

# Annual Report and Accounts



For the year ended 31 March 2009

Together with the Report of the Comptroller and Auditor General

## Glossary of Abbreviations

ACC	-	Assistant Chief Constable
ACU	-	Area Command Unit
AEP	-	Attenuated Energy Projectiles
C&AG	-	Comptroller and Auditor General
CETV	-	Cash Equivalent Transfer Value
CID	-	Criminal Investigation Department
CS Spray	-	CS Incapacitant Spray
DCU	-	District Command Unit
EFQM	-	European Foundation for Quality Management
FRS	-	Financial Reporting Standard
HET	-	Historic Enquiries Team
HIA	-	Head of Internal Audit
IFRS	-	International Financial Reporting Standard
IIP	-	Investors in People
NDPB	-	Non Departmental Public Body
NICS	-	Northern Ireland Civil Service
NIO	-	Northern Ireland Office
NIPB	-	Northern Ireland Policing Board
NISRA	-	Northern Ireland Statistics and Research Agency
PACE	-	Police and Criminal Evidence (Northern Ireland) Order 1989
PCSPS	-	Principal Civil Service Pension Scheme
PDP	-	Personal Development Plan
PPS	-	Public Prosecution Service (formerly DPP)
PSNI	-	Police Service of Northern Ireland
RUC	-	Royal Ulster Constabulary

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# Police Ombudsman for Northern Ireland

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## **ANNUAL REPORT AND ACCOUNTS FOR THE YEAR ENDED 31 MARCH 2009** Together with the Report of the Comptroller and Auditor General

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

15 July 2009

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to be printed 15 July 2009

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## Foreword

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Dear Secretary of State

I have pleasure in submitting to you the enclosed Report which is my second report on my work as Police Ombudsman for Northern Ireland.

This report provides a detailed account and commentary of the work and performance of my staff throughout 2008/09.

I am pleased to commend this Annual Report to you.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Al H', with a long, sweeping horizontal stroke extending to the right.

**Al Hutchinson**

Police Ombudsman for Northern Ireland

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## Report of the Police Ombudsman

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### ONE YEAR ON

My first full year as Police Ombudsman has been a busy and a satisfying one. During the year we received over 3,000 complaints. In the pages which follow my staff have laid out in as much detail as they can how we have received and processed those complaints. They have given both a statistical analysis of the number of complaints we received and the outcomes of those we dealt with through the year. No organisation is without fault. I believe an important measure of any organisation or system is in how it improves its service. During the year I launched a 3 year Organisational Development Plan, designed to achieve quality improvements and better equip the Office to deal with the many looming future challenges.

Equally, no system is without fault. I am not convinced that the criminal justice system is collectively providing the best possible integrated service to the public of Northern Ireland. The Office of the Police Ombudsman cannot operate in isolation, but must be an integral and linked part of the wider criminal justice system and network. To that end, I have been working at building institutional, group and community links so that we can better provide outcomes aligned with public expectations. This will be a longer-term work but the pending devolution of policing and justice powers is actually an opportunity to achieve more criminal justice integration. It is also important, for those of us working in the policing accountability domain, that we benefit from the skills, knowledge and experience of our peers. To that end, we have established peer links with our partner agencies – The Independent Police Complaints Commission, The Garda Síochána Ombudsman and Scottish Police Complaints Commission – and have conducted case peer reviews, worked on establishing shared research, joint and shared training initiatives. In an ongoing initiative, we have seconded a member of staff to the Prisoner Ombudsman, reflecting an integrated and shared service philosophy.

### THE PAST AND THE FUTURE

Obviously recessionary pressures will strain all public sector resource allocations and we will not be exempt. Managing within our means is absolutely necessary but it will also mean managing public expectations, particularly with respect to timelines. My ongoing issue with ‘policing the past’ is known. I believe the current approaches, including my Office, are not meeting the expectations of the public and a new approach is needed. The report of the Consultative Group on the Past offers one way forward and I certainly hope that a decision will soon be taken regarding its implementation. In the absence of a decision or a new way forward, it will be critical to fund this Office with the necessary resources identified in my business case last year. The consequence of no decision will be the estimated 20 years it will take us just to deal with the existing 97 historical cases and 125 deaths that fall within my remit. I understand that the NIO is continuing to consider the business case in the context of the report of the Consultative Group on the Past.

The devolution of policing and justice powers is something that I welcome and support, and it will hopefully arrive as soon as politically feasible. I view it as an opportunity to have local engagement, closer to the community, and to provide an impetus for a shared service and an increasingly ‘joined-up’ criminal justice system. Nonetheless, it will represent a difficult transition in terms of time, effort and resourcing demands. I believe it will be worth it.

In the meantime, my Office has continued to deal with those cases from the past brought to us by members of the public and those referred by the PSNI’s Historical Enquiries Team. In February of this year we made a public appeal for information about the murder of RUC Sergeant Joe Campbell in Cushendall 32 years ago. Having uncovered new evidence, we wanted to jog the memories of the people who lived in the village at the time of the killing. The case provides a stark example of some of the issues involved in looking in detail at Northern Ireland’s past.

During the year we also initiated a discussion with the community about who should carry out such work. The Human Rights case law requires that investigators involved in this work must have no previous working experience with the RUC or have been in a military role supporting the RUC during this period. That has meant that I have had to consider a policy whereby my investigators undertaking this work present no such perceived conflict of interest. In July 2008 I presented this draft policy to the public to seek their views.

### SADNESS

Sadly it was a year when the ‘shadow of the gunman’ reappeared for what I hope was a short period. It was a particularly difficult time for the PSNI family with the awful murder in March of Constable Stephen Carroll in Craigavon, only 48 hours after the murder of Sappers Patrick Azimkar and Mark Quinsey at a military base in Antrim. I understand from his colleagues and the reported comments of those in the community that he was a particularly fine police officer. My thoughts are with the families of all those killed. In the midst of this family and community grief, it is encouraging to see the political, community and police resolve to condemn the violence and yet react within the rule-of-law. It will be an important test for society, including our accountability regimes and our Office. Collectively, we cannot be found wanting.

### IMPORTANT INVESTIGATIONS CLOSED

During the year we publicly reported on a number of high profile matters which we had been investigating. In April 2008 we reported that the police investigation into the murder of RUC Constable John Larmour was not thorough and that not all information which was available to police had been passed to those investigating the death. Constable Larmour was shot dead in October 1988 in an ice cream parlour on the Lisburn Road in Belfast. Given the context of the time, and the number of murders police were dealing within that year alone, we were still of the view that the investigation into Mr Larmour’s death did not have the thoroughness of what one would have expected of a murder investigation.

We have since passed on all the available information to the PSNI (HET), which is now looking at the murder.

In August 2008 we also found that police had failed to properly investigate the disappearance of 15 year old Arlene Arkinson from Castlederg in 1994. We found that although police did conduct a thorough initial investigation, the CID did not respond properly to the initial reports that a vulnerable young girl was missing and had been last seen in the company of a known sex offender. We also substantiated a complaint from Arlene’s family that police had the grounds to arrest this man and should have done so sooner.

In February this year, we found that the presentation of a photograph to the judge presiding in the Omagh Bomb Trial, with respect to the discovery of an unexploded mortar, led him to conclude that two police witnesses had not told the truth about forensic precautions at the scene. We established that the photograph had been taken after forensic examination had been completed, as a police witness had claimed in evidence. My investigators spoke to military and police personnel at the scene and examined all relevant documents, including those presented to the court and other material. We also looked at the allegation that the police officers had ‘beefed up’ their evidence. If by ‘beefing up’ it is meant that the officers added untrue information to their statements, then we found no evidence of this. We did, however, find that factually correct information was added to their statements and that the officers were confused in their evidence at court.

During the year I had 39 important matters investigated by my Office on the basis of referrals from the PSNI’s Chief Constable, the Director of Public Prosecution or by way of call-ins by me. My Office has protocols with the police that they immediately refer to us a number of specific incidents, should they happen. These include instances where police officers used their weapons, the use of Tasers and those instances where a person has been found dead who had previously been in contact with the police. These investigations demand that my staff get to the incident scene immediately, no matter what the hour of the day or night is.

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My investigation teams are on call 24 hours a day and during the year attended a number of incident scenes at various locations. In November, for example we began investigation after an elderly man was struck by an AEP in the Ballybeen area of East Belfast at 3am on a Sunday morning. That month we also began an investigation after the discovery of a man's body in Ballymena - it was known that he had been to the local police station earlier that week.

Last year we reported on 9 such cases including:

- discharge of an unnecessary and dangerous shot at a vehicle checkpoint in Derry/Londonderry
- discharge of CS spray in Enniskillen
- dangerous driving incident in Belfast
- police handling of a suicide in Belfast
- discharge of CS spray in Derry/Londonderry
- police use of force on a prisoner at a police station
- inappropriate use of force by a police officer at a checkpoint in Newry
- police officer assault on a member of the public.

Further details of all these cases are all available on our website: [www.policeombudsman.org](http://www.policeombudsman.org) .

## COMMUNITY ENGAGEMENT

While the role of my Office is to provide a means by which the public can hold the police to account, I am very mindful that I too must be accountable to the community. During the year we have responded to questions from members of the public and the media, requests made under the Freedom of Information Act and Parliamentary Questions. We issued 13 press releases and my staff and I gave more than 20 presentations to groups across Northern Ireland in locations which ranged from Portrush in the north, to Rostrevor in the south, Enniskillen in the west and Saintfield in the east. We also gave presentations to more than 800 police officers and listened to their particular questions about the police complaints system. In response to questions we have now posted on our website specific information for officers should they become subject of a complaint.

The police complaints system in Northern Ireland is unique and the envy of other countries. During the year we hosted a number of international visitors who came to learn more about our work. They included individuals and delegations from Canada, Sri Lanka, Germany and New Zealand.





Visitors from Tamil Nadu who learned about the work of the Police Ombudsman during a visit to Belfast.



A delegation from the Turkish Ministry of Interior pictured during a visit to the Police Ombudsman's office.

However, it is the people of Northern Ireland we serve and it is our mandate to provide an, independent and impartial police complaints system in which the public and the police have confidence. I encourage you to read the pages which follow in detail. I believe they illustrate the commitment of my staff in providing an independent and impartial police complaints system in which you, whether you are a member of the public or a police officer, can have confidence.

### **Al Hutchinson**

Police Ombudsman for Northern Ireland

## Report of the Chief Executive

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### INTRODUCTION

I am pleased to report to the Police Ombudsman and through him 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 provided to the Secretary of State by 30 June and laid in Parliament in July. The work of all Directorates within the Office is illustrated in detail in the Review of the Work and Performance of the Office page 18 to 47. I also recommend that you visit our website for more detail on our work. [www.policeombudsman.org](http://www.policeombudsman.org).

### VISION

This is the second Annual Report to be issued on behalf of the Police Ombudsman, Mr Al Hutchinson and the eighth since the Office was established. The vision as stated in the Corporate Business Plan is excellence in the provision of an independent, impartial police complaints system in which the public and police have confidence. Through this vision the Police Ombudsman has continued to consolidate the position of the Office in the delivery of an effective and efficient Police complaints system.

### MISSION

The Mission of the Office has provided steady direction since the Office was established. We have striven to ensure that the public are not only aware of the complaints system but that the service is fully accessible and responsive to the needs of the community and the PSNI. We have also attempted to provide a professional and evidence based investigative capacity, which is central to an effective complaints system. The overriding mission of the office is to contribute to the improvement of police accountability and conduct as they seek to uphold the rule of law and serve the public.

### CORPORATE BUSINESS PLANNING

The vision, mission, strategic goals, objectives, indicators and targets for the year 2008/09 were set by the Police Ombudsman in consultation with directors, managers and staff.

Progress in relation to 2008/09 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 reviewed by managers and reported to the Police Ombudsman. A quarterly report was provided to the Permanent Secretary through the Northern Ireland Office Policing Operational Support Division.

The 2009/10 Corporate Business Plan has now been agreed and is available on the Office website at [www.policeombudsman.org](http://www.policeombudsman.org).

## STATUTORY DUTIES AND BACKGROUND

The Police Ombudsman for Northern Ireland was established under the Police (Northern Ireland) Act 1998, is accountable to Parliament through the Secretary of State for Northern Ireland and is required to have regard to any guidance given by the Secretary of State. The Office was established 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 as a Corporation Sole who is appointed by Royal Warrant and serves for a period of seven years. The Office of the Police Ombudsman is constituted and operated independently of the Northern Ireland Office, the Northern Ireland Policing Board and the Chief Constable of the Police Service of Northern Ireland.

## 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 of Northern Ireland, the Belfast Harbour Police, the Larne 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 operates in this jurisdiction. There are continuing discussions with the Office by officials in the Borders and Immigration Agency regarding the investigation of criminal allegations against their staff while exercising the powers of constable here in Northern Ireland.

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 him and reports as appropriate. In addition the Police Ombudsman publishes reports and makes policy recommendations aimed at improving policing within Northern Ireland. He also provides statistical reports for management purposes to the Police Service of Northern Ireland, the Northern Ireland Policing Board and the Secretary of State.

## 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 2009 was as follows:

<b>Mr A Hutchinson</b>	Police Ombudsman
<b>Mr S Pollock</b>	Chief Executive
<b>Mr J Coupland</b>	Senior Director of Investigations
<b>Mrs O Laird</b>	Director of Corporate Services
<b>Mr G Mullan</b>	Director of Policy and Practice
<b>Mr T Gracey</b>	Director of Information
<b>Mr J Larkin</b>	Director of Investigations
<b>Mr J Kitson</b>	Director of Legal Services

### **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 the way he thinks best calculated to secure:
  - the efficiency, effectiveness and independence of the complaints system;
  - 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 for criminal prosecution;
- make recommendations and directions in respect of disciplinary action against police officers;
- notify the Secretary of State, NIPB and Chief Constable of the outcome of certain complaints, referred matters and any investigation which the Ombudsman initiates without a complaint;
- report to the Secretary of State annually.

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

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

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

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

## PROGRESS AND ACHIEVEMENT OF GOALS AND OBJECTIVES 2008/09

### Serving the public and the police in Northern Ireland

In setting the goals of the Office, the Police Ombudsman recognised that the changing circumstances in Northern Ireland in relation to devolution of policing and justice would require the Office to adjust and adapt to the new requirements and obligations which might unfold. The Office continues to develop its capacity to provide detailed information on complaints, improvements in police practice and the increasing confidence in the accountability and good conduct of the PSNI across Northern Ireland.

### Confidence and Satisfaction

The level of confidence and satisfaction of members of the public in the work of our staff remains one of the most significant achievements in the life of the Office. Members of the community, whether Protestant or Catholic, view the Office positively. The extent to which police officers, who have been subject of investigations, have confidence and satisfaction in how they are treated is a credit to the professionalism and objectivity of the staff.

### Improving Quality

We set a strategic goal of improving quality in the investigations and complaint handling processes. There is good general progress towards the goal but still more work needs to be done. A review of handling and dissemination of information relevant to investigations was carried out using external experts from police organisations in England. Streamlining of processes between the Office and stakeholders as well as within the Office was agreed and implemented during the year.

### Stronger management and supervision of investigations

During the year we succeeded in strengthening the middle management supervision within investigations and appointed four Deputy Senior Investigators. This also enabled a realignment of resources between our teams focusing on volume and core investigations, dedicating a more consistent resource

responsiveness in critical incidents investigation as well as maintaining resources working on those matters referred to us from Historic Enquiry Team.

### History too heavy to carry

The weight and complexity of historic investigations is hampering our effectiveness in dealing with new complaints. The continuing uncertainty with regard to the policy of Government in how to address the matters of the past has a negative impact on this Office. It was reassuring that the Northern Ireland Affairs Committee recognised the contribution which the Police Ombudsman and staff have made in relation to the investigation of historic matters but this issue is central to the future performance of the Office. It has been recognised by the previous Ombudsman, Dame Nuala O'Loan and my current Ombudsman, Mr Al Hutchinson, that this Office was constituted to deal with complaints up to one year old but attempting to address the extent and the complexity of matters over the last 40 years is well beyond the current resources of this Office. The NIO continues to consider the business case submitted by the Police Ombudsman for additional resources in the context of the report of the Consultative Group on the Past.

### Investigations taking too long

The length of time which we take to complete some investigations is unacceptably long and members of the public and police officers subject of investigations have a right to be dissatisfied. In my role as Chief Executive, I have to address these situations and have had to apologise for our inability to bring matters to a close in a timely manner. A streamlining of complaints registration and review of initial complaints was also completed and some resources transferred from Complaints Team to Investigations at the end of January. This should speed up the initial response of the Office to new complaints requiring to be investigated.

### Staffing complement fully resourced

The Office has managed its operations effectively within its overall resources. The key resource within the Office is staff. Vetting of new staff under the new arrangements were initially ineffective and caused



long delays. This Office was one of a number of bodies that suffered major problems in making appointments but the issue was addressed through the NIO and improvements have been noted. We continue to develop our staff through the delivery of key accredited programmes and other competency related training. The level of staff absence remains very low. A notable achievement was that the Office attained re-accreditation of its IIP status in October 2008.

### Review of legislation still ongoing

The previous Police Ombudsman had provided a review of key areas within the legislation which could be amended to make the complaints system better fit for purpose. The Review was presented to NIO in 2007. There has been consultation with stakeholders and we await developments.

### Working with other Police Oversight Bodies

There continues to be healthy communications and dialogue with the Garda Síochána Ombudsman Commission, the Scottish Police Complaints Commission and the Independent Police Complaints Commission in England and Wales. We work together in building strong accountable oversight meeting the needs of our respective jurisdictions.

### Not ready for mediation

A report on the potential for resolution of complaints through a mediation process is now being shared with the PSNI, Mediation Network and other stakeholders, who assisted the pilot. Although the results of the pilot appear negative it was important to test this initiative. The objective of resolving some complaints through informal measures rather than formal investigations is still relevant to an effective and efficient complaints system now and in the future.

### Business Improvement

Recognising the longer term development issues for the Office an Organisational Development Project Board was established in May 2008, a Project Manager appointed in June and a cross-functional group established in July. Essential planning and scoping work has been progressed including awareness sessions of the EFQM Business Improvement Model.

