for Northern Ireland and for ensuring the regularity of financial transactions. These responsibilities are set out in the Statement of the Police Ombudsman for Northern Ireland and Chief Executive's Responsibilities.

My responsibility is to audit the financial statements in accordance with relevant legal and regulatory requirements, and with International Standards on Auditing (UK and Ireland).

I report to you my opinion as to whether the financial statements give a true and fair view and whether the financial statements and the part of the Remuneration Report to be audited 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. I also report whether in all material respects the expenditure and income have been applied to the purposes intended by Parliament and the financial transactions conform to the authorities which govern them. I also report to you if, in my opinion, the Annual Report is not consistent with the financial statements, if the Office of the Police Ombudsman for Northern Ireland has not kept proper accounting records, if I have not received all the information and explanations I require for my audit, or if information specified by relevant authorities regarding remuneration and other transactions is not disclosed.

I review whether the statement on pages 51 to 52 reflects the Office of the Police Ombudsman for Northern Ireland's compliance with HM Treasury's guidance on the Statement on Internal Control, and I report if it does not. I am not required to consider whether the Accounting Officer's Statements on Internal Control cover all risks and controls, or form an opinion on the effectiveness of the Office of the Police Ombudsman for Northern Ireland's corporate governance procedures or its risk and control procedures.

I read the other information contained in the Annual Report and consider whether it is consistent with the audited financial statements. This other information comprises only the Foreword, the Report of the Police Ombudsman, the Report of the Chief Executive, the Review of the Work and Performance of the Office and the unaudited part of the Remuneration Report. I consider the implications for my report if I become aware of any apparent misstatements or material inconsistencies with the financial statements. My responsibilities do not extend to any other information.

## Basis of audit opinion

I conducted my audit in accordance with International Standards on Auditing (UK and Ireland) issued by the Auditing Practices Board. My audit includes examination, on a test basis, of evidence relevant to the amounts, disclosures and regularity of financial transactions included in the financial statements and the part of the Remuneration Report to be audited. It also includes an assessment of the significant estimates and judgments made by the Office of the Police Ombudsman for Northern Ireland and Chief Executive in the preparation of the financial statements, and of whether the accounting policies are most appropriate to the Office of the Police Ombudsman's circumstances, consistently applied and adequately disclosed.

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

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## Opinions

In my opinion:

- the financial statements give a true and fair view, in accordance with the Police (Northern Ireland) Act 1998 and directions made thereunder by the Secretary of State for Northern Ireland, of the state of the Office of the Police Ombudsman's affairs as at 31 March 2006 and of its deficit for the year then ended;
- the financial statements and the part of the Remuneration Report to be audited have been properly prepared in accordance with the Police (Northern Ireland) Act 1998 and directions made thereunder by the Secretary of State for Northern Ireland; and
- in all material respects the expenditure and income have been applied to the purposes intended by Parliament and the financial transactions conform to the authorities which govern them.

I have no observations to make on these financial statements.

**John Bourn**  
**Comptroller and Auditor General**  
**23 June 2006**

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

1. *The maintenance and integrity of the Office of the Police Ombudsman for Northern Ireland web site is the responsibility of the Police Ombudsman's Office; the work carried out by the auditors does not involve consideration of these matters and, accordingly, the auditors accept no responsibility for any changes that may have occurred to the financial statements since they were initially presented on the web site.*
2. *Legislation in the United Kingdom governing the preparation and dissemination of financial statements may differ from legislation in other jurisdictions.*



## Income and Expenditure Account for the year ended 31 March 2006

	Note	2005/06 £	2004/05 £
<b>Income</b>			
Revenue Grant in Aid	1.2, 3	7,292,963	7,006,419
<b>Expenditure</b>			
Salaries and Wages	4	5,353,009	4,784,035
Depreciation	7	256,023	300,926
Other Operating Costs	5	2,328,255	2,321,615
Permanent diminution on revaluation of fixed assets	7, 12	15,858	274,684
Notional cost of capital	6	54,714	68,851
<b>Total expenditure</b>		<b>8,007,859</b>	<b>7,750,111</b>
<b>Deficit of Income Over Operating Expenditure</b>		<b>(714,896)</b>	<b>(743,692)</b>
Release from Government Grant Reserve re depreciation & diminution	12	271,881	575,610
Credit in respect of notional costs and cost of capital	6	54,714	68,851
<b>Retained Deficit for the year</b>		<b>(388,301)</b>	<b>(99,231)</b>
This deficit relates to the continuing activities of the Office of the Police Ombudsman for Northern Ireland.			
The movement on the General Fund and reserves is set out in Note 12.			
<b>Statement of Total Recognised Gains and Losses</b>			
Retained Deficit for the year		(388,301)	(99,231)
Unrealised gain on revaluation	12	36,438	4,145
<b>Total recognised losses relating to the year</b>		<b>(351,863)</b>	<b>(95,086)</b>
The notes on pages 58 to 68 form part of these accounts.			