### Achievements of key targets during the year

- 3,081 new complaints registered during the year, representing a 3% increase on previous year
- 3,286 complaints closed during the year, representing an 8% increase compared with the previous year
- 1,619 new complaints referred to investigations during the year
- 1,752 investigations were closed during the year
- 25% of complaints were referred for informal resolution during the year, an increase in 1%
- 71% of complaints referred to PSNI for informal resolution were successfully informally resolved during the year, representing a decrease of 3%
- The report on the views and attitudes of police officers to the functioning of the Office identified very significant improvements but also outlined where further consolidation and better understanding could be reached
- The levels of satisfaction of those police officers actually subject of investigation also show further improvements
- The report on the response by PSNI to recommendations contained within the Section 55 Reports illustrates a high level of cooperation in taking forward key issues within particular investigations
- The issuing of a report on the use of handcuffs was also an important contribution to this operational issue
- Complainant satisfaction levels reported on in December 2008 show high levels of satisfaction

- Cross functional unit to quality control and inspect processing of criminal and disciplinary investigation files set up and now scrutinising all files to PPS and Chief Constable
- Development of a system whereby all live investigations more than 120 days are reviewed and reasons for delay identified
- Expenditure has been maintained within Grant in Aid
- Levels of staff absence in the Office remains low and decreased to 3.9% during the year, one of the lowest in the public sector
- The level of investigation officers with accredited investigator status has been maintained at over 70%
- The profile of staff at 1 January 2009 indicates that 49% are male and 51% are female
- The profile of staff at 1 January 2009 indicates that 50% are Protestant, 39% are Roman Catholic and 11% are non-determined
- The Office successfully implemented its new case handling system which became operational in December 2008
- The Corporate Plan for the Office for 2008/09 was published in June 2008
- The Annual Report for 2007/08 was provided to the Secretary of State by 30 June 2008 and laid in Parliament in July 2008
- Organisational Development Project Board established and a Project Manager was appointed in June 2008. A cross functional project team was established to support all aspects of the change programme.

## FUTURE DEVELOPMENTS

The revision of our goals, objectives and targets for 2009/10 has taken place and a Business Plan approved by the Police Ombudsman is now on our website. It presents a continuous programme, holding to the core goals established 18 months ago which focuses on improvements in quality of our work, timeliness of our processes and better business processes that make us fit for purpose. In particular we plan to reduce the backlog of current investigations whilst maintaining a high quality of service.

## 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.

## 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 2009

The financial position at the end of the financial year is set out in the Operating Cost Statement Account and the Balance Sheet on pages 58 and 59 respectively. The Office incurred a net operating cost for the year of £8,581,116 (£8,533,972 in 2007/08). The Office draws cash resource from the NIO on the basis of need to pay and not as costs are accrued. As a consequence, at the end of the financial year the Office had net current liabilities of £50,691 (£181,327 in 2007/08). The Office continues to be funded by the NIO and the financial statements have been prepared on a going concern basis.

## INTERNATIONAL FINANCIAL REPORTING STANDARDS

The Office has put measures in place to ensure the transition from reporting under Financial Reporting Standards (FRS) to International Financial Reporting Standards (IFRS) for the preparation of the financial statements for the year ended 31 March 2010. To date, the Office has complied with IFRS trigger points 1 and 2 in preparing for the transition to these new standards. The Office will ensure that it complies with IFRS trigger point 3, by producing a restated full set of shadow IFRS financial statements for the year ended 31 March 2009, by 10 September 2009. The only likely accounting adjustment for the Office under IFRS is the requirement to accrue employee benefits at the financial year-end. All other adjustments will be in terms of presentation.

## 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.

## REMUNERATION AND PENSIONS

Full details of the executive management remuneration and pension interests for the year ended 31 March 2009 are contained in the Remuneration Report on pages 48 to 52. 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 48 to 52 and in Note 3.4 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 likelihood of occurrence and impact and then ranked in terms of risk. The most significant risk attached to the business of the Office remains that of maintaining confidence and credibility in running the police complaints system. The Risk Register is reviewed by Senior Management normally at quarterly intervals, but more frequently where appropriate. Directors consider signs or warning of risks, examine existing controls to reduce or manage risks and if necessary take additional action.

## 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 and from Civil Service organisations, and by agency investigators on short term contracts. The average full time equivalent staff employed during the year was 147, the highest level of resources since the Office was established.



## SICKNESS ABSENCE DATA

The Office of the Police Ombudsman has consistently attained a low level of sickness absence relative to other public sector bodies. The level of sickness absence was 3.9% or 8.9 days for the year ended 31 March 2009. (4.1% for the year ended 31 March 2008). The level of sickness absence for the NICS is reported as 12.9 days for the year ended 31 March 2008.

## COMPLAINTS AGAINST THE OFFICE

Anyone who is not satisfied with any aspect of the Police Ombudsman's service or actions has a right to make a complaint either verbally or in writing. Complaints received are registered and acknowledged within three days and a response given in 20 days. During the year I received 18 complaints against staff, ranging from minor to serious complaints or dissatisfaction with the administration of complaints. Of these 18 complaints received, 7 were from members of the public who were dissatisfied with the outcome of complaints. 6 of the complaints received were from police officers or their representatives in relation to the administration of investigations. I also received 5 complaints from retired police officers about the outcome or fairness of investigations. In 5 cases I considered that there were mistakes or failures in process and issued explanations and apologies. In 4 cases, after enquiries were made, the matters were clarified or explanations provided and were resolved through correspondence. In 2 cases I considered that the complaints had no foundation when examined and were either repetitive or vexatious. 7 of the complaints received are still being considered.

## PARLIAMENTARY QUESTIONS

During the year we responded through the Northern Ireland Office to 9 Parliamentary Questions. 5 of these questions related to the functions of the office and 4 were general to all Departments. The Minister now asks NPDB's to respond directly to Members of Parliament on any question which relates to matters specific to their functions.

## FREEDOM OF INFORMATION

Since the introduction of the Freedom of Information Act 2000 in 2005, members of the public, journalists and police officers have used this new provision to obtain information. Over the year there have been 28 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 will provide equal opportunity for all job applicants and employees. All recruitment, promotion and training will be based on a person's ability and job performance and will exclude any consideration of an applicant's/employee's religious beliefs, political opinion, sex, marital status or disability. During the year an awareness raising training programme was provided for staff.

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 of the Equality Scheme under article 55 of the Fair Employment and Treatment (NI) Order 1998.

## 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 operates under the Joint Negotiating Consultative Committee.

## PAYMENT OF SUPPLIERS

### Payment within 30 Calendar Days

In line with the Better Payment Practice Code it is the policy of the Office of the Police Ombudsman 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 ended 31 March 2009 the Office of the Police Ombudsman paid 99.8% of suppliers within 30 days, (96.6% for the year ended 31 March 2008)

### Payment within 10 Working Days

The Prime Minister's statement of 8 October 2008 set a challenge to Government bodies to pay suppliers as soon as possible, with the aim of bringing forward all payments to within 10 days with effect from 1 December 2008. The performance for the 4 months to 31 March 2009 showed that 15% of invoices were paid within 10 working days following receipt of a properly rendered invoice. The request to pay invoices within 10 working days is particularly challenging on a small Office. The Office has consistently achieved extremely high levels of performance against the 30 calendar day objective and aims to continue to achieve this standard. Although the level of achievement of the 10 working days for payments is low, I note that the average number of working days taken to pay an invoice was 19 days.

## DATA HANDLING

I am required to report personal data related incidents which occurred during the year ended 31 March 2009. Personal data includes any information that links one or more identifiable living person with information about them whose release would put them at significant risk of harm or distress or any source of information about 1000 or more identifiable individuals, other than information sourced from the public domain. There were no such personal data related incidents during the year ended 31 March 2009 nor in prior years. Information risk is managed within the Office within the context of the risk management framework to which I refer in my Statement on Internal Control.

## ENVIRONMENTAL MATTERS

The Office, despite its small scale is concerned to ensure that it minimises its environmental impact. The Office introduced recycling of paper, plastic, cardboard and cans in 2005, reducing by 50% the amount of waste disposed to landfill. Additionally in monitoring on a monthly basis the use of vehicles in business journeys managers encourage sharing of cars intended to contribute to reductions in emissions as well as efficient use of resources.

## SOCIAL AND COMMUNITY ISSUES

The existence of the Office of the Police Ombudsman particularly in the context of Northern Ireland has centred on building confidence within and between communities in relation to an effective, efficient and an accountable police service. Many complaints arise within communities in the context of difficult operational tensions for the police and where perceptions can be polarised and extreme. The administration and investigation of complaints must therefore help resolve misunderstandings and establish more awareness and appreciation of the complexity of policing duties and service to the public.

The information programme as well as the media and public awareness strategy of the Office, although a very small function is important to the current developments and progress in the stability of Northern Ireland institutions. It is also the case in that the context of crime in the community, the impact on victims of crime as well as the families of those who commit crime brings staff face to face with the social consequences of crime. The Office has a vital role in supporting the expectation of an effective policing service working in the context of a fair, impartial and independent justice system. The training of staff and investigators must therefore take account of the very many social and community issues.

### 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 £700,000 at 31 March 2009 (£850,000 at 31 March 2008). The open market value of the leasehold interest in New Cathedral Buildings has been valued at £nil at 31 March 2009 (£nil at 31 March 2008). Details of the movement of fixed assets are set out in Note 6 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 56 and 57.

The audit fee for the work performed by his staff during the reporting period was £17,875. Of this £15,000 relates to the audit of these financial statements and £2,875 to the audit of IFRS Trigger point 2. This audit was undertaken in order to assess the level of preparedness of the Office to deliver restated Accounts for the year ended 31 March 2009 in line with International Financial Reporting Standards. The audit fee for the year ended 31 March 2008 was £14,000 relating solely to the audit of the 2007/08 financial statements.

The C & AG may also undertake other work that is not related to the audit of the Office of the Police Ombudsman's Accounts. 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.

I provide this report of the work of the Office with great appreciation for the efforts and commitment of all my staff.

**Samuel Pollock, OBE**

BSc (Hons), Dip. App. Soc. Studies,  
Chief Executive

9 June 2009

## Review of the Work and Performance of the Office

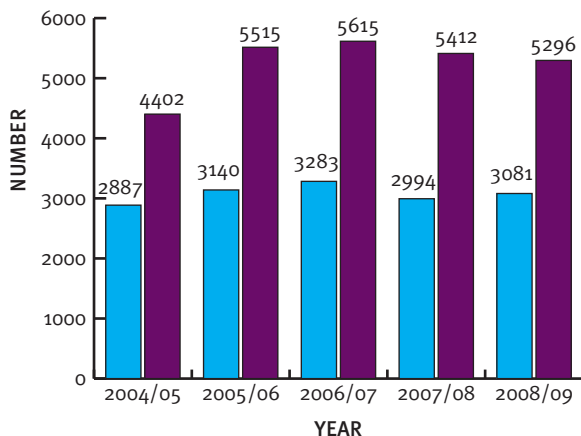
### NEW COMPLAINTS AND ALLEGATIONS RECEIVED

In 2008/09 the Office received 3,081 complaints involving 5,296 allegations. This represents a 3% increase in complaints compared to the previous year but a 2% decrease in associated allegations.

#### Complaints/Non Complaint matters and Allegations received 2008/09

Complaints	3,081
Allegations	5,296

#### Number of complaints and allegations, 2004/05 to 2008/09



■ COMPLAINTS ■ ALLEGATIONS

### MISCELLANEOUS MATTERS

The Office of the Police Ombudsman received and dealt separately with a significant number of enquiries seeking clarification or information on related issues. Such enquiries are recorded and processed in the Complaints Office. This work has increased by over 35% during 2008/09 as compared to 2007/08.

Other work or matters handled by Office	Number
Miscellaneous complaints	70
Miscellaneous telephone calls	679
Referral of civil claim files	171
Compensation Agency queries	16
Public Prosecution Service queries	37
<b>Total</b>	<b>973</b>

### CASE STUDY: “UNNECESSARY AND DANGEROUS SHOT” FIRED BY OFFICER

A PSNI Sergeant has received a Superintendent’s Written Warning after discharging what the Police Ombudsman described as “an unnecessary and dangerous” shot at a vehicle as it passed through a police checkpoint in Derry/Londonderry. The officer discharged his personal protection firearm when a vehicle drove past him and another officer who tried to wave it down on the city’s Madam’s Bank Road. The officer, who was not wearing high-visibility clothing and did not have a torch, said he believed the vehicle was being driven directly towards him. He said he fired a warning shot as he believed his life was in danger. However, a video recording of the incident indicated that, given the officer’s position on the road, he was in no apparent danger from the vehicle. Detailed forensic analysis of the recording also showed that the shot was fired at the vehicle after it had passed him.

The Police Ombudsman said there had been the potential for the shot to ricochet and potentially endanger the lives of people in the vicinity. Following the Police Ombudsman’s investigation a file was sent to the Director of Public Prosecutions who directed that the officer should not be prosecuted in relation to the discharge. The Police Ombudsman, however, considered that the officer’s actions warranted disciplinary proceedings. He recommended that he receive a Superintendent’s Written Warning, and also undertake retraining in conflict resolution and firearms usage. The officer has since received the warning. Mr Hutchinson also recommended that when officers are intending to stop vehicles, especially during night time hours, that they should be required to use equipment, such as a torch and high visibility clothing, to clearly identify themselves and their position.

## NON COMPLAINT MATTERS

### Chief Constable, Public Prosecution Service Referrals and Police Ombudsman Call Ins

During 2008/09 39 Section 55 non complaint matters were registered by the Office. Of these, 25 were matters referred to the Office by the Chief Constable. Three of these related to matters forwarded to the Office by the PSNI Historic Enquiries Team (HET). Four matters were referred by the Director of Public Prosecutions and 10 were matters which the Police Ombudsman decided to investigate in the public interest.

Section 55 matters	
Section 55 (Chief Constable Referral)	22
Section 55 (HET Referral)	3
Section 55 (Police Ombudsman Call In)	10
Section 55 (Policing Board Referral)	0
Section 55 (PPS Referral)	4
Section 55 (Secretary of State Referral)	0
<b>Total</b>	<b>39</b>

### UNDERLYING FACTORS IN SECTION 55 NON COMPLAINT MATTERS 2008/09

Section 55 (Chief Constable Referral)	Number
AEP discharge	1
Assault	1
Attempting to pervert the course of justice	1
Conduct of off duty officer	1
Death following contact	2
Death following custody	1
Death in enquiry office	1
Discharge of Taser	5
Failure to investigate allegations of collusion	1
Fatal road traffic incident	1
Inappropriate behaviour of officer in court case	1
Investigation of a murder case	1
Missing person and subsequent death	1
Negligent discharge of a firearm	1
Officer operating self-service level crossing inappropriately	1
Officer may have compromised an investigation	1
Officer shoplifting	1
Allegations of collusion (HET Referral)	1
Murder investigation (HET Referral)	1
Death of officer due to explosive device (HET Referral)	1
<b>Sub-total</b>	<b>25</b>
Section 55 (Police Ombudsman Call In)	Number
Assault	2
Assault & denied medication	1
Death following contact	1
Failure to properly monitor detained person	1
Failing to locate a body on initial search	1
Issuing of firearm	1
Possible involvement of officer in racially motivated attack	1
Sexual assault	1
Unnecessary arrest & assault	1
<b>Sub-total</b>	<b>10</b>
Section 55 (PPS Referral)	Number
Alleged breach of data protection act and code of ethics	1
Perverting the course of justice	1
Police attitude towards member of the public	1
Submission of police crime file	1
<b>Sub-total</b>	<b>4</b>
<b>TOTAL</b>	<b>39</b>

### Section 55 Regulation 20 Reports submitted to the Chief Constable, Secretary of State and Northern Ireland Policing Board

At the conclusion of any investigation of a matter investigated under Section 55 of the Police (Northern Ireland) Act 1998, the Police Ombudsman is required to send a copy of the investigation report (Regulation 20 Report) to the Chief Constable, Secretary of State and Northern Ireland Policing Board. Nine Regulation 20 Reports were issued during 2008/09.

Section 55 (Regulation 20 Reports) submitted 2008/09	
Referral	Number
Aggravated assault	1
Conduct of police which led to a road traffic collision	1
Dangerous driving	1
Death following contact	1
Detained person attempted suicide	1
Discharge of CS spray	2
Discharge of firearm	1
Officer used excessive force on a prisoner	1
<b>Total</b>	<b>9</b>

### CASE STUDY: OFFICER DISCIPLINED AFTER THROWING RIFLE AT MOTORCYCLIST

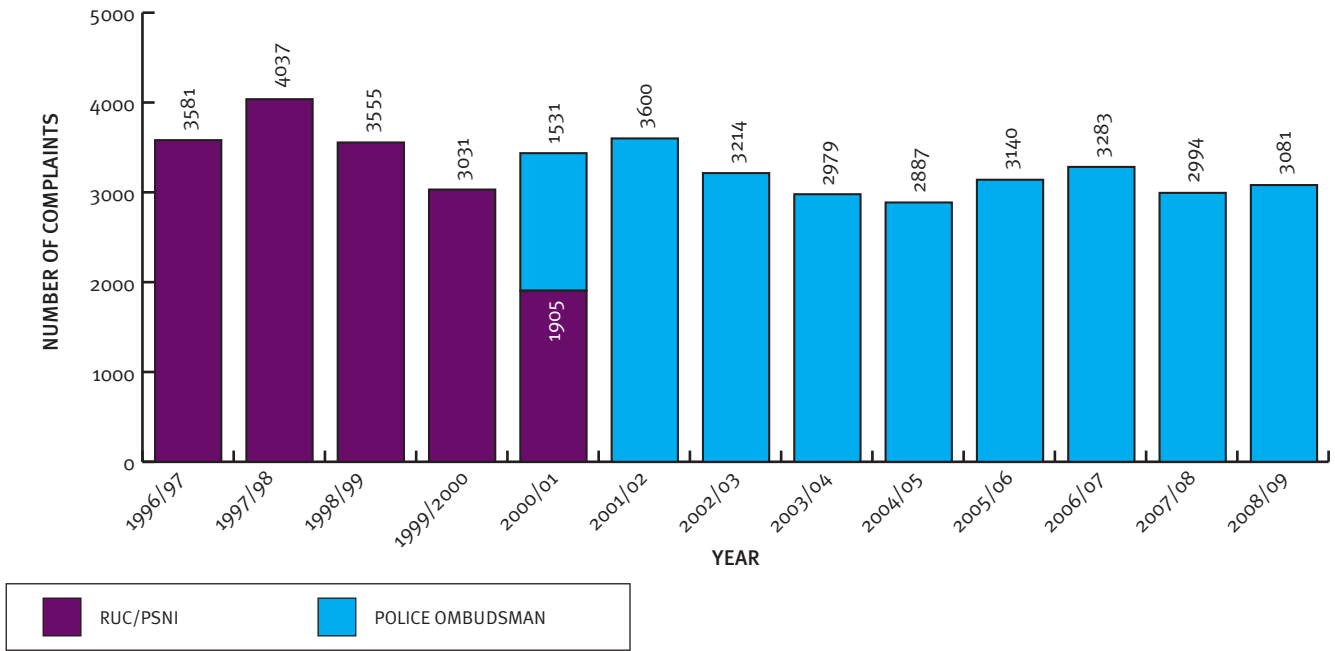
A PSNI officer has been disciplined after throwing his rifle at a motorcyclist who attempted to drive through a police roadblock near Newry. The motorcyclist had been involved in a high-speed pursuit, and had been tracked by a police patrol vehicle at speeds estimated to be in excess of 130mph along the dual carriageway. Police set up a roadblock at a roundabout, and as the motorcyclist slowed down and tried to negotiate it, a police officer standing on the road threw his police issue rifle at him. It struck the rider on the helmet, causing him to lose control and fall off his bike, which then struck a stationary police car. The motorcyclist sustained minor injuries and was attended to at the scene by trained civilian first aid personnel. The officer who threw his rifle told Police Ombudsman investigators that the motorcyclist had ridden straight towards him and he feared he would be struck. Having reviewed the evidence of the case, the Police Ombudsman said the officer's decision to throw his weapon was "highly inappropriate." "There was the potential for the rifle to discharge a shot, and there was also the risk of the motorcyclist suffering a total loss of control of his machine and sustaining serious injuries," said Mr Hutchinson, adding that officers should "do all in their power to remain in control of their weapons." "Officers detailed to carry firearms should not direct traffic or take up an open position, but should remain behind suitable cover such as a police vehicle," added Mr Hutchinson. A file was submitted to the Public Prosecution Service, which directed that the officer should not be prosecuted for his actions. He has since, however, been informally disciplined, receiving advice and guidance about appropriate use of force and the appropriate use of his weapon. As a result of the investigation Mr Hutchinson has recommended that officers' roles and responsibilities at roadblocks are reinforced during police training, and PSNI training be reviewed to ensure that lessons are learned from inappropriate uses of force such as this case.



### TRENDS IN LEVEL OF COMPLAINTS RECEIVED OVER 13 YEARS

The Office’s first full year of operation was 2001/02 when 3,600 complaints were received. Since then complaints showed a steady decrease until 2005/06 when they began to rise. This trend reversed in 2007/08 when fewer than 3,000 complaints were made. In the current reporting year the number of complaints received has risen but overall trends remain stable.

Complaints received, 1996/97 - 2008/09



### PROCESSING OF NEW COMPLAINTS RECEIVED

Of the 3,081 complaints and matters received by the Office 1,619 (53%) were referred for formal investigation. The remaining 1,462 (47%) were dealt within the Complaints Office.

### COMPLAINTS CLOSED

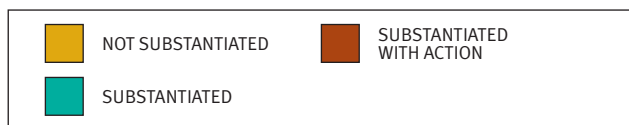
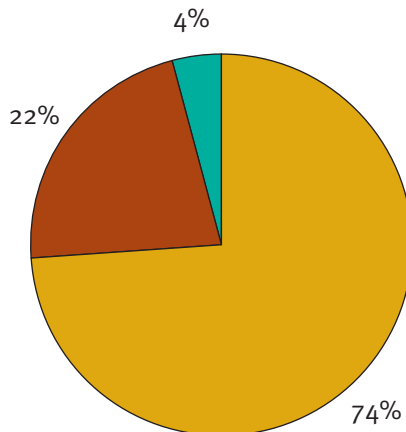
The number of complaints closed during 2008/09 was 3,286, 7% more than the number of complaints received and 8% more than in 2007/08.

## CLOSURE OF COMPLAINTS FOLLOWING INVESTIGATION

Of those complaints investigated and closed by the Office between April and November 2008, outcomes were as follows:

- 74% were closed not substantiated due to insufficient evidence
- 22% were closed with specific action recommended
- 4% were closed as substantiated but with no specific action recommended.

### Cases closed following investigation 1 April to 30 November 2008



On 1 December 2008 the Office replaced its complaints based management recording system with one that is allegation based. The new system reports on recommendations made, including those to the PPS, and outcomes against each allegation. Between December 2008 and March 2009 75% of formal recommendations made against allegations that were closed following investigation were not substantiated, 9% were closed following referral to the PPS and the remainder closed with either specific action recommended or as substantiated with no action recommended.

\*As from April 2009 statistical reports produced by the Office in respect of complaint outcome will be allegation based.

## CASE STUDY: GOING THE WRONG WAY

A woman complained to the Police Ombudsman's Office that she was very unhappy with the attitude of the police officer who issued her with a Fixed Penalty Notice for driving the wrong way down a one-way street. The woman, who had been an 'R' driver at the time she was stopped, admitted that she had driven the wrong way but said she did do inadvertently. She complained that the police officer in question should not have issued her with a penalty but rather should have used his powers of discretion and given her a warning only. The woman also complained that the officer's attitude to her was rude and aggressive. The matter of whether the police officer should have issued the penalty was outside the remit of the Police Ombudsman's Office. As regards the issue of the officer's alleged rudeness, the Office took the view that rather than launch a full investigation into the matter, it would attempt to resolve the issue informally. Both the woman making the complaint and the police officer involved agreed to this. A senior police officer reviewed the issue of the penalty notice and came to the view that the officer was right to issue it. He also spoke to the police officer concerned, who accepted that while he would never be abrupt, ignorant or unprofessional with the public, his manner could be seen by some as 'formal.' The senior officer discussed with him how this manner could on occasion be misunderstood. The senior officer then met the woman who had made the complaint. He explained that he had reviewed the matter of the penalty notice and felt that it had been issued properly. He also told the woman that he had had a discussion with the police officer about his manner. Following this meeting, the woman said she regarded the matter as having been informally resolved.



## CASES OF COMPLAINT REFERRED TO THE PUBLIC PROSECUTION SERVICE 2008/09

During the year 272 cases were referred to the Public Prosecution Service for direction as to whether or not criminal charges should be preferred. There were 11 cases submitted recommending 13 criminal charges. These charges involved 12 police officers.

### Cases referred to the Public Prosecution Service, 2008/09

Cases submitted with no recommendations for prosecution	261
Cases submitted with recommendations for prosecution	11
<b>Total</b>	<b>272</b>
Number of officers subject to recommendations	12
Number of charges recommended	13

Nature of allegations and charges	Number of charges
Assault occasioning actual bodily harm	4
Careless driving	1
Endangering persons on railway by neglect	1
Misconduct in a public office	1
Perverting the course of justice	3
Theft	1
Discharge of a firearm in a public place	1
To be determined	1
<b>Total</b>	<b>13</b>

The Director's Office decided to prosecute in six charges recommended and decided no prosecution in respect of four charges. A decision is awaited with regard to the three remaining charges recommended by the Office.

### CASE STUDY: POLICE OFFICER WAS RIGHT TO STOP MINIBUS

The Police Ombudsman has found no evidence to support a complaint by a member of the public that the police were harassing him and preventing him from conducting his business. The member of the public complained that a police officer stopped his minibus at least six times during a short period and on each occasion the vehicle was being used in connection with his business. The complainant said he had been stopped twice when he had been driving the minibus. On the other occasions his employees had driven it. The man, who was a former police officer, said he believed the policeman had no genuine reason to stop the vehicle and said he believed the officer's actions amounted to a campaign of harassment. Police Ombudsman investigators interviewed the police officer. The officer gave them details of two occasions when he stopped the minibus. On the first, he said the bus had pulled away from the side of the road and caused a car to break hard to avoid hitting it. He said the complainant had been unable to produce his driving licence or his insurance documents. The police officer said that he stopped the vehicle more than a year later because he suspected it had not been insured. He said on that occasion the owner was not able to produce insurance documents. The officer said these were the only times when he stopped the minibus and denied he had conducted a campaign of harassment against the owner of the vehicle. Police Ombudsman investigators checked the police officer's accounts of both incidents and found police documentation which supported them. The investigators then asked the man who had made the complaint to give more details of the other times when the officer had stopped the minibus. He was not able to do so. He said on those occasions his drivers had been too busy to note the relevant details. The Police Ombudsman's Office concluded that it found no evidence the police officer had acted improperly or that he had conducted a campaign of harassment. It found evidence of only two occasions when the bus had been stopped and both were justified. The Police Ombudsman noted that the minibus was used on occasion to transport young people. He said that given the officer's suspicions about the vehicle, it had been all the more important that he act on his concerns.

## CASES REFERRED TO CHIEF CONSTABLE FOR DISCIPLINARY ACTION

The Police Ombudsman has a number of options when making recommendations to the Chief Constable. These are:

- Misconduct Charges – Where there is a recommendation that an officer should face formal disciplinary proceedings
- Superintendents' Written Warning – Where there is sufficient evidence to warrant disciplinary proceedings but there exist mitigating circumstances as to why such proceedings should not be pursued
- Advice and Guidance – Where formal disciplinary proceedings are not warranted but it is considered that the officer/s concerned would benefit from words of advice from their District Commander in circumstances where they have failed to meet the required standard of conduct
- Management Discussion – Where an officer/s engages in an informal meeting with their immediate line managers in respect of areas for improvements in the execution of their duty.

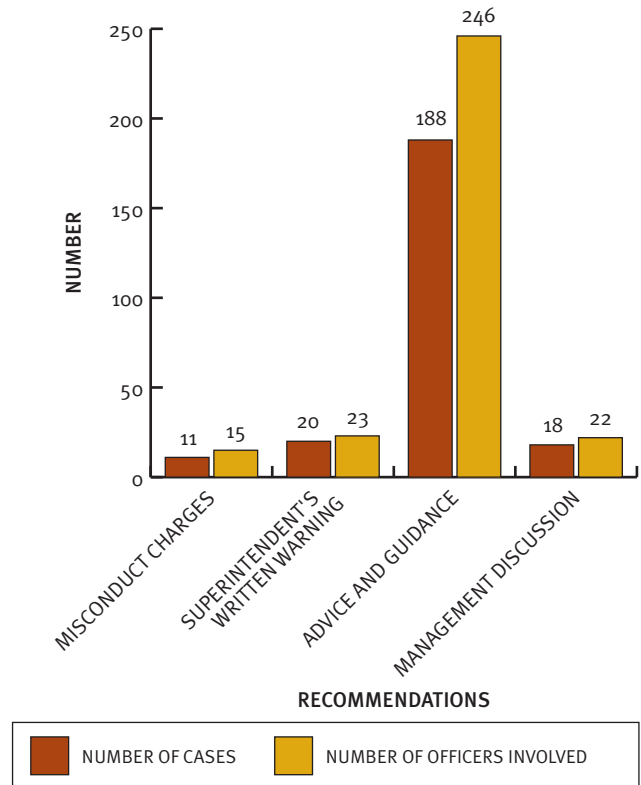
At disciplinary proceedings a misconduct panel hears the misconduct charge/s against police officer/s. If an officer pleads guilty or is found guilty of a misconduct charge the range of sanctions available to the panel is:

- Dismissal
- Required to resign
- Reduction in rank
- Fine
- Reprimand
- Reduction in pay
- Caution.

## RECOMMENDATIONS TO CHIEF CONSTABLE, 2008/09

Recommendations made to Chief Constable, 2008/09		
Charge	No. of Cases	No. of Officers involved
Misconduct Charges	11	15
Superintendent's Written Warning	20	23
Advice and Guidance	188	246
Management Discussion	18	22
<b>Total</b>	<b>237</b>	<b>306</b>

### Recommendations to Chief Constable, 2008/09



### **CASE STUDY: OFFICER FAILED TO RECORD DETAILS OF CONTACTS WITH VICTIMS**

*In the summer of 2005 police launched an investigation into the alleged rape of a teenage girl. Police spoke to the girl on the night of the incident but she was too distressed to be interviewed or medically examined. The girl and her mother attended the local police station the following day. The girl's mother brought with her the clothes her daughter had been wearing on the evening of the alleged attack. The clothes were submitted for forensic analysis and a full male DNA profile was obtained, but a suspect was not identified until almost two years later when a match showed up on the police DNA database. A man was arrested, interviewed and charged with rape, unlawful carnal knowledge, kidnapping and false imprisonment. However, the PPS later directed that the man should not be prosecuted, as the evidence available did not amount to a viable prosecution case. After the PPS decision the girl's mother made a complaint to the Police Ombudsman's Office containing a number of allegations. These included that police did not seize the girl's clothing on the night of the incident, and that the importance of a medical examination was never fully explained to her. In addition, she expressed concern about the lack of information and updates provided by police during the case. The Police Ombudsman's investigation found that the police had properly explained the need for an examination on a number of occasions, and had seized the girl's clothing at the earliest reasonable opportunity. However, it also established that the officer who dealt with the girl and her mother after the emergence of a suspect had not kept accurate records of all contact with the injured party. This was in breach of a PSNI policy directive which directs that an audit trail of all contact with victims must be maintained. The officer said he had been in regular contact with the family, but did not record his interactions with them as he had been unaware of the policy directive. He said he understood its importance and undertook to comply in future. The Police Ombudsman recommended that the officer be informally disciplined and reminded of the need to record details of all contacts with victims.*

### **CASE STUDY: CALL WAS NOT AN EMERGENCY**

*During the year the Police Ombudsman closed a case whereby a member of the public had complained that police did not respond properly to an emergency 999 call. The woman said that on the night in question there had been trouble in the area where she lived, and a group of around 25 youths were roaming the area, some of whom had lit a fire. The woman said that the youths threatened her and her neighbour, at which point she became frightened, phoned 999 and asked the police to attend. The woman said the police did not respond to her call. She said she was angry and upset at the police reaction and said she believed the police must have heard the unrest and the fire in the background noise when she was speaking to them. Police Ombudsman investigators spoke to the police personnel involved in dealing with the telephone call, examined other police documentation and listened to the telephone call itself. The police said there had been a hoax call made from the same area earlier in the evening and said they believed this had been an attempt to lure them to the location, which would, in their opinion, have caused more trouble. They said there had been a second call when someone reported youths lighting a fire. The police said they then contacted the fire service. The police said that when the third call was made to them – the one made by the lady who complained - they did not hear any background noise and said that nothing the lady said over the phone led them to believe it was an emergency. Police have a system for categorising calls made to them, each of which are based on the information the callers gives. They are: (i) an emergency call, where it appears to the caller that there is a serious and immediate threat to life or property; (ii) a priority call, which is an incident which is not an emergency but where a police officer should attend as soon as is possible (iii) a scheduled call where the incident is not urgent but a police officer is required and (iv) a situation where a police officer is not required to attend. Police Ombudsman investigators listened to a tape recording of the call and were of the view that the caller gave no information to indicate that there was an immediate threat to life or property. They said no background noise could be heard to indicate such a threat. They also said that there was nothing in the officer's manner to indicate he had treated the matter casually.*

## FORMAL MISCONDUCT CHARGES ARISING FROM COMPLAINTS HEARD 2008/09

Formal misconduct charges, arising from complaints heard 2008/09			
Nature of Misconduct Charges	Officers involved	Charges involved	Sanction
Use of Force	1	1	Not guilty
Professional Duty	7	14	Reprimand x 7, caution, fined x 3, charges withdrawn x 3
Integrity	1	1	Reduction in pay
Detained persons	2	4	Caution x 2, charges withdrawn x 2
Equality	3	3	No sanction*, fined x 2
Police Investigations	2	2	Charge withdrawn, not guilty
Lawful order	2	2	Fined x 2
Privacy & Confidentiality	1	2	Fined, not guilty
Property	1	1	Charges withdrawn
<b>Total</b>	<b>20**</b>	<b>30</b>	

\* Officer given advice and guidance

\*\* 13 officers appeared before misconduct panels as a result of complaints however some appeared for 2 different charges e.g. integrity and professional duty hence the figure of 20

## CASES REFERRED TO PSNI FOR INFORMAL RESOLUTION

Seven hundred and fifty three complaints (25% of all complaints received) were considered suitable for informal resolution. When contacted by the Office, four hundred and ninety three (65%) complainants agreed to participate in the process whereby a senior police officer speaks to the complainant and the officer(s) involved with a view to reaching a satisfactory resolution of the matter. Two hundred and sixty (35%) complainants declined to engage in the process.

Consent levels for complaints suitable for Informal Resolution , 2008/09		
	Number	%
Complaints with consent given	493	65%
Complaints with consent not given	260	35%
<b>Total Complaints suitable for IR</b>	<b>753</b>	<b>100%</b>

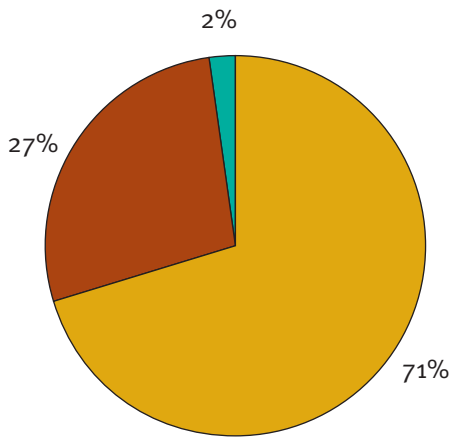
### CASE STUDY: OFFICER APOLOGISED

A man who was summoned to appear in court in relation to a driving offence has accepted an apology from the police officer who helped bring the case to court. The man had been summoned to appear in court for the non payment of a Fixed Penalty Notice – he had received the notice after police found a fault with the lighting on his car. However, six days after being stopped by the police, the man had gone to the local police station, presented his driving documents and paid the fine. When he received the summons, the man contacted the court, which was able to confirm that the money had been paid. The man said that if the police officer he had dealt with at the police station had done the paperwork properly, the issue would not have arisen. The Police Ombudsman's Office took the view that rather than launch a full investigation into the matter, it would attempt to resolve the issue informally. Both the person making the complaint and the police officer involved agreed to this. Following discussion with both parties, the police officer apologised. The complainant accepted the police officer's apology and signed a statement to confirm that he considered the matter resolved.

### OUTCOME OF COMPLAINTS REFERRED FOR INFORMAL RESOLUTION

Three hundred and sixty two complaints (71%) were successfully resolved during the year. In one hundred and forty one cases (27%) informal resolution failed and these matters were then referred for Police Ombudsman investigation. Eleven complaints (2%) were withdrawn when informal resolution was being attempted.

*Outcome of Informal Resolution closed by the police, 2008/09*

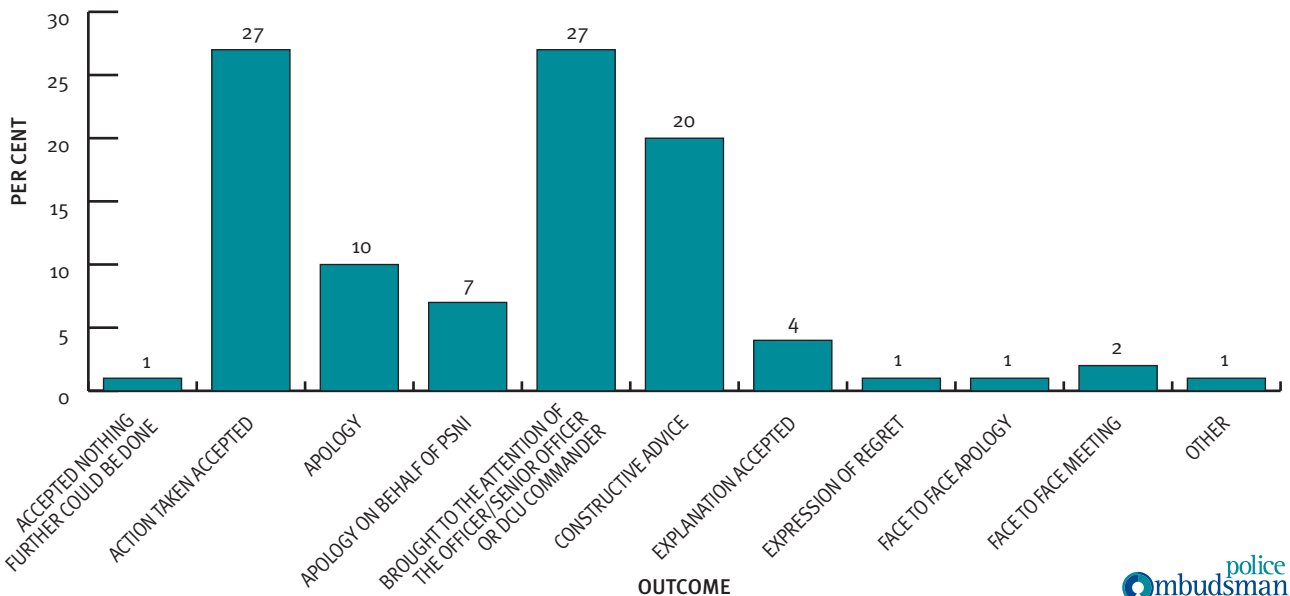


### SUCCESSFUL RESOLUTIONS

One hundred and ninety four (54%) complaints were successfully resolved when, either the action proposed by the PSNI Appointed Member was accepted or complainants stated that they would be satisfied if their concerns were brought to the attention of the officer concerned or a more senior officer. In only a very small percentage of instances was the complaint resolved following a face-to-face meeting between the officer concerned and the complainant.