## Balance Sheet as at 31 March 2006

	Note	as at 31 March 2006 £	as at 31 March 2005 £
<b>Fixed Assets</b>			
Tangible assets	7	1,364,708	1,363,907
Intangible assets	7	339,761	151,389
		<u>1,704,469</u>	<u>1,515,296</u>
<b>Current Assets</b>			
Debtors and prepayments	8	140,801	150,873
Cash at bank and in hand	9	119,241	290,851
		<u>260,042</u>	<u>441,724</u>
<b>Creditors - amounts falling due within one year</b>	10	<u>(532,851)</u>	<u>(183,573)</u>
<b>Net Current Liabilities</b>		<u>(272,809)</u>	<u>258,151</u>
<b>Total Assets less Current Liabilities</b>		<u>1,431,660</u>	<u>1,773,447</u>
Creditors - amounts falling due after more than one year	10	-	-
Provisions for liabilities and charges	11	(8,750)	(69,830)
		<u>1,422,910</u>	<u>1,703,617</u>
<b>Financed By:</b>			
<b>Capital and Reserves</b>			
General Fund	12	(199,980)	188,321
Government Grant reserve		1,622,890	1,515,296
		<u>1,422,910</u>	<u>1,703,617</u>
The notes on pages 58 to 68 form part of these accounts.			

Samuel Pollock, OBE  
BSc (Hons), Dip. App. Soc. Studies  
Chief Executive  
9 June 2006

## Cash Flow Statement for the year ended 31 March 2006

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	Note	2005/06 £	2004/05 £
Net cash outflow from continuing operating activities	15	(171,610)	(87,126)
Payment for fixed assets	7	(343,037)	(143,581)
Net cash outflow before financing		(514,647)	(230,707)
<b>Financing</b>			
Grant in Aid to fund capital expenditure	12	343,037	143,581
Decrease in cash and cash equivalents	16	(171,610)	(87,126)

The notes on pages 58 to 68 form part of these accounts.

# Notes to the Accounts

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## 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 Government Financial Reporting Manual (FReM). The particular accounting policies adopted by the Office of the Police Ombudsman for Northern Ireland are described below. They have been applied consistently in dealing with items considered material in relation to the accounts.

### 1.1 Accounting Convention

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

Without limiting the information given, the accounts meet:

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

in so far as those requirements are appropriate.

### 1.2 Grant in Aid

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

### 1.3 Value Added Tax

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

### 1.4 Fixed Assets

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

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

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

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

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

### 1.5 Pension Costs

Past and present employees are covered by the provisions of the Civil Service Pension Schemes which are described in the Remuneration Report on pages 46 to 49. The defined benefit elements of the schemes are unfunded and are non-contributory except in respect of dependants' benefits. The organisation recognises the expected cost of these elements on a systematic and rational basis over the period during which it benefits from employees' services by payment to the Principal Civil Service Pension Schemes (PCSPS) of amounts calculated on an accruing basis. Liability for payment of future benefits is a charge on the PCSPS. In respect of the defined contribution elements of the schemes, the organisation recognises the contributions payable for the year.

### 1.6 Leases

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

## 2. FINANCIAL TARGETS

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

### 3. INCOME

	2005/06 £	2004/05 £
<b>HMG</b>		
Grant in Aid received, from the Northern Ireland Office, Request for resources 1, for revenue expenditure	7,199,963	7,006,419
Grant in Aid received, from the Northern Ireland Office (Historical Enquires)	93,000	-
	<u>7,292,963</u>	<u>7,006,419</u>
<b>HMG</b>		
Grant in Aid received, from the Northern Ireland Office, Request for resources 1, for capital expenditure	343,037	143,581
Total Grant in Aid received	<u>7,636,000</u>	<u>7,150,000</u>

### 4. STAFF COSTS AND NUMBERS

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

	2005/06 £	2004/05 £
<b>Amounts payable in respect of directly employed Police Ombudsman staff</b>		
Wages and salaries	2,957,663	2,523,295
Social security costs	240,791	197,132
Employer's pension contributions	543,874	343,059
<b>Total direct employee staff costs</b>	<u>3,742,328</u>	<u>3,063,486</u>
<b>Amounts payable in respect of staff on secondment, agency/temporary staff, and contract staff</b>	<u>1,610,681</u>	<u>1,720,549</u>
<b>Total staff costs</b>	<u>5,353,009</u>	<u>4,784,035</u>