Outcomes of Informal Resolution, 2008/09	Number	%
Accepted nothing further could be done	3	1%
Action taken accepted	96	27%
Apology	36	10%
Apology on behalf of PSNI	26	7%
Brought to the attention of the officer/senior officer or DCU Commander	98	27%
Constructive advice	73	20%
Explanation accepted	16	4%
Expression of regret	3	1%
Face to face apology	3	1%
Face to face meeting	6	2%
Other	2	1%
<b>Total</b>	<b>362</b>	<b>100%</b>

*Outcome of Informal Resolution, 2008/09*



## RECOMMENDATIONS MADE BY THE OFFICE FOR IMPROVEMENTS IN POLICING POLICY AND PRACTICE:

During the year the Office made a total of 82 recommendations to police in respect of improving policy and practice. Examples of such recommendations are:

- That the concept of monitoring new CID officers should be introduced and formalised across PSNI.
- That PSNI submissions should routinely improve records of when advice has been given, either by phone and/or email regarding the submission of exhibits for forensic analysis.
- That PSNI put a new system in place to ensure money warrants are recorded on a computer system across the service and not just within District Command Units.
- That PSNI develop a policy for securing available CCTV evidence for use in cases where alleged offenders fail to provide samples of breath or blood.
- That District Command Units carry out site-specific risk assessments regarding the placement and numbers of B.E.L.L (Balcan Emergency Life Lines) for use in any water borne rescues.
- That awareness training for Incident Commanders in the role, function and use of trained negotiations at critical incidents be introduced.
- That PSNI amend current procedure so that all officers receive training on the police electronic information system before using the application.
- That PSNI consider the use of a security mechanism to minimise equipment losses of CS Spray.
- That Traffic Investigation Service Policy, General Order No 36/2004 is amended to clearly require recording of any medical attention received at the scene.
- That PSNI review their procedures for investigations of fatal and serious road traffic collisions to ensure full compliance with the Road Death Investigation Manual.
- That PSNI Policy Directive is amended to include that “The Investigating Officer has the responsibility for ensuring victim updates are completed when required, regardless of who updates the victim”.
- That PSNI have individual serial numbers on property bags they use to store property of detained persons in the same way as exhibit bags are individually numbered for integrity purposes and that this is entered on the custody record.
- That PSNI undertake a complete review of the current service instructions regarding police notebooks and that this review takes into consideration the recommendation of this and previous Ombudsman recommendations.

### CASE STUDY: POLICE OFFICER PROVOKED CONFRONTATION WITH PRISONER AT PSNI STATION

*A police officer has been disciplined after a Police Ombudsman investigation found that his actions in dealing with a person detained in police custody were likely to provoke the prisoner and lead to a confrontation. A minor confrontation took place when the officer, a Constable, went with two other officers to seize clothing from a prisoner suspected of being involved in an arson attack on a house. However, after seizing all the required clothing for forensic analysis, the officer remained in the cell for a further short period. During this time the prisoner approached him in an aggressive manner,*

*forcing the Constable to use force to prevent himself being assaulted. The Chief Constable of the PSNI referred the incident to the Police Ombudsman for independent investigation, after a Police Inspector on duty expressed concerns about the officer's actions. The Police Ombudsman concluded that there was no valid reason for the officer to have remained in the man's cell after seizing his clothing. Mr Hutchinson said that because the officer had created circumstances through his own actions in which further confrontation was likely, his subsequent use of force to protect himself could only be viewed as avoidable.*



**CASE STUDY: OFFICER COMMENDED FOR HIGHLIGHTING FLAWED POLICE GUIDELINES**

The Police Ombudsman has praised a police officer who alerted colleagues after learning that part of the PSNI’s Code of Practice was inconsistent with legislation. The issue came to light during an investigation into whether the officer had abused his position in applying for a recording of a police interview with his son, who had been involved in a traffic accident. The officer, a Sergeant, submitted a written request from his son, and the application was approved by another Sergeant. While the officer was cleared of any wrongdoing in making the application, as he was acting with the written permission of his son, the Police Ombudsman’s investigation also established that the PSNI’s Code of Practice was at odds with the Police and Criminal Evidence (Northern Ireland) Order 1989 (PACE). PACE states that members of the public who have been charged with an offence or informed that they are to be prosecuted are entitled to copies of tape-recorded interviews conducted by the police. However, contrary to PACE, the PSNI’s Code of Practice indicated that such tapes should not be supplied to anyone who was not represented by a lawyer. When he learned of this, the Sergeant who made the application undertook to inform colleagues, including his DCU Commander and Custody Sergeants throughout Northern Ireland of the relevant legislation, as well as the need to complete all relevant paperwork. The Sergeant has since been commended for taking the initiative to inform colleagues about the proper way to deal with such applications, and the PSNI’s policy on dealing with applications for interview tapes is now being reviewed.

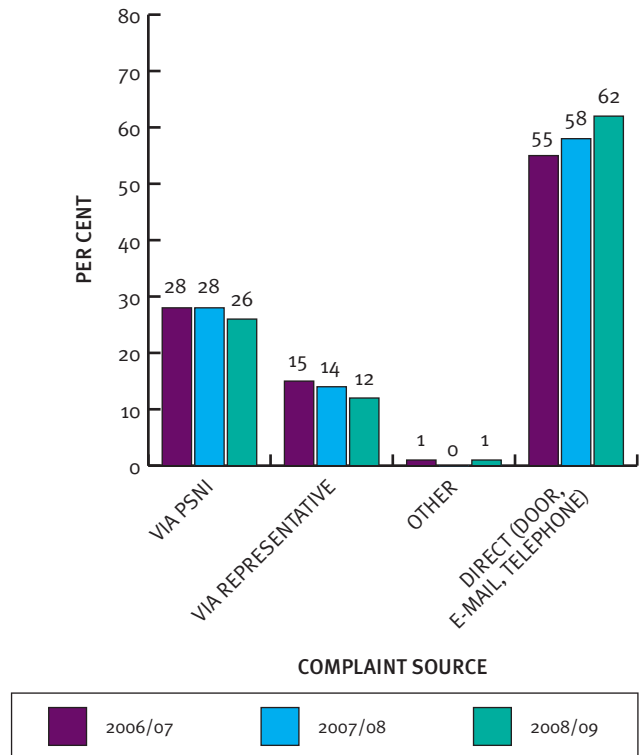
**REPORTING ON TRENDS AND PATTERNS IN COMPLAINTS AGAINST POLICE**

The Office’s statisticians provide regular statistical reports to police in a variety of formats detailing the numbers and types of allegation arising from each of the District Command Units. Each month the Office also furnishes police commanders with details of those officers who have attracted three or more complaints within a rolling 12 month period.

**SOURCES OF COMPLAINTS**

Since the inception of the Office there has been an increasing trend of the public making complaints directly to the Office by way of letter, email, telephone or in person. Currently over 60% of complaints are made to the Office whilst 26% are received via PSNI and 12% made to the Office by representation on behalf of complainants.

**Sources of complaints/non-complaint matters 2006/07 - 2008/09**

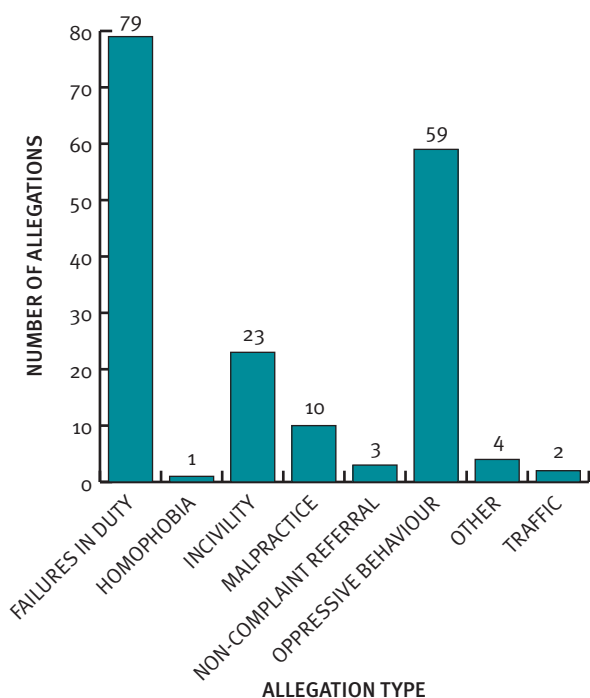


## POLICE AREA REPORTS:

The Policy and Practice Directorate has been producing Area Reports for District Commanders, Discipline Champions and PSNI Professional Standards Department since January 2007. These reports provide information on the trends and patterns in complaints and allegations within each of the policing areas in Northern Ireland.

### Types of allegations

#### Allegation type by area



*'Your six monthly report is useful, informative and interesting'.*

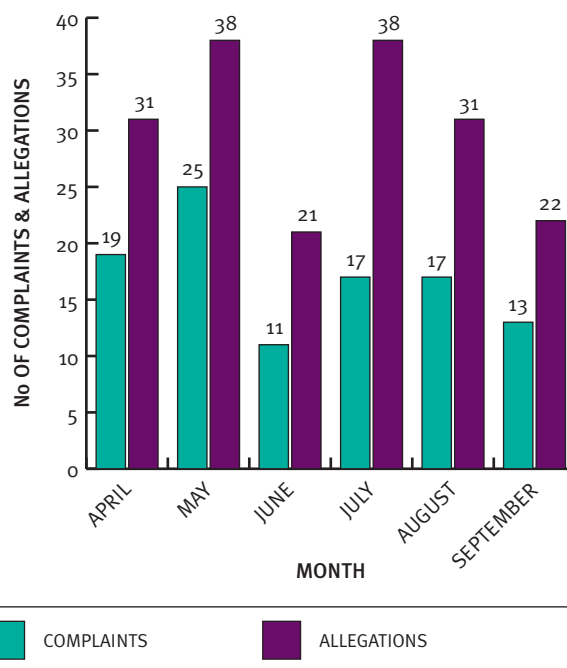
**Discipline Champion**

*'I wish to reassure you that the information within the report is valuable to us in the District'.*

**District Commander**

## Complaints and allegations

### Complaints and allegation per month by area

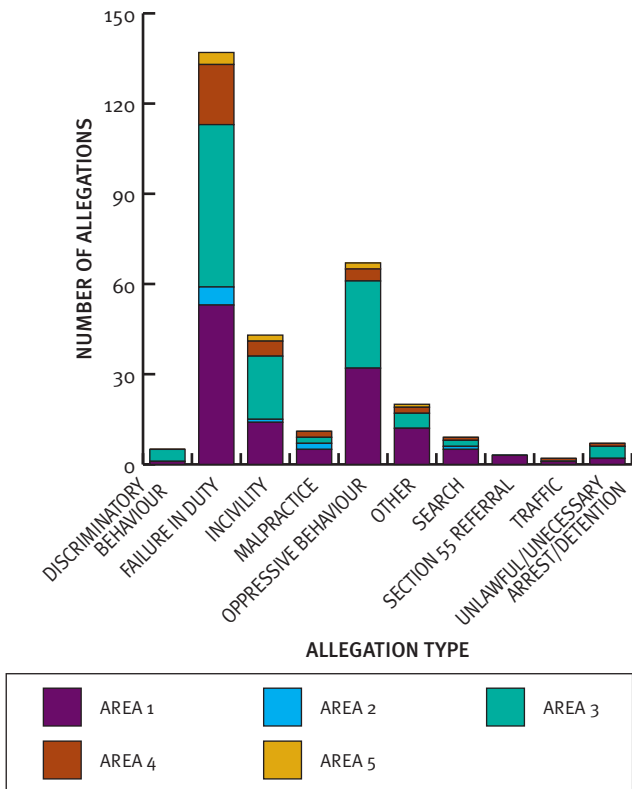


These reports also aim to provide management with more detailed information regarding complaints in their particular policing areas as compared to their District. They also provide comparisons and trends and information on officers within a policing area who have attracted multiple complaints.



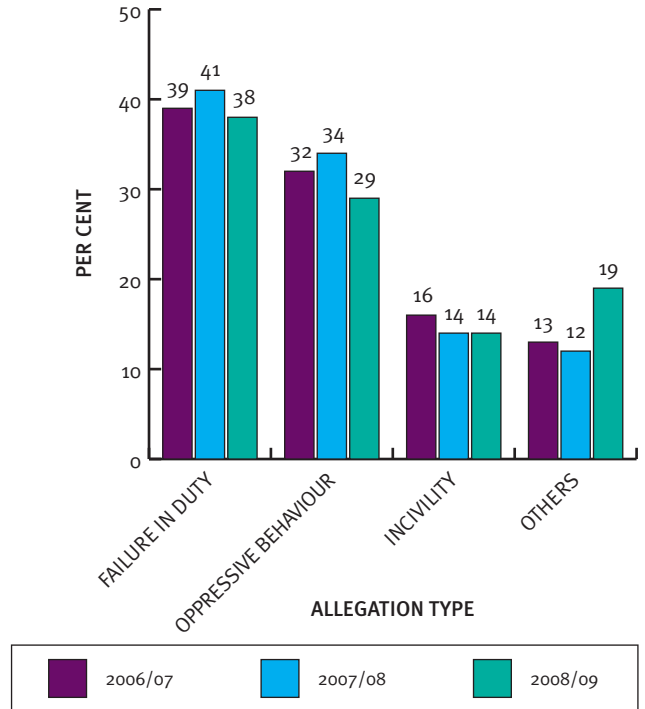
### Breakdown of allegation type

Breakdown of allegation type by district



### NATURE OF ALLEGATIONS

Allegation types, 2006/07 - 2008/09



PSNI Professional Standards Department and PSNI managers have encouraged the production of these reports and have taken an active interest in them. It is the intention of the Policy and Practice Directorate to continue to produce these reports on a 'rolling' six month basis.

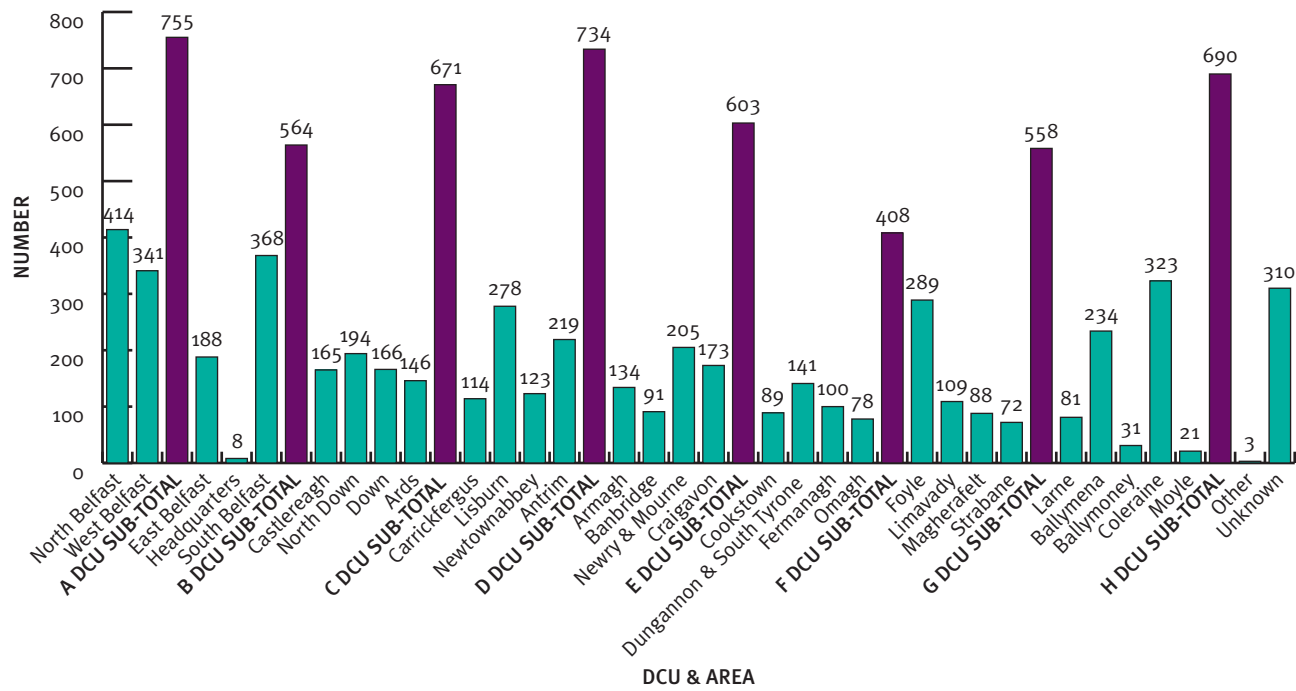
### PROFILE OF COMPLAINTS AND ALLEGATIONS

Six monthly statistical reports are provided to the Northern Ireland Policing Board. These reports incorporate such information as the factors underlying complaints (e.g. arrest, search, traffic incident); location of incidents (e.g. domestic residence, street/road, police stations); allegations involving the use of weapons; recommendations made to police in respect of misconduct and files submitted to the Public Prosecutions Service.

Allegations by type and sub-type, 2008/09			
Allegation Type	Allegation Sub-type	Total	%
Discriminatory Behaviour	Disability discriminatory behaviour	0	0%
	Homophobic discriminatory behaviour	8	0%
	Other discriminatory behaviour	2	0%
	Other religious discriminatory behaviour	0	0%
	Racial discriminatory behaviour	29	1%
	Sectarian discriminatory behaviour	25	0%
	Trans-phobic discriminatory behaviour	0	0%
	<b>Sub-total</b>		<b>64</b>
Failure in Duty	Failures in Duty *	650	12%
	Failure to investigate	233	4%
	Failure to Update	139	3%
	Other irregularity in procedure *	34	1%
	Stop and search *	11	0%
	Conduct of police investigations	232	4%
	Detention, treatment and questioning	101	2%
	Identification procedures	13	0%
	Improper disclosure of information	45	1%
	Other failures in duty	497	9%
	Procedural Irregularity	45	1%
	Tape recording	0	0%
	Denied access to medical attention	15	0%
	Denied access to legal advice	3	0%
	<b>Sub-total</b>		<b>2,018</b>
Incivility	Incivility *	283	5%
	Incivility at domestic residence	102	2%
	Incivility at police station	58	1%
	Incivility by officer on the telephone	61	1%
	Incivility when stopped for a traffic offence	60	1%
	Incivility to person under 18 years	5	0%
	Other Incivility	169	3%
	<b>Sub-total</b>		<b>738</b>
Malpractice	Corrupt Practice	43	1%
	Irregularity re evidence/perjury	86	2%
	<b>Sub-total</b>	<b>129</b>	<b>2%</b>
Mishandling of property	Mishandling of property	34	1%
	<b>Sub-total</b>	<b>34</b>	<b>1%</b>

Allegation Type	Allegation Sub-type	Total	%
Oppressive Behaviour	Oppressive conduct or Harassment *	265	5%
	Assault (non serious)	0	0%
	Oppressive conduct (OC not involving assault)	304	6%
	Harassment (series of like incidents)	81	2%
	Serious assault involving fatality	0	0%
	Serious non-sexual assault	36	1%
	Sexual assault	23	0%
	Other assault	850	16%
	<b>Sub-total</b>	<b>1,559</b>	<b>29%</b>
Other	Other *	129	2%
	Other allegation	115	2%
	Other - insufficient detail	44	1%
	OPONI Call in/out NFA	5	0%
	<b>Sub-total</b>	<b>293</b>	<b>6%</b>
Search	Search of premises and seizure of property *	50	1%
	Damage to property	8	0%
	Irregularity re - Search of premises	62	1%
	Irregularity re - Stop/Search of person	32	1%
	Irregularity re - Stop/Search of vehicle	3	0%
	Seizure of property	24	0%
	<b>Sub-total</b>	<b>179</b>	<b>3%</b>
Section 55 Referral	Section 55 (Chief Constable Referral)	22	0%
	Section 55 (HET Referral)	3	0%
	Section 55 (Police Ombudsman Call In)	10	0%
	Section 55 (Policing Board Referral)	0	0%
	Section 55 (PPS Referral)	4	0%
	Section 55 (Secretary of State Referral)	0	0%
<b>Sub-total</b>	<b>39</b>	<b>1%</b>	
Traffic	Traffic irregularity	38	1%
	Other traffic irregularity	6	0%
	Driving of police vehicles	31	1%
	<b>Sub-total</b>	<b>75</b>	<b>1%</b>
Unlawful/Unnecessary Arrest/Detention	Unlawful/Unnecessary Arrest/Detention	168	3%
	<b>Sub-total</b>	<b>168</b>	<b>3%</b>
<b>Total 08/09</b>		<b>5,296</b>	<b>100%</b>
<b>Total 07/08</b>		<b>5,412</b>	<b>-</b>

### Allegation by DCU & area, 2008/09



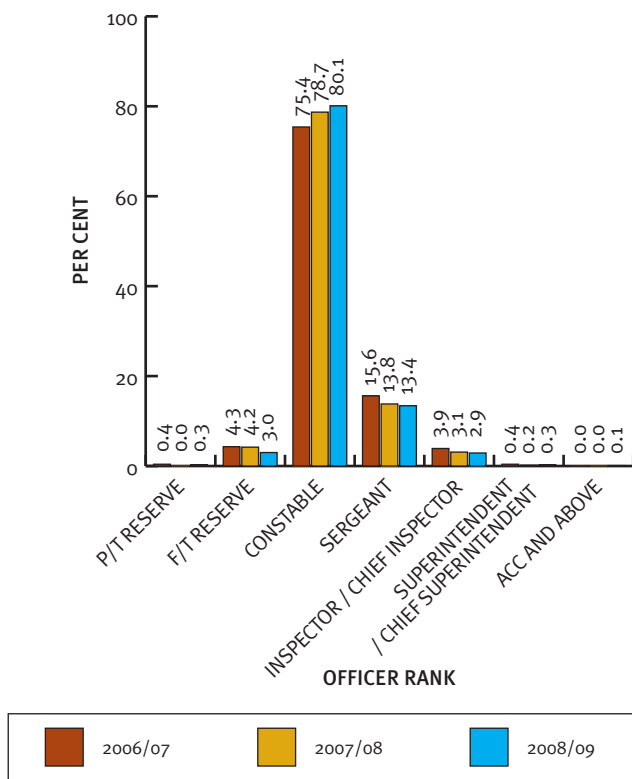
Number of complaints and allegations arising from each ACU, 2008/09, and number of officers in each ACU								
	Complaints		Allegations		Officers		2008/09 Allegations / 100 officers	2007/08 Allegations / 100 officers
	Number	%	Number	%	Number	%		
Antrim	116	4.0	219	4.4	196	3.6	112	119
Ards	96	3.3	146	2.9	183	3.4	80	69
Armagh	77	2.7	134	2.7	125	2.3	107	105
Ballymena	141	4.9	234	4.7	169	3.1	138	79
Ballymoney	20	0.7	31	0.6	61	1.1	51	92
Banbridge	55	1.9	91	1.8	121	2.2	75	74
Belfast East	122	4.2	196	3.9	236	4.3	80	97
Belfast North	223	7.7	414	8.3	402	7.4	103	113
Belfast South	216	7.5	368	7.4	431	7.9	85	88
Belfast West	186	6.5	341	6.8	242	4.4	141	79
<b>Belfast Sub-Total</b>	<b>747</b>	<b>25.9</b>	<b>1,319</b>	<b>26.5</b>	<b>1,311</b>	<b>24.1</b>	<b>101</b>	<b>96</b>
Carrickfergus	72	2.5	114	2.3	88	1.6	130	163
Castlereagh	90	3.1	165	3.3	143	2.6	115	89
Coleraine	176	6.1	323	6.5	292	5.4	111	138
Cookstown	54	1.9	89	1.8	84	1.5	106	92
Craigavon	104	3.6	173	3.5	235	4.3	74	86
Down	91	3.2	166	3.3	154	2.8	108	88
Dungannon	78	2.7	141	2.8	135	2.5	104	47
Fermanagh	59	2.0	100	2.0	206	3.8	49	45
Foyle	151	5.2	289	5.8	357	6.6	81	88
Larne	51	1.8	81	1.6	74	1.4	109	122
Limavady	67	2.3	109	2.2	105	1.9	104	78
Lisburn	158	5.5	278	5.6	319	5.9	87	54
Magherafelt	56	1.9	88	1.8	82	1.5	107	76
Moyle	14	0.5	21	0.4	24	0.4	88	92
Newry & Mourne	109	3.8	205	4.1	329	6.0	62	63
Newtownabbey	82	2.8	123	2.5	209	3.8	59	68
North Down	121	4.2	194	3.9	192	3.5	101	130
Omagh	46	1.6	78	1.6	143	2.6	55	84
Strabane	49	1.7	72	1.4	112	2.1	64	81
Other & Unknown	233	-	313	-	-	-	-	-
<b>Total</b>	<b>3,113</b>	<b>100</b>	<b>5,296</b>	<b>100</b>	<b>5,449</b>	<b>100</b>	<b>97</b>	<b>94</b>

\*There may be double counting of complaints by ACU as a complaint may have allegations occurring in more than one ACU.

### RANK OF OFFICERS SUBJECT OF COMPLAINTS

The trend is that constables tend to attract most complaints. Compared to the previous two years the proportion of constables linked to complaints has increased whilst complaints against officers of other ranks has decreased.

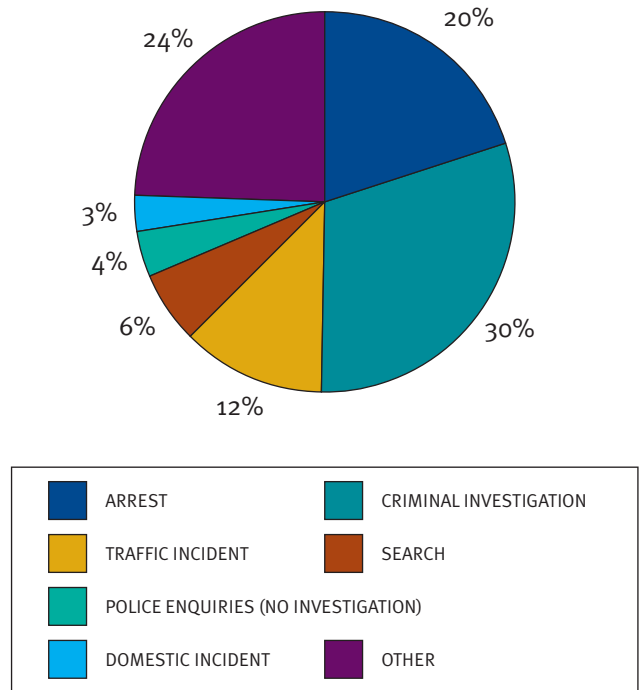
*Rank of officers complained about 2006/07 - 2008/09*



### FACTORS UNDERLYING COMPLAINTS

The Office records information about the nature of factors underlying complaints. As was the case last year it was the manner in which police conducted investigations which was the leading factor behind complaints. Of other factors identified one fifth involved arrest whilst 12% were connected with traffic related incidents.

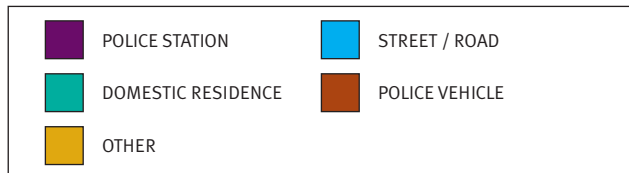
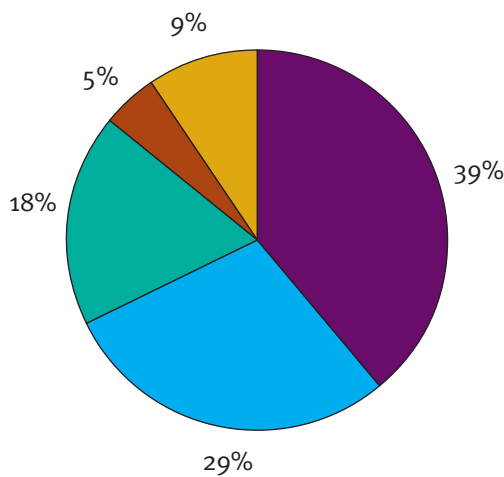
*Factors underlying complaints, 2008/09*



### LOCATION OF INCIDENTS

Almost two out of every five complaints arise from incidents at police stations. Twenty nine percent occur on the street or road whilst almost one fifth happen at domestic residences.

*Allegation location, 2008/09*



### EQUALITY MONITORING

A number of complainant characteristics 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 information collected is extracted from monitoring forms issued to all complainants once they have made a complaint. One thousand and sixty monitoring forms were returned, representing a 34% sample of complainants.

### GENDER

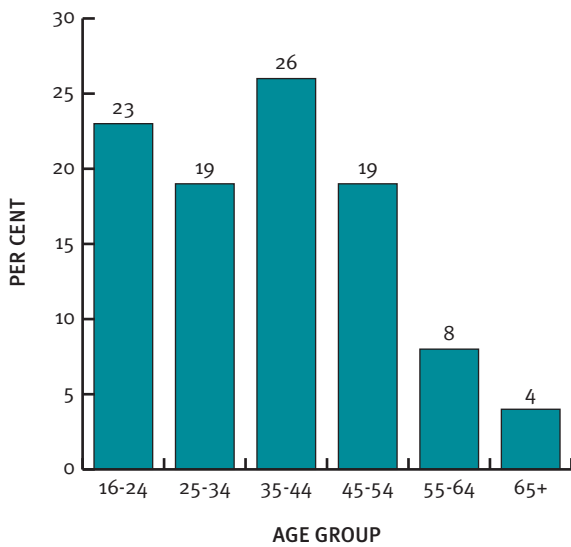
Of those complainants whose gender was known (2996), 69% were male (71% in 2007/08) and 31% were female (29% in 2007/08). (Gender is also inferred from complainants' titles or salutations.)

Gender of Complainants		
Gender	Number	%
Male	2,075	69
Female	921	31
<b>Total</b>	<b>2,996</b>	<b>100</b>

### AGE

Of those complainants whose age was known, 26% fell within the 35-44 age group. The percentage of complainants aged under 25 is now 23%, similar to the last two years but lower than that recorded in previous years (35% in 2002/03; 27% in 2003/04; 24% in 2004/05).

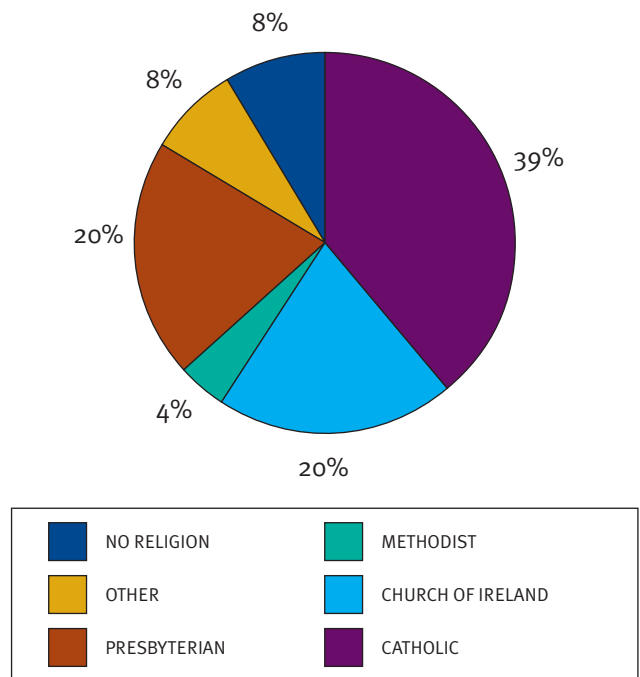
*Complainants' age, 2008/09*



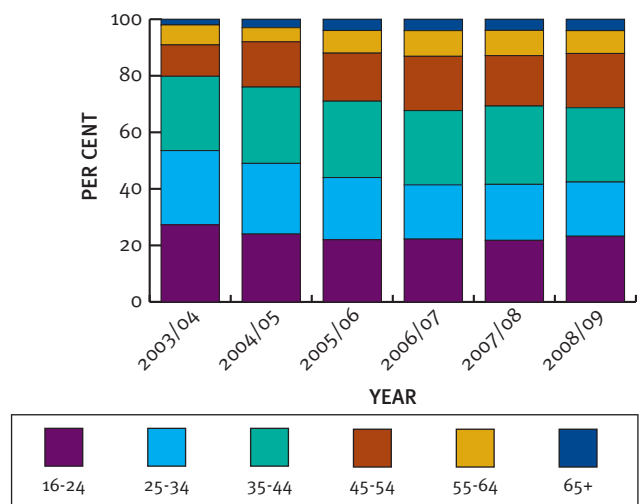
### RELIGIOUS BELIEF

Of the 942 complainants who provided information about their religious belief, 39% said they were Catholic (41% in 2007/08), and 44% identified their background as Presbyterian, Church of Ireland or Methodist (43% in 2007/08). 16% identified themselves as having another religion or no religion (16% in 2007/08).

*Complainants' religious belief, 2008/09*



*Age of complainants, 2003/04 - 2008/09*

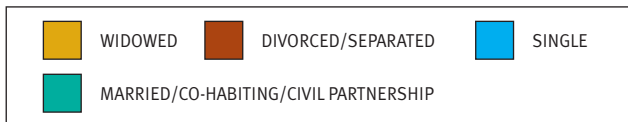
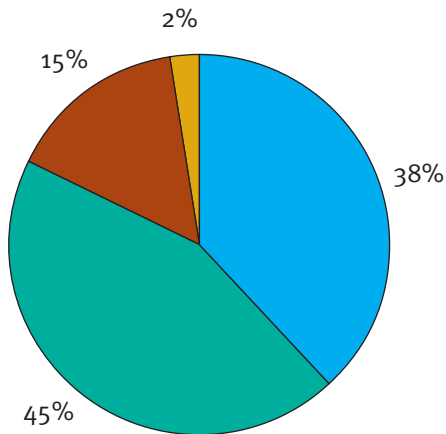




### MARITAL STATUS

The largest proportion of complainants (45%) described themselves as being either married, cohabiting or in civil partnership. 38% said that they were single, while 15% said that they were either separated or divorced.

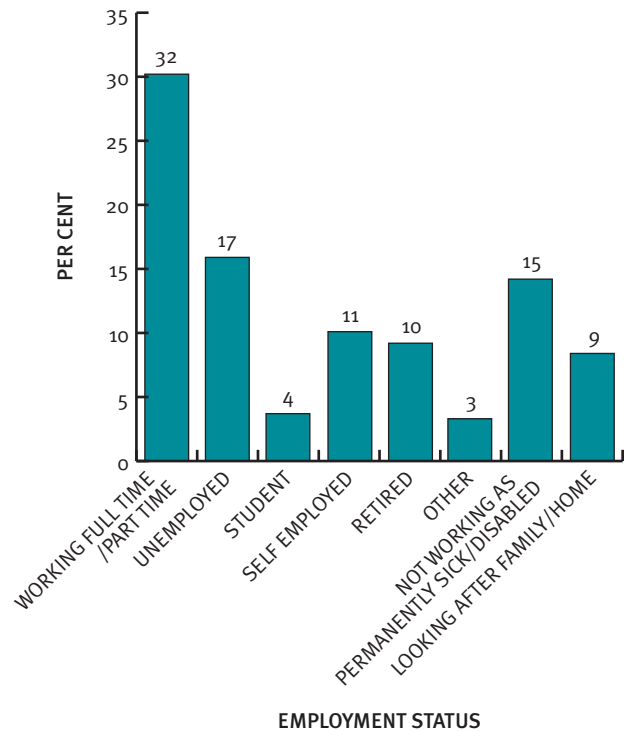
*Complainants' marital status 2008/09*



### EMPLOYMENT STATUS

43% of respondents said that they were working full or part time or self employed, while 17% of respondents said that they were unemployed.