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

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

	2005/06 No.	2004/05 No.
<b>Directly employed Police Ombudsman staff</b>		
Management and executive	7	5
Administrative and support staff	34	33
Complaints and investigation staff	65	65
<b>Seconded, agency/temporary and contract staff</b>		
Management and executive	-	2
Administrative and support staff	5	1
Complaints and investigation staff	24	23
<b>Total</b>	<b>135</b>	<b>129</b>

#### 4.3 Police Ombudsman's Remuneration

During the year the Police Ombudsman's total remuneration, excluding pension contributions, was £116,515 (£91,384 for the year ended 31 March 2005). The Police Ombudsman is an ordinary member of the Principal Civil Service Pension Scheme.

#### 4.4 Pensions

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

For the year employers' contributions of £543,874 were payable to the Principal Civil Service Pension Scheme (£343,059 for the year ended 31 March 2005) at one of four rates in the range 16.2% to 24.6% per cent of pensionable pay, based on salary bands (the rates in 2004/05 were between 12% and 18.5%). The Scheme Actuary reviews employer contributions every four years following a full scheme valuation. From 2006/07, the salary bands will be revised and the rates will be in a range between 17.1% and 25.5%.

The contribution rates are set to meet the cost of the benefits accruing during 2005/06 to be paid when the member retires, and not the benefits paid during this period to existing pensioners.

The Remuneration Report on pages 46 to 49 contains detailed pension information.

## 5. OTHER OPERATING COSTS

	2005/06 £	2004/05 £
Travel and subsistence	318,480	333,941
Training, recruitment and other personnel costs	543,705	680,358
Rates, maintenance, electricity and other accommodation costs	366,783	332,226
Consultancy and legal costs	193,820	88,682
Information and media	114,281	85,229
Printing, stationery, postage and office equipment	122,182	80,023
Direct case investigation costs	135,655	118,132
Computer support including maintenance and telecommunications	171,049	245,254
Operating leases; photocopying machines	22,125	20,368
Operating leases; other (rent & car leases)	309,447	249,981
Other costs	78,308	71,583
External audit fee	13,500	16,500
Provisions - provided in year	(61,080)	(662)
<b>Total</b>	<b>2,328,255</b>	<b>2,321,615</b>

## 6. NOTIONAL COST OF CAPITAL

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

For the purpose of this calculation the opening capital employed as at 1 April 2005 and the closing capital employed as at 31 March 2006 have been used.

	2005/06 £	2004/05 £
Interest on capital employed	54,714	68,851

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



## 7. FIXED ASSETS

	Land & buildings, leasehold improvements New Cathedral Buildings £	Furniture & fittings £	Information technology £	Total tangibles £	Intangible assets purchased software licences £	Total assets £
Cost or Valuation						
At 1 April 2005	1,000,000	191,053	746,785	1,937,838	265,073	2,202,911
Additions	63,824	27,622	105,489	196,935	227,682	424,617
Revaluation	(63,824)	2,126	(22,071)	(83,769)	(9,273)	(93,042)
Disposals	-	-	-	-	-	-
At 31 March 2006	1,000,000	220,801	830,203	2,051,004	483,482	2,534,486
Depreciation						
At 1 April 2005	-	67,188	506,743	573,931	113,684	687,615
Charge for year	98,996	22,468	101,351	222,815	33,208	256,023
Backlog	(98,996)	860	(12,314)	(110,450)	(3,171)	(113,621)
Disposals	-	-	-	-	-	-
At 31 March 2006	-	90,516	595,780	686,296	143,721	830,017
Net Book Value						
At 1 April 2005	1,000,000	123,865	240,042	1,363,907	151,389	1,515,296
At 31 March 2006	1,000,000	130,285	234,423	1,364,708	339,761	1,704,469

Leasehold improvements have been valued by Valuation and Lands Agency on the existing use basis at £1,000,000 at 31 March 2006. The open market valuation at that date was £nil.

Fixed asset additions of £424,617 includes an accrual of £81,580 in relation to fixed assets for which capital grant funding will be received in 2006/07.

	£
Total fixed asset additions 2005/06	424,617
Additions to be funded by capital grant 2006/07	(81,580)
Additions funded by capital grant 2005/06	343,037

## 8. DEBTORS

	as at 31 March 2006 £	as at 31 March 2005 £
Debtors	3,975	5,505
Prepayments	136,826	145,368
	140,801	150,873

### 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 2006 £	as at 31 March 2005 £
Bank	118,841	290,451
Cash	400	400
	119,241	290,851

## 10. CREDITORS

	as at 31 March 2006 £	as at 31 March 2005 £
<b>Amounts falling due within one year</b>		
Taxation, pension and social security accruals	37,503	79,369
Creditors	149,925	61,680
Other accruals	345,423	42,524
	532,851	183,573

Other accruals includes an amount of £81,580 for fixed assets which has been included in fixed asset additions in Note 7 but against which payment and capital grant funding will be made /received in 2006/07.

### Amounts falling due after one year

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

## 11. PROVISION FOR LIABILITIES AND CHARGES

	as at 31 March 2006 £	as at 31 March 2005 £
Balance as at 1 April 2005	69,830	73,500
Movement in the year	(61,080)	(3,670)
Balance as at 31 March 2006	8,750	69,830

### Legal Claims

Provision has been made in respect of an outstanding legal claim against the organisation. The provision reflects all known claims on estimates based on legal advice. The amount provided is on an expected probability basis, where the total probable cost is provided in full, if the expected risk of failure is likely to be greater than 50%. The provision is in respect of a judicial review. Expenditure is likely to be incurred within one year and no re-imbursment is likely to be received.

As at 31 March 2006 the Office had five ongoing legal matters which it considers will be successfully defended in due course. However, the Office cannot predict when these matters are likely to be concluded. The financial effect on the Office as a result of these legal matters will be defence costs, the amount of which are contingent upon factors which cannot be predicted. All defence costs incurred in respect of these matters are accrued in the financial statements as at 31 March 2006.

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

	General Fund £	Government Grant Reserve £	Total as at 31 March 2006 £	as at 31 March 2005 £
Opening balance at 1 April 2005	188,321	1,515,296	1,703,617	2,230,732
Grant in Aid received to fund capital assets	-	343,037	343,037	143,581
Transfer from Income and Expenditure Account	(388,301)	-	(388,301)	(99,231)
Diminution arising on revaluation of fixed assets	-	(15,858)	(15,858)	(274,684)
Depreciation transferred to Income and Expenditure Account	-	(256,023)	(256,023)	(300,926)
Unrealised surplus on revaluation of fixed assets	-	36,438	36,438	4,145
Balance at 31 March 2006	(199,980)	1,622,890	1,422,910	1,703,617

Valuation of total fixed assets as at 31 March 2006 was £1,704,469 compared to the valuation of the Government Grant Reserve of £1,622,890. The difference is due to assets which have been accrued but for which capital grant funding will be received in 2006/07.

Transfer to Income and Expenditure Account from the Government Grant Reserve:	2005/06 £	2004/05 £
Diminution arising on revaluation of fixed assets	15,858	274,684
Depreciation transferred to Income and Expenditure Account	256,023	300,926
	271,881	575,610

## 13. CAPITAL COMMITMENTS

As at 31 March 2006 the Office of the Police Ombudsman for Northern Ireland had contracted capital commitments with five suppliers amounting to approximately £708,350 (£55,000 as at 31 March 2005).

## 14. COMMITMENTS UNDER OPERATING LEASES

	Buildings £	Other £	Total as at 31 March 2006 £	Total as at 31 March 2005 £
<b>Operating leases expiring:</b>				
Within one year	-	6,454	6,454	9,098
Between two and five years	-	16,810	16,810	21,943
After five years	263,200	-	263,200	223,250
<b>Total</b>	<b>263,200</b>	<b>23,264</b>	<b>286,464</b>	<b>254,291</b>

## 15. RECONCILIATION OF OPERATING DEFICIT TO NET CASH OUTFLOW FROM OPERATING ACTIVITIES

	2005/06 £	2004/05 £
Operating deficit	(714,896)	(743,692)
Depreciation charge	256,023	300,926
Permanent diminution in value of fixed assets	15,858	274,684
Notional costs/cost of capital	54,714	68,851
Decrease in provisions made in year	(61,080)	(3,670)
Increase/(decrease) in debtors and prepayments	10,072	(22,280)
Increase in creditors and accruals	267,699	38,055
Net cash outflow from operating activities	<u>(171,610)</u>	<u>(87,126)</u>

## 16. ANALYSIS OF CHANGES IN CASH

	as at 31 March 2006 £	as at 31 March 2005 £
Opening balance at 1 April 2005	290,851	377,977
Decrease in cash	(171,610)	(87,126)
Closing balance at 31 March 2006	<u>119,241</u>	<u>290,851</u>

## 17. RELATED PARTY TRANSACTIONS

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

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

In addition the Office of the Police Ombudsman has had various transactions with other Government Departments and some GB police forces. Most of these transactions have been with the 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 2006 are set out below:

Primary financial instruments:	Book value £	Fair value £
<b>Financial assets:</b>		
Cash at bank	119,241	119,241
<b>Financial liabilities:</b>		
None	N/A	N/A



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