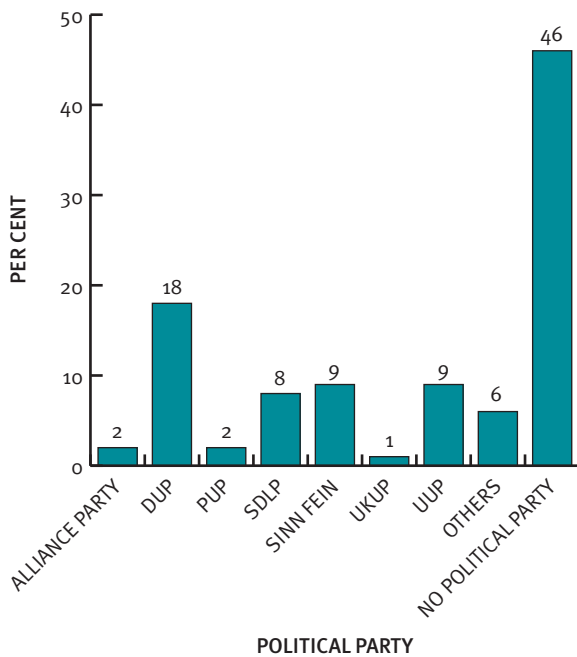
*Complainants' employment status 2008/09*



### POLITICAL OPINION

Of the 583 complainants who provided information about their political opinion, 2% supported the Alliance Party, 18% the DUP, 2% the PUP, 8% the SDLP, 9% Sinn Fein, 1% the UKUP, 9% the UUP and 6% others. 46% of complainants who provided information reported that they supported no political party.

*Complainants' political opinion 2008/09*



### PUBLIC ATTITUDES TO THE OFFICE OF THE POLICE OMBUDSMAN

The Northern Ireland Statistics and Research Agency (NISRA) collected data for this independent report. Fieldwork took place during January and February 2009. Over 1,100 persons participated in the survey.

### AWARENESS OF THE POLICE OMBUDSMAN

88% of respondents said they had heard of the Police Ombudsman.

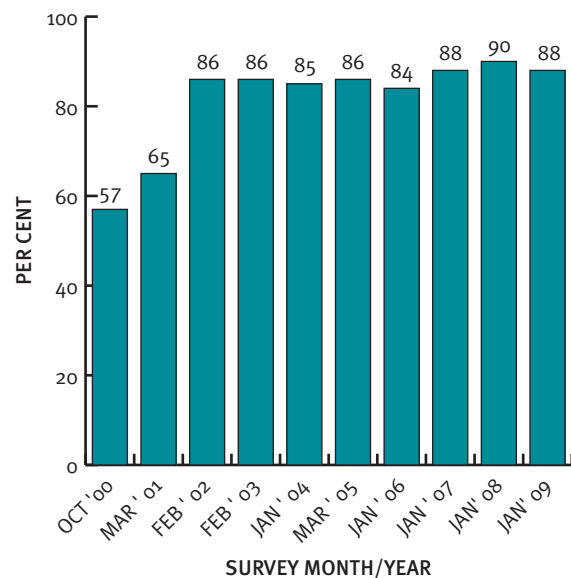
Males were more likely than females to have heard of the Police Ombudsman (92% compared to 84%).

Awareness was greater among Protestants (93%) than Catholics (84%).

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 (87%).

*Proportions of respondents aware of the Police Ombudsman, October 2000 - January 2009*



### INDEPENDENCE OF THE POLICE OMBUDSMAN

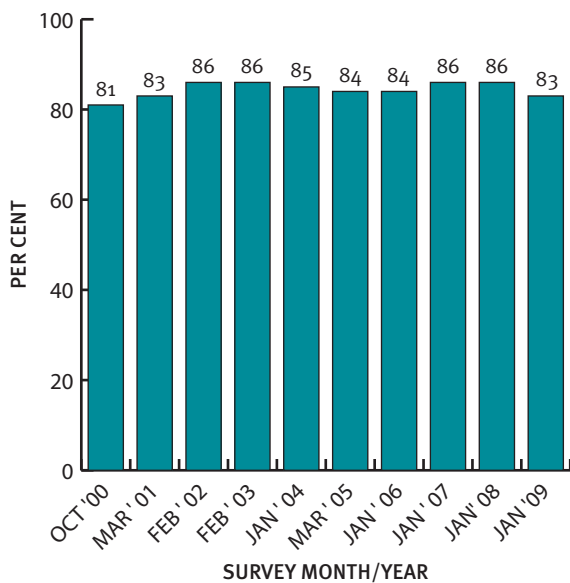
83% of those respondents who had heard of the Police Ombudsman thought the Office was independent of the police.

14% thought that the Police Ombudsman was part of the police.

Similar proportions of males (85%) and females (82%) thought the Police Ombudsman was independent of the police.

Catholic and Protestant respondents were equally likely to think the Police Ombudsman was independent of the police.

**Proportions of respondents aware of the independence of the Police Ombudsman, October 2000 - January 2009**



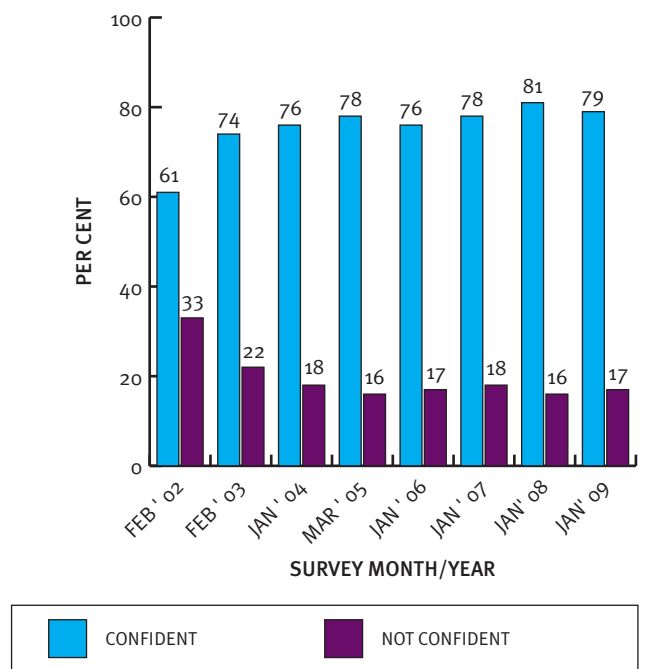
### IMPARTIALITY OF INVESTIGATION

79% of respondents were confident that the Police Ombudsman investigates complaints in an impartial manner.

Males and females had similar levels of confidence (77% of males compared to 80% of females).

There was little difference in the level of confidence among Catholics (81%) and Protestants (78%).

**Confidence in the impartiality of the Police Ombudsman's investigations, February 2002 - January 2009**



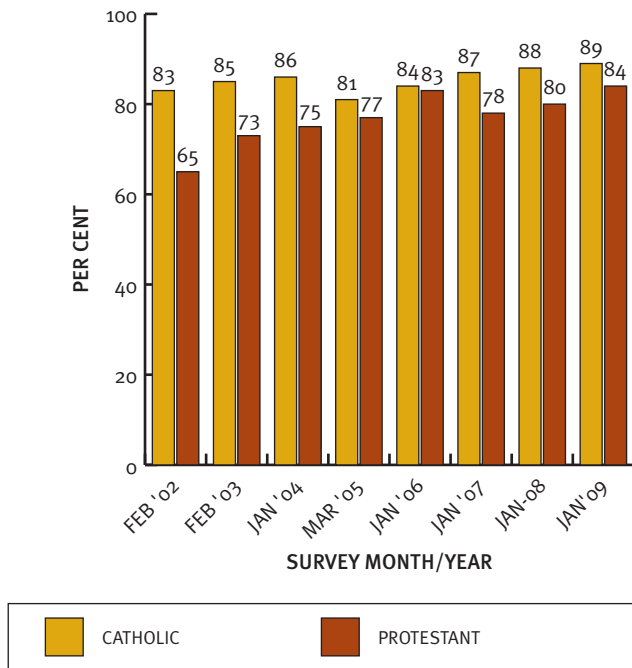
### EFFECT OF POLICE OMBUDSMAN ON POLICING

86% of respondents thought the Police Ombudsman would help ensure that the police do a good job.

Similar levels of males and females held this view.

Catholics (89%) were more likely than Protestants (84%) to think that the Police Ombudsman would help ensure the police do a good job.

*Proportions of Catholic and Protestant respondents thinking that the Police Ombudsman would help the police do a good job, February 2002 - January 2009*

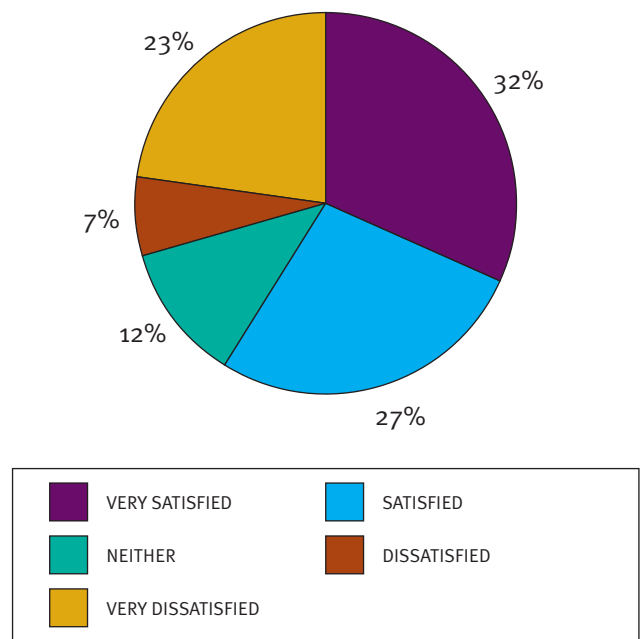


### COMPLAINANT SATISFACTION LEVELS

A complainant satisfaction survey questionnaire was issued to 2,757 complainants following closure of their complaints. Respondents were presented with 23 statements, 13 of which were yes/no answers, 9 were on a scale very satisfied to very dissatisfied, and 2 were open-ended statements. A total of 549 questionnaires were returned giving a response rate of 20%.

59% of respondents, taking everything into account, were satisfied with the service they received (this includes 32% who were very satisfied).

*Complainant satisfaction levels 2008/09*



Of the 87% of complainants who had spoken to a member of staff from the Police Ombudsman Office:

- 96% thought staff were polite.
- 85% thought staff were knowledgeable.
- 89% thought staff were professional.
- 66% thought staff were impartial.

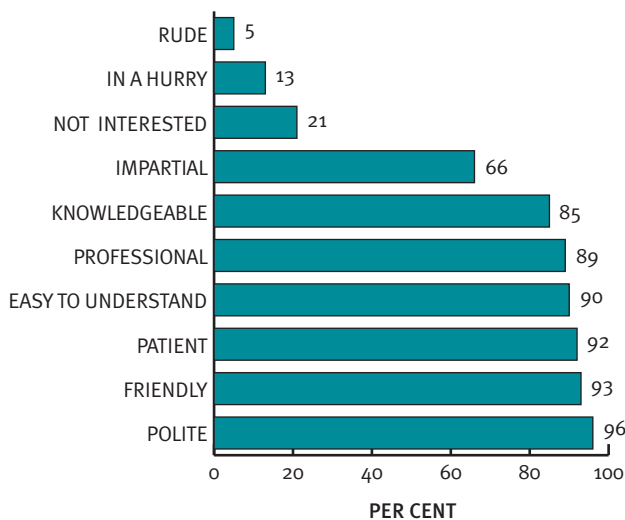
74% of respondents were satisfied with how long the Office took to reply after making their complaints.

58% of respondents were satisfied with how long the Office took to resolve their complaint.

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

69% of respondents stated they would use the complaints system again.

#### *How did the staff seem to you? 2008/09*



*“I was completely happy with the way the Police Ombudsman handled my complaint. It made me feel that my complaint was acceptable in the day and age the police seem biased. It gives me peace of mind to know that if I suspect corruption within my police force that they are there to investigate. Thank you.”*

**(Complainant)**

*“My case was handled very quickly and professionally by your team and I am very glad I came to your office. Very impressed with the length of time it took to pass on information and get back to me.”*

**(Complainant)**

## **POLICE OFFICER SATISFACTION WITH INVESTIGATIONS**

Since October 2005 the Office of the Police Ombudsman has issued satisfaction questionnaires to police officers subject to formal Police Ombudsman investigation.

During 2008/09 a total of 1950 questionnaires were issued to police officers subject to Police Ombudsman investigation. A total of 595 questionnaires (31%) were returned.

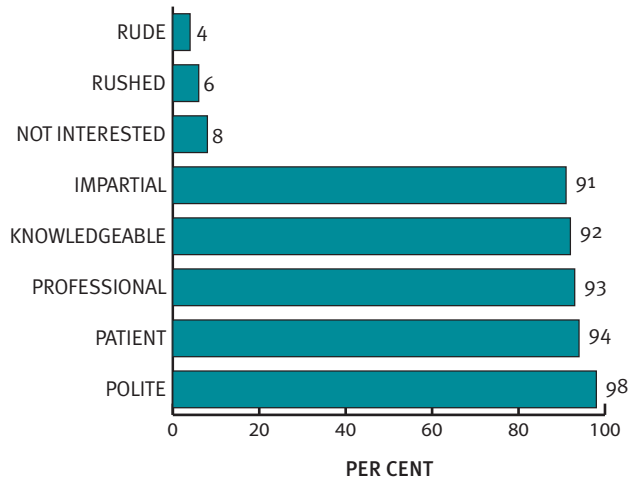
## **HIGH LEVELS OF POLICE OFFICER SATISFACTION WITH POLICE OMBUDSMAN’S INVESTIGATION**

83% of police officers investigated thought they were treated fairly.

Of the 85% of police officers who spoke to a Police Ombudsman investigating officer:

- 93% thought Police Ombudsman investigators acted professionally.
- 91% thought Police Ombudsman investigators acted impartially.
- 94% thought Police Ombudsman investigators were patient.
- 92% thought Police Ombudsman investigators were knowledgeable.
- 98% thought Police Ombudsman staff were polite.

**Police officer satisfaction with Police Ombudsman investigating staff 2008/09**

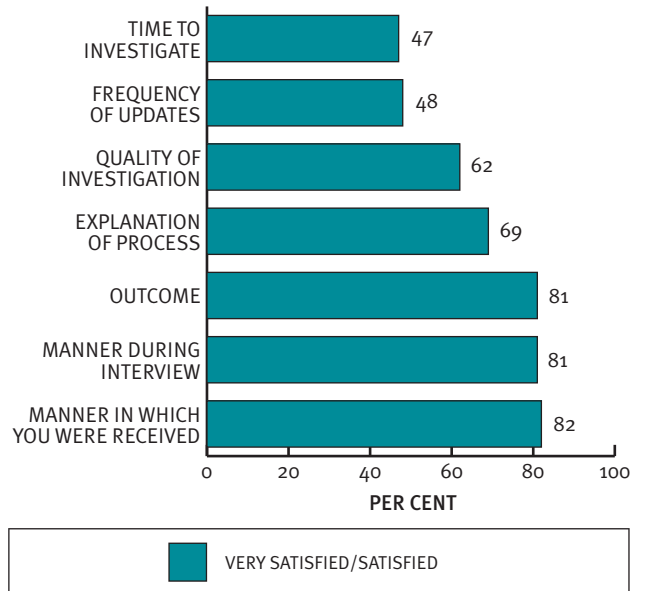


*“With regard to the matter both investigators that interviewed me were professional and courteous yet clearly displayed their responsibility and willingness to investigate the complaint against me. I was impressed by their integrity, their pragmatism and their overall approach. In short they are a credit and I would happily have them work alongside myself or within my team.”*  
**(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. The graph below shows the results.

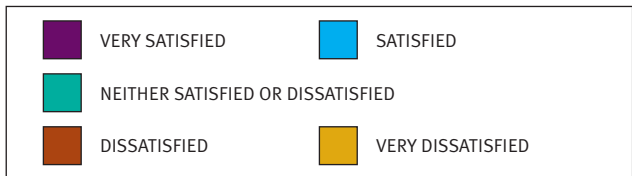
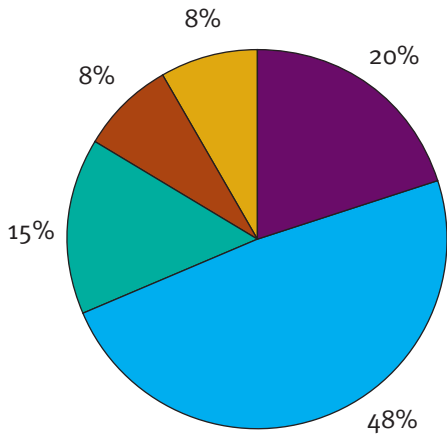
**Police officer satisfaction with investigation process 2008/09**



### OVERALL POLICE OFFICER SATISFACTION WITH SERVICE

68% of police officers investigated by Police Ombudsman investigators said they were satisfied or very satisfied with the overall service they received from the Office.

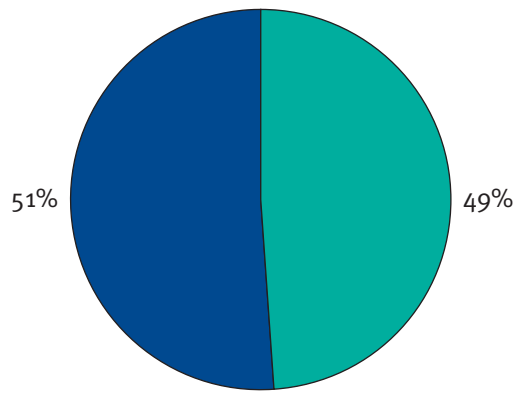
*Police officer levels of satisfaction 2008/09*



### STAFF PROFILE

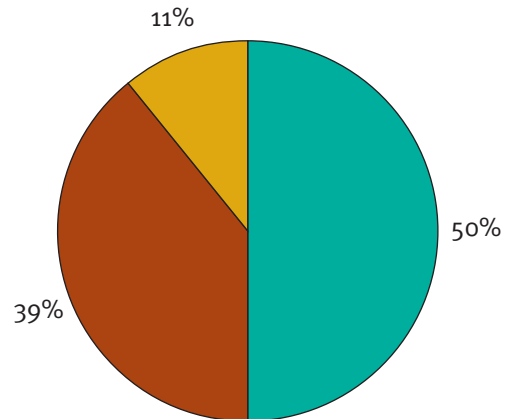
Information taken from the Fair Employment Monitoring Return made by the Office as at January 2009 indicates that 49% of the staff employed in the Office are male and 51% are female.

*Staff profile by gender as at 1 January 2009*



The community background of staff indicates that 50% of staff employed are Protestant, 39% Catholic and 11% not determined.

*Staff profile by community background as at 1 January 2009*





## KEY PERFORMANCE INDICATORS 2008 – 2009

Key Performance Indicators	Targets (2008-09)	Performance against targets 2008-09
Level of complaints registered	Resource and action all complaints and related allegations registered.	3,081 complaints – 3% increase in last year 5,296 allegations – 2% decrease in last year
Responsiveness, prompt service and timely processes	Register all appropriate matters reported to the Police Ombudsman within 3 working days of receipt.  90% of all complaints to be actioned within 5 working days of being registered.  All telephone calls to the Office to be responded to within 10 seconds.  95% of complainants calling to the Office to be seen within 5 minutes.  85% of complainants to be updated every 6 weeks.  85% of police officers to be updated every 6 weeks.  90% of complaints, not subject of investigation or Informal Resolution, to be dealt with within 40 working days.  90% of complaints suitable for Informal Resolution to be referred within 3 working days of complainant consent being obtained.  90% of complainants to be contacted by the Investigating Officer within 3 working days (of the complaint being allocated to that officer).  90% of new complaint investigations to be completed within 120 working days, apart from grave and exceptional matters.  Respond (24/7) within 1.5 hours to serious incidents referred in Belfast and 3 hours outside Belfast.  To investigate 90% of serious matters referred by Chief Constable within 200 working days.	90% achievement  92% achievement  100% compliance  88% achievement  87% achievement  76% achievement  79% achievement  97% achievement  96% achievement  67% achievement  100% compliance  0% based on sampling of four referrals
Quality and effective investigations, levels of satisfaction and confidence in police complaints system	60% of complainants being satisfied or very satisfied with service received.  75% of complainants willing to use the service again.  75% of police officers subject of investigation to be satisfied with the service provided by the Police Ombudsman.  Maintain over 80% public awareness and confidence in the police complaints system.  On a 60-day basis all on-going investigations will be subject to a quality review by supervisory staff.  Results of Complainant Satisfaction Survey to be issued September 2008.  Results of Public Attitudes Survey to be issued August 2008.  Results of Police Officer Satisfaction Survey to be issued September 2008.  Results of Police Officer Survey to be issued July 2008.  Results of Equality Monitoring of Complainants to be issued December 2008.	59% achievement  69% achievement  68% achievement  88% achievement  Ongoing  Achieved  Achieved  Achieved  Achieved

Key Performance Indicators	Targets (2008-09)	Performance against targets 2008-09
Informing the public and police	Make available all agreed reports or trends and patterns within timescales.	Achieved
	To research and report on patterns and trends of Section 75 Groupings in respect of police complaints within Policing Districts (February 2009).	Deferred to 2009/10
	Report on the PSNI response to recommendations arising from matters referred under Section 55 of the Police Act 1998 – June 2008.	Achieved
	Publish a report on Police use of handcuffs – June 2008.	Achieved
	Initiate a new Policy and Practice Investigations during course of reporting year.	Scoping complete
	Produce and distribute to police officers an information bulletin on cases dealt with by the Police Ombudsman – April 2008.	Issued Spring 2008
	Provide a targeted programme of information to 40 schools and community organisations – March 2009.	27 sessions delivered
	Maintain a programme to inform the public and the police of the outcomes of complaints and investigations.	Achieved
	Maintain a pro-active programme of responding to questions from the public, their representatives and the media about the work of the Office.	High level of achievement
	Corporate Business Plan to be available – June 2008.	Achieved
Annual Report to be available to the Secretary of State – June 2008.	Achieved	
Management of resources	Maintain expenditure within 2% of allocated resource funding.	Achieved but resources returned to NIO
	Maintain less than 5% staff absence per annum.	High level of achievement 3.9%
	Maintain 70% of investigating officers with achievement of accredited investigator status.	Achieved
	Replace existing Case Management System with new Case Handling System – October 2008.	Achieved December 2008
	Ensure all identified training in support of CHS is carried out – September 2008.	Achieved
	Conduct review of new Case Handling System – March 2009.	Initial review carried out – full review August 2009
	Complete annual equality scheme progress report – August 2008.	Achieved

## 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 the NIO pay structures. The Office is not involved in NIO pay negotiations. Included within the NIO pay award is a non consolidated performance bonus element. Performance is appraised by line managers of achievement against agreed objectives and targets. A decision was taken by Directors in 2006/07 to exclude themselves from consideration for these bonuses.

### 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. 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).

Mr E Simpson and Mr RST Ewing were appointed on 30 June 2004 for an initial three years as Independent Non-Executive members of the Audit Committee in the Office. Their tenure was extended until 30 June 2009 during the 2007/08 financial year. They are remunerated on the basis of hours employed at a rate of £38 per hour.

## SALARY AND PENSION ENTITLEMENTS

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

Remuneration				
	2008-09		2007-08	
	Salary (£'000)	Benefits in kind (to nearest £100)	Salary (£'000)	Benefits in kind (to nearest £100)
<b>Mr Al Hutchinson</b> <i>Police Ombudsman</i>	135 – 140	29,300	50 – 55 <sup>1</sup>	6,100
<b>Mr Samuel Pollock</b> <i>Chief Executive</i>	85 – 90	-	85 – 90	-
<b>Mr James Coupland</b> <i>Senior Director of Investigations</i>	80 – 85	-	20 – 25 <sup>2</sup>	-
<b>Mrs Olwen Laird</b> <i>Director of Corporate Services</i>	55 – 60	-	55 – 60	-
<b>Mr Greg Mullan</b> <i>Director of Policy and Practice</i>	50 – 55	-	50 – 55	-
<b>Mr Tim Gracey</b> <i>Director of Information</i>	50 – 55	-	50 – 55	-
<b>Mr John Larkin</b> <i>Director of Investigations</i>	75 – 80	-	70 – 75	-
<b>Mr Jim Kitson</b> <i>Director of Legal Services</i>	50 – 55	-	40 – 45 <sup>3</sup>	-
<b>Mr Edward Simpson</b> <i>Non Executive Audit Committee Member</i>	0 – 5	-	0 – 5	-
<b>Mr RST Ewing</b> <i>Non Executive Audit Committee Member</i>	0 – 5	-	0 – 5	-

1 Figure for 2007/08 is for the period 6 November 2007 to 31 March 2008. The full year equivalent is £135 – 140k

2 Figure for 2007/08 is for the period 8 January 2008 to 31 March 2008. The full year equivalent is £80 – 85k

3 Figure for 2007/08 is for the period 1 June 2007 to 31 March 2008. The full year equivalent is £50 – 55k

## PENSION BENEFITS

	Accrued pension at pension age as at 31/3/09 and related lump sum £'000	Real increase in pension and related lump sum at age 60 £'000	CETV at 31/3/09 £'000	CETV at 31/3/08 £'000	Real increase in CETV £'000	Employer contribution to partnership pension account (Nearest £100)
<b>Mr Al Hutchinson</b> <i>Police Ombudsman</i>	0 – 5	2.5 – 5	65	18	42	N/A
<b>Mr Samuel Pollock</b> <i>Chief Executive</i>	5 – 10 plus lump sum of 25 – 30	0 – 2.5 plus lump sum of 2.5 – 5.0	209	176	20	N/A
<b>Mr James Coupland</b> <i>Senior Director of Investigations</i>	0 – 5	0 – 2.5	24	2	18	N/A
<b>Mrs Olwen Laird</b> <i>Director of Corporate Services</i>	10 – 15	0 – 2.5	118	102	5	N/A
<b>Mr Greg Mullan</b> <i>Director of Policy and Practice</i>	15 – 20 plus lump sum of 55 – 60	0 – 2.5 plus lump sum of 0 – 2.5	398	364	3	N/A
<b>Mr Tim Gracey</b> <i>Director of Information</i>	10 – 15 plus lump sum of 30 – 35	0 – 2.5 plus lump sum of 0 – 2.5	209	185	7	N/A
<b>Mr John Larkin</b> <i>Director of Investigations</i>	N/A	N/A	N/A	N/A	N/A	N/A
<b>Mr Jim Kitson</b> <i>Director of Legal Services</i>	0 – 5	0 – 2.5	38	26	9	N/A
<b>Mr Edward Simpson</b> <i>Non Executive Audit Committee Member</i>	N/A	N/A	N/A	N/A	N/A	N/A
<b>Mr RST Ewing</b> <i>Non Executive Audit Committee Member</i>	N/A	N/A	N/A	N/A	N/A	N/A

## 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.

## BENEFITS IN KIND

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

## CIVIL SERVICE PENSIONS

Pension benefits are provided through the Civil Service pension arrangements. From 30 July 2008, civil servants may be in one of four defined benefit schemes; either a ‘final salary’ scheme (classic, premium or classic plus); or a ‘whole career’ scheme (nuvos). These statutory arrangements are unfunded with the cost of benefits met by monies voted by Parliament each year. Pensions payable under classic, premium, classic plus and nuvos are increased annually in line with changes in the Retail Prices Index (RPI). Members joining from October 2002 may opt for either the appropriate defined benefit arrangement or 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.

Classic plus is essentially a hybrid with benefits in respect of service before 1 October 2002 calculated broadly as per classic and benefits for service from October 2002 calculated as in premium. In nuvos a member builds up a pension based on his pensionable earnings during their period of scheme membership. At the end of the scheme year (31 March) the member’s earned pension account is credited with 2.3% of their pensionable earnings in that scheme year and the accrued pension is uprated in line with RPI. In all cases members may opt to give up (commute) pension for lump sum up to the limits set by the Finance Act 2004.

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).

The accrued pension quoted is the pension the member is entitled to receive when they reach pension age, or immediately on ceasing to be an active member of the scheme if they are already at or over pension age. Pension age is 60 for members of classic, premium and classic plus and 65 for members of nuvos.

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).

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### 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 figures include the value of any pension benefit in another scheme or arrangement which the individual has transferred to the Civil Service pension arrangements. They also include any additional pension benefit accrued to the member as a result of their purchasing additional pension benefits at their own cost. CETVs are calculated in accordance with The Occupational Pension Schemes (Transfer Values) (Amendment) Regulations and do not take account of any actual or potential reduction to benefits resulting from Lifetime Allowance Tax which may be due when pension benefits are taken.

### REAL INCREASE IN CETV

This reflects the increase in CETV effectively funded by the employer. It does not include 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 2009



## Statement of the Police Ombudsman for Northern Ireland and Chief Executive's Responsibilities

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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 Managing Public Money.

## 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 am required to 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 2009 and up to the date of approval of the annual report and accounts, and accords with treasury guidance.

### 3. CAPACITY TO HANDLE RISK

The Office of the Police Ombudsman's Senior Management Team considers all of its business and corporate responsibility in terms of its risk management framework and in line with the policies of the Department. 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.

A risk register exists 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. Information risk is managed within the Office within the context of the risk management framework. The risk register and actions are regularly reviewed and updated accordingly. All updates to the risk register are reviewed by SMT and the Audit Committee of the Office. The risk register is available to all staff through the internal website.

### 5. REVIEW OF EFFECTIVENESS

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

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

### AUDIT COMMITTEE

The Audit Committee continues to provide an essential oversight of the controls and good governance of the Office. The Committee is self standing with a terms of reference and comprises representatives of the Office of the Police Ombudsman, representatives from the Department (Northern Ireland Office) and two independent non-executive members who 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.

During the year, I had occasion to refer a matter of concern in relation to a potential fraudulent travel and subsistence claim to the Internal Auditor for investigation. This matter was identified through the normal operation of controls in place in the Office. The Office did not suffer a financial loss.

The internal audit arrangements require the Head of Internal Audit (HIA), at least annually, to provide me with an annual report on internal audit activity in the Office. The report includes the HIA's independent opinion on the adequacy and effectiveness of the Office's system of internal control. The internal audit report, completed during the period of the accounts, provided assurance that controls were operating adequately in respect of human resource management and training, information services, legal services and information technology and drew attention to the need to formally document certain policies and procedures. Steps are being taken to implement the recommendations made. This work builds further on reviews of systems carried out in previous years. The HIA provided a satisfactory level of assurance for the internal control systems of the Office.

### NIO INTERNAL AUDIT

During the year, the Northern Ireland Office commissioned an Internal Audit of this Office along with a number of other non-departmental public bodies. A draft report has been received and a number of recommendations have been made which are currently being considered by management. I will ensure that an action plan is established to ensure that the agreed recommendations are progressed appropriately in due course.

In the light of all of the information available to me, I remain satisfied that the system of controls in place in the Office is effective.

### Samuel Pollock, OBE

BSc (Hons), Dip. App. Soc. Studies,  
Chief Executive

9 June 2009

## 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 2009 under the Police (Northern Ireland) Act 1998. These comprise the Operating Cost Statement, the Balance Sheet, the Cash Flow Statement and Statement of Recognised Gains and Losses and the related notes. These financial statements have been prepared under the accounting policies set out within them. I have also audited the information in the Remuneration Report that is described in that report as having been audited.

### **Respective responsibilities of the Police Ombudsman for Northern Ireland, the Chief Executive and auditor**

The Police Ombudsman for Northern Ireland and the Chief Executive as Accounting Officer are responsible for preparing the Annual Report which includes 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 the Chief Executive's Responsibilities.

My responsibility is to audit the financial statements and the part of the remuneration report to be audited 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 report to you whether, in my opinion, the information, which comprises the Report of the Chief Executive, included in the Annual Report is consistent with the financial statements. 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.

In addition, I report to you 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 HM Treasury regarding remuneration and other transactions is not disclosed.

I review whether the Statement on Internal control reflects the Office of the Police Ombudsman for Northern Ireland's compliance with HM Treasury's guidance, and I report if it does not. I am not required to consider whether this statement covers 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 the Foreword, the Report of the Police Ombudsman, 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.

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## Basis of audit opinions

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 Accounting Officer in the preparation of the financial statements, and of whether the accounting policies are most appropriate to the Office of the Police Ombudsman for Northern Ireland'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.

## 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 for Northern Ireland's affairs as at 31 March 2009 and of its net operating cost, recognised gains and losses and cash flows 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
- information, which comprises the Report of the Chief Executive, included within the Annual Report, is consistent with the financial statements.

## Opinion on Regularity

In my opinion, 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.

## Report

I have no observations to make on these financial statements.

### Amyas C E Morse

Comptroller and Auditor General

29 June 2009

National Audit Office  
151 Buckingham Palace Road  
Victoria, London  
SW1W 9SS

## Operating Cost Statement for the year ended 31 March 2009

	Note	2008/09 £	2007/08 £
<b>Operating Expenditure</b>			
Salaries and wages	3	5,925,468	5,885,175
Other operating costs	4	2,363,249	2,364,105
Depreciation	6	312,477	272,029
Permanent diminution on revaluation of fixed assets	11	112,427	39,111
Notional cost of capital	5	62,370	57,192
<b>Total Operating Expenditure</b>		<b>8,775,991</b>	<b>8,617,612</b>
Release from Government Grant Reserve	11	(132,505)	(26,448)
Credit in respect of notional cost of capital	5	(62,370)	(57,192)
<b>Net Operating Cost for the year</b>		<b>8,581,116</b>	<b>8,533,972</b>

These costs relate to the continuing activities of the Office of the Police Ombudsman for Northern Ireland.

### Statement of Recognised Gains and Losses

Net Operating Cost for the year		8,581,116	8,533,972
Unrealised loss/(gain) on revaluation	11	21,084	(25,083)
<b>Total Recognised Losses relating to the year</b>		<b>8,602,200</b>	<b>8,508,889</b>

The notes on pages 61 to 73 form part of these accounts.

## Balance Sheet as at 31 March 2009

	Note	as at 31 March 2009 £	as at 31 March 2008 £
<b>Fixed Assets</b>			
Tangible assets	6	1,052,187	1,231,378
Intangible assets	6	1,077,298	969,736
		2,129,485	2,201,114
<b>Debtors falling due after more than one year</b>	7	5,142	3,443
<b>Current Assets</b>			
Debtors and prepayments	7	178,806	138,892
Cash at bank and in hand	8	156,787	148,457
		335,593	287,349
<b>Creditors - amounts falling due within one year</b>	9	(386,284)	(468,676)
<b>Net Current Liabilities</b>		(50,691)	(181,327)
<b>Total Assets less Current Liabilities</b>		2,083,936	2,023,230
Creditors - amounts falling due after more than one year	9	0	0
Provisions for liabilities and charges	10	(113,161)	(124,750)
		1,970,775	1,898,480
<b>Financed By:</b>			
<b>Capital and Reserves</b>			
General Reserve	11	774,101	835,617
Government Grant reserve	11	1,089,455	934,560
Revaluation Reserve	11	107,219	128,303
		1,970,775	1,898,480

The notes on pages 61 to 73 form part of these accounts.

### Samuel Pollock, OBE

BSc (Hons), Dip. App. Soc. Studies,  
Chief Executive

9 June 2009



## Cash Flow Statement for the year ended 31 March 2009

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	Note	2008/09 £	2007/08 £
Net cash outflow from continuing operating activities	14	(8,459,995)	(8,287,658)
Payment for fixed assets	6	(338,675)	(479,601)
Net cash outflow before financing		(8,798,670)	(8,767,259)
Financing	15	8,807,000	8,726,000
Increase/(decrease) in cash and cash equivalents	16	8,330	(41,259)
The notes on pages 61 to 73 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. 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 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;
- generally accepted accounting practice in the United Kingdom (UK GAAP); and
- 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;
- the accounting and disclosure requirements given in Managing Public Money and the Financial Reporting Manual (FrM)

in so far as these are appropriate to the Office of the Police Ombudsman for Northern Ireland and are in force for the financial year for which the statements are prepared.

#### 1.2 Capital Grants and 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 used to finance activities and expenditure which support the statutory and other objectives of the Office are treated as financing, credited to the General Reserve, because they are regarded as contributions from a controlling party.

Grant-in-Aid received towards the purchase of fixed assets in general is also credited directly to the General Reserve and a release of depreciation/diminution to the Operating Cost Statement is no longer permitted under the new treatment of Grant-in-Aid.

Capital Grants, whether from a sponsor department or from other sources, relating to capital expenditure used to acquire specific capital items are credited to a Government Grant Reserve and released to the Operating Cost Statement over the useful life of the asset in amounts equal to the depreciation charge of the asset and any impairment. The Office has one specific asset that is funded as Capital Grant, namely the Case Handling System. A separate fixed asset category has been created in relation to this asset to ensure the correct treatment of grant funding.

#### 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.

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#### 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.

A separate fixed asset category, included within intangible fixed assets, has been created in relation to the new Case Handling System, as it is the only asset funded through Capital Grant.

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 six 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/loss on revaluation of fixed assets is treated as follows:

- Unrealised surplus arising from assets funded by Grant-in-Aid is credited to the Revaluation Reserve;
- Unrealised surplus arising from assets funded by Capital Grant is credited to the Government Grant Reserve;
- Losses on revaluation arising from assets funded by Grant-in-Aid are debited to the Revaluation Reserve to the extent that gains were recorded previously, and otherwise to the Operating Cost Statement, unless it can be demonstrated that the recoverable amount is greater than the revalued amount in which case the impairment can be taken to the Statement of Recognised Gains and Losses; and
- Losses on revaluation arising from assets funded by Capital Grant are debited to the Operating Cost Statement and amounts equal to the diminution in the asset are released from the Government Grant Reserve.

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:
<b>Land and buildings</b> - leasehold improvement expenditure	The remaining term of the lease
<b>Furniture and fittings</b>	3 - 10 years
<b>Information Technology:</b> - PCs, peripherals and other related equipment - Servers	4 – 7 years 7 years
<b>Intangibles</b> - Case Handling System - Software	4 – 7 years 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 48 to 52 and in Note 3.4. The defined benefit elements of the schemes are unfunded. 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.

### 1.7 Contingent Liabilities

Contingent liabilities are disclosed in line with FRS 12.

## 2. FINANCIAL TARGETS

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

### 3. STAFF COSTS AND NUMBERS

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

	2008/09 £	2007/08 £
<b>Amounts payable in respect of directly employed staff</b>		
Wages and salaries	3,624,238	3,193,457
Social security costs	277,764	246,503
Employer's pension contributions	700,272	603,756
<b>Total direct employee staff costs</b>	<b>4,602,274</b>	<b>4,043,716</b>
<b>Amounts payable in respect of staff on secondment, agency/temporary staff, and contract staff</b>	<b>1,323,194</b>	<b>1,841,459</b>
<b>Total staff costs</b>	<b>5,925,468</b>	<b>5,885,175</b>

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.

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

	2008/09 No.	2007/08 No.
<b>Directly employed Police Ombudsman staff</b>		
Management and executive	7	6
Administrative and support staff	35	35
Complaints and investigation staff	83	73
<b>Seconded, agency/temporary and contract staff</b>		
Management and executive	1	1
Administrative and support staff	4	3
Complaints and investigation staff	17	25
<b>Total</b>	<b>147</b>	<b>143</b>

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### 3.3 Police Ombudsman's Remuneration

During the year the Police Ombudsman's total remuneration, including benefits in kind, but excluding pension contributions, was £167,745. The comparative figure for the year ended 31 March 2008 was £60,739, which represents the period from the Police Ombudsman's appointment on 6 November 2007 to 31 March 2008.

The Police Ombudsman is a member of a pension scheme which is by-analogous to the NUVOS Principal Civil Service Pension Scheme (PCSPS). For the year ended 31 March 2009, £32,232 was payable to the Northern Ireland Office (£12,654 for the year ended 31 March 2008). The Northern Ireland Office has responsibility for the Broadly by Analogy (BBA) pension schemes of public appointments within its Departmental boundary and also in entities for which it retains lead policy responsibility. A BBA pension arrangement entitles the recipient to benefits similar to comparable schemes in the PCSPS. The Office and the Police Ombudsman are obliged to make contributions in line with this scheme. Further details on the PCSPS NUVOS scheme can be found in the Remuneration Report on page 48 to 52.

### 3.4 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. The scheme actuary valued the scheme as at 31 March 2007. You can find details in the resource accounts of the Cabinet Office: Civil Superannuation ([www.civilservice-pensions.gov.uk](http://www.civilservice-pensions.gov.uk)).

For the year ended 31 March 2009, employers' contributions of £668,040 were payable to the PCSPS (£591,102 for the year ended 31 March 2008) at one of four rates in the range 17.1% to 25.5% of pensionable pay, based on salary bands. The scheme's Actuary reviews employer contributions usually every four years following a full scheme valuation. From 2009/10 the rates will be in the range 16.7% to 24.3%. The contribution rates are set to meet the cost of the benefits accruing during 2008/09 to be paid when the member retires, and not the benefits paid during this period to existing pensioners.

Employees can opt to open a partnership pension account which is a stakeholder pension with an employer contribution. Employer contributions are age-related and range from 3% to 12.5% of pensionable pay. Employers also match employee contributions up to 3% of pensionable pay. Additionally 0.8% of pensionable pay is payable to the PCSPS to cover the cost of the future provision of lump sum benefits of death in service and ill health retirements of these employees. There were no employer's contributions paid to the appointed stakeholder pension providers during the year (£nil for the year ended 31 March 2008).

The Remuneration Report on pages 48 to 52 contains detailed pension information.

#### 4 OTHER OPERATING COSTS

	2008/09 £	2007/08 £
Travel and subsistence	218,476	241,390
Training, recruitment and other personnel costs	457,998	584,365
Rates, maintenance, electricity and other accommodation costs	472,721	369,999
Consultancy and legal costs	36,083	23,854
Information and media	140,609	139,835
Printing, stationery, postage and office equipment	121,846	136,739
Direct case investigation costs	114,303	153,107
Computer support including maintenance and telecommunications	293,184	237,360
Operating leases; photocopying machines	9,338	11,729
Operating leases; other (rent & car leases)	343,188	305,612
Other costs	85,318	99,938
External audit fee	17,875	14,000
Provisions - provided in year (note 10)	77,000	86,000
Provisions - released in year not required (note 10)	(24,690)	(39,823)
<b>Total</b>	<b>2,363,249</b>	<b>2,364,105</b>

#### 5. NOTIONAL COST OF CAPITAL

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

For the purpose of this calculation the opening capital employed as at the 1 April 2008 and the closing capital employed as at 31 March 2009 have been used.

	2008/09 £	2007/08 £
<b>Interest on capital employed</b>	<b>62,370</b>	<b>57,192</b>

A notional credit equal to the interest on capital employed and other notional costs is included in the Operating Cost Statement.



## 6. FIXED ASSETS

	Tangible Fixed Assets				Intangible Fixed Assets			Total assets £
	Land & buildings, leasehold improvements New Cathedral Buildings £	Furniture & fittings £	Information technology £	Total tangibles £	Case Handling System £	Software licences £	Total intangibles £	
<b>Cost or Valuation</b>								
At 1 April 2008	850,000	286,205	989,289	2,125,494	851,160	347,081	1,198,241	<b>3,323,735</b>
Additions	0	39,843	45,895	85,738	284,874	3,747	288,621	<b>374,359</b>
Revaluation	(150,000)	15,170	(26,793)	(161,623)	(82,329)	(18,915)	(101,244)	<b>(262,867)</b>
Disposals	0	(4,983)	(313,390)	(318,373)	0	(78,201)	(78,201)	<b>(396,574)</b>
<b>At 31 March 2009</b>	<b>700,000</b>	<b>336,235</b>	<b>695,001</b>	<b>1,731,236</b>	<b>1,053,705</b>	<b>253,712</b>	<b>1,307,417</b>	<b>3,038,653</b>
<b>Depreciation</b>								
At 1 April 2008	0	159,131	734,985	894,116	0	228,505	228,505	<b>1,122,621</b>
Charge for year	121,429	35,124	66,801	223,354	50,176	38,947	89,123	<b>312,477</b>
Backlog	(121,429)	7,683	(6,302)	(120,048)	0	(9,308)	(9,308)	<b>(129,356)</b>
Disposals	0	(4,983)	(313,390)	(318,373)	0	(78,201)	(78,201)	<b>(396,574)</b>
<b>At 31 March 2009</b>	<b>0</b>	<b>196,955</b>	<b>482,094</b>	<b>679,049</b>	<b>50,176</b>	<b>179,943</b>	<b>230,119</b>	<b>909,168</b>
<b>Net Book Value</b>								
At 31 March 2008	850,000	127,074	254,304	1,231,378	851,160	118,576	969,736	<b>2,201,114</b>
<b>At 31 March 2009</b>	<b>700,000</b>	<b>139,280</b>	<b>212,907</b>	<b>1,052,187</b>	<b>1,003,529</b>	<b>73,769</b>	<b>1,077,298</b>	<b>2,129,485</b>

Leasehold improvements have been valued by Valuation and Lands Agency on the existing use basis at £700,000 as at 31 March 2009 (£850,000 as at 31 March 2008). The open market valuation at that date was £nil (£nil at 31 March 2008).

Analysis of capital expenditure	2008/09 £	2007/08 £
Total fixed asset additions	374,359	299,841
(Increase) / decrease in accruals related to fixed asset additions (note 9)	(35,684)	179,760
Total cash payments for fixed assets	<b>338,675</b>	<b>479,601</b>

Fixed assets are funded by Grant-in-Aid except for the Case Handling System which is an asset funded by a specific capital grant.

## 7. DEBTORS

	as at 31 March 2009 £	as at 31 March 2008 £
Debtors	1,475	3,075
Prepayments	177,331	135,817
	<b>178,806</b>	<b>138,892</b>
<b>Amounts falling due after one year</b>		
Prepayments	5,142	3,443
	<b>5,142</b>	<b>3,443</b>

## 8. CASH AT BANK AND IN HAND

	as at 31 March 2009 £	as at 31 March 2008 £
Bank	156,387	148,057
Cash	400	400
	<b>156,787</b>	<b>148,457</b>

## 9. CREDITORS

	as at 31 March 2009 £	as at 31 March 2008 £
<b>Amounts falling due within one year</b>		
Taxation, pension and social security accruals	26,121	43,642
Trade creditors	82,152	20,761
Other accruals	278,011	404,273
	<b>386,284</b>	<b>468,676</b>

Creditors include an amount of £37,498 (£1,814 2007/08) for fixed assets which has been properly accrued as fixed asset additions in Note 6 but against which payment and grant funding will be made/received in 2009/10.

Creditors/accruals include an Inter-Governmental balance of £3,067 (£120,919 07/08) with Forensic Science Northern Ireland.

### Amounts falling due after one year

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

## 10. PROVISION FOR LIABILITIES AND CHARGES

	as at 31 March 2009 £	as at 31 March 2008 £
Balance as at 1 April 2008	124,750	112,550
Provisions provided in year	77,000	86,000
Provisions released in year not required	(24,690)	(39,823)
Provisions utilised in year	(63,899)	(33,977)
<b>Balance as at 31 March 2009</b>	<b>113,161</b>	<b>124,750</b>

Provisions for legal claims are made on the basis of all known claims, estimated based on legal advice. The amount which is provided is based on an expected probability basis, where the total probable cost is provided in full if the expected risk of failure is likely to exceed 50% and on full anticipated costs of defending legal actions where no recovery of such costs is likely.

At 31 March 2009 the Office had ongoing two Judicial review processes and four civil actions. The provision which has been calculated in respect of these matters is £53,161 for Judicial reviews and £60,000 for civil actions. These provisions relate mainly to legal costs to be incurred in defending these matters. At 31 March 2008 the provision for £124,750 was in respect of two Judicial review matters and four civil actions.

Expenditure is likely to be incurred within one year and no re-imburement is likely to occur.

## 11. RECONCILIATION OF MOVEMENT ON RESERVES

	General Reserve £	Government Grant Reserve £	Revaluation Reserve £	2008/09 Total £	as at 31 March 2008 £
Opening balance at 1 April 2008	835,617	934,560	128,303	1,898,480	1,707,817
Net Operating Cost for the year	(8,581,116)			(8,581,116)	(8,533,972)
Grant-in-Aid received	8,519,600			8,519,600	8,378,998
Capital Grant received to purchase Case Handling System		287,400		287,400	347,002
Transfer to reflect in year depreciation & diminution of assets purchased by Capital Grant		(132,505)		(132,505)	(26,448)
Unrealised (loss) / gain on revaluation of fixed assets			(21,084)	(21,084)	25,083
<b>Balance at 31 March 2009</b>	<b>774,101</b>	<b>1,089,455</b>	<b>107,219</b>	<b>1,970,775</b>	<b>1,898,480</b>

Transfer to Operating Cost Statement from the Government Grant Reserve:	2008/09 £	2007/08 £
Diminution arising on revaluation of fixed assets	(82,329)	(26,448)
Depreciation transferred to Operating Cost Statement	(50,176)	0
	<b>(132,505)</b>	<b>(26,448)</b>

Analysis of Revaluations	2008/09		2007/08	
	Through Revaluation Reserve £	Through Operating Cost Statement £	Through Revaluation Reserve £	Through Operating Cost Statement £
Land and Buildings, leasehold improvements	(28,571)		18,750	
Fixtures and Fittings	7,487		6,333	
Information technology		(20,491)		(6,984)
Case Handling System		(82,329)		(26,448)
Software Licences		(9,607)		(5,679)
	<b>(21,084)</b>	<b>(112,427)</b>	<b>25,083</b>	<b>(39,111)</b>

## 12. CAPITAL COMMITMENTS

As at 31 March 2009 the Office of the Police Ombudsman for Northern Ireland had contracted capital commitments with one supplier amounting to £10,950 (£143,290 as at 31 March 2008).

## 13. COMMITMENTS UNDER OPERATING LEASES

Commitments under operating leases to pay rentals during the year following the year of these accounts are given in the table below, analysed according to the period in which the lease expires.

	Buildings £	Other £	Total as at 31 March 2009 £	Total as at 31 March 2008 £
<b>Operating leases expiring:</b>				
Within one year	0	1,818	1,818	7,043
Between two and five years	49,910	26,060	75,970	14,300
After five years	257,600	0	257,600	263,200
<b>Total</b>	<b>307,510</b>	<b>27,878</b>	<b>335,388</b>	<b>284,543</b>

## 14. RECONCILIATION OF TOTAL OPERATING EXPENDITURE TO NET CASH OUTFLOW FROM OPERATING ACTIVITIES

	2008/09 £	2007/08 £
Total operating expenditure	(8,775,991)	(8,617,612)
Depreciation charge	312,477	272,029
Permanent diminution in value of fixed assets	112,427	39,111
Notional cost of capital	62,370	57,192
Provisions provided in year	77,000	86,000
Provisions utilised in year	(63,899)	(33,977)
Provisions released in year not required	(24,690)	(39,823)
(Increase)/decrease in debtors and prepayments	(41,613)	21,696
(Decrease) in creditors and accruals	(118,076)	(72,274)
<b>Net cash outflow from operating activities</b>	<b>(8,459,995)</b>	<b>(8,287,658)</b>

## 15. ANALYSIS OF FINANCING

	2008/09	2007/08
Grant-in-Aid to fund resource expenditure	8,452,000	8,246,396
Grant-in-Aid to fund capital expenditure	67,600	132,602
Capital Grant to fund capital expenditure	287,400	347,002
	<b>8,807,000</b>	<b>8,726,000</b>

## 16. ANALYSIS OF CHANGES IN CASH

	as at 31 March 2009 £	as at 31 March 2008 £
Opening balance at 1 April 2008	148,457	189,716
Increase/(decrease) in cash	8,330	(41,259)
<b>Closing balance at 31 March 2009</b>	<b>156,787</b>	<b>148,457</b>

## 17. CONTINGENT LIABILITIES

At 31 March 09 the Office did not have any contingent liabilities.

## 18. 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 West Midlands Police Service.

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

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## 19. FINANCIAL INSTRUMENTS

FRS 25, Financial Instruments, Disclosure & Presentation and FRS 26, Financial Instruments, Recognition & Measurement require 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 the Office and the way in which it is funded as an executive Non Departmental Public Body, the Office of the Police Ombudsman for Northern Ireland 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 25 and 26 mainly apply. The Office has no powers to invest surplus funds, has limited end year flexibility and must obtain approval of the Northern Ireland Office prior to entering into borrowing arrangements. The Office has no current borrowing. 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. The majority of financial instruments within the Office relate to contracts to buy non financial items in line with expected purchase and usage requirements and therefore the Office is exposed to little credit, liquidity or market risk.

### 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.

## 20. 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. The Annual Report and Accounts are authorised for issue to the Secretary of State on 29 June 2009.

## Appendix 1: Cases Closed

**TABLE 1: CASE MANAGEMENT SYSTEM - ALL CLOSURES (1 APRIL – 30 NOVEMBER 2008)**

	%
Outside remit	9%
Ill-founded	11%
Withdrawn by complainant	7%
Non-cooperation by complainant	23%
Informal resolution accepted	12%
Not substantiated	25%
Action arising	7%
Substantiated - No action recommended	1%
All other	4%
<b>Total</b>	<b>100%</b>

**TABLE 3: CASE HANDLING SYSTEM - ALL CLOSURES (1 DECEMBER 2008 – 31 MARCH 2009)**

	%
Outside remit	8%
Ill-founded	6%
Withdrawn by complainant	7%
Non-cooperation by complainant	23%
Informal resolution/Mediation Conciliation accepted	8%
Not substantiated	34%
To PPS No Criminal Charges Recommended	4%
Action arising	6%
Substantiated - No action recommended	2%
All other	2%
<b>Total</b>	<b>100%</b>

**TABLE 2: CASE MANAGEMENT SYSTEM - CASES CLOSED FOLLOWING INVESTIGATION (1 APRIL – 30 NOVEMBER 2008)**

	%
Closed - Criminal Charges Recommended	1%
Closed - Disc/Misc Charges Recommended	2%
Closed - Informal Disc/Misc Action Recommended	16%
Closed - Management Discussion	1%
Closed - Not Substantiated- no further action	74%
Closed - Policy Recommendation	2%
Closed - Substantiated - No Action Recommended	4%
<b>Total</b>	<b>100%</b>



## Executive Management and Functions

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**JIM COUPLAND**  
Supervision of Director of Investigation

- Adviser to the Police Ombudsman on investigation strategy and outcomes
- Strategic oversight of all investigations
- Supervision of Directors of Investigation



**OLWEN LAIRD**  
Director of Corporate Services

- Management and control of corporate services
- Secretary to the Audit Committee
- Advising the Chief Executive of Corporate Governance and Risk Management
- Supervision of Human Resource, Finance and IT Managers



**JOHN LARKIN**  
Director of Complaints and Investigations

- Management and control of all complaints and investigations
- Supervision of Senior Investigators and Senior Complaints Officer



**TIM GRACEY**  
Director of Information

- Management and control of information and media communications
- Adviser to the Police Ombudsman on external communications
- Supervision of Information and Media Managers



**GREG MULLAN**  
Director of Policy and Practice

- Management and control of all policy and practice investigations
- Programming and resourcing of research
- Supervision of Professional Standards and Research Managers



**JIM KITSON**  
Director of Legal Services

- Advising the Police Ombudsman on legal matters
- Advising the Chief Executive and Directors on corporate issues
- Briefing Counsel as required

## Making a Complaint

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### If you have a complaint about a police officer, you should contact us. You can;

- Write to us at the address given below;
- Call in at the Office between 9am and 5pm Monday to Friday;
- Phone the Office at any time on 0845 601 2931 or 028 9082 8600; telephone calls to this Office may be monitored for training, equality assurance and other lawful purposes.
- Send us a fax at any time on 028 9082 8659; E-mail us at [info@policeombudsman.org](mailto:info@policeombudsman.org) ; or
- Visit our website at [www.policeombudsman.org](http://www.policeombudsman.org) .

### You do not have to pay to make a complaint

Police Ombudsman for Northern Ireland  
New Cathedral Buildings  
St Anne's Square  
11 Church Street  
BELFAST BT1 1PG

**Tel:** 028 9082 8600

**Fax:** 028 9082 8615

**Textphone:** 028 9082 8756

**Web:** [www.policeombudsman.org](http://www.policeombudsman.org)

### If you have a complaint about the Office of the Police Ombudsman

If you are not satisfied with any aspect of the Police Ombudsman's services or actions, you have a right to complain. You can make a complaint verbally (by telephone or by calling at our Office) or in writing (by letter, fax or e-mail).

Your complaint will be registered and acknowledged within three days and a response given to you within 20 working days.

The Office of the Police Ombudsman is independent and its decisions are final. Any complaints about its service should be referred to the Police Ombudsman. If, having raised a complaint of maladministration (e.g. delay, discourtesy, failure to apologise) with the Police Ombudsman's Office you are unhappy with the written explanation you receive, you can forward it to the Secretary of State with a letter specifying the particulars of why you are unhappy with the Ombudsman's reply of explanation. The Secretary of State cannot consider the decisions of the Police Ombudsman on the investigation of a complaint, or the outcome of an investigation, or comment on matters which would properly fall to the courts.

### The address is:

The Secretary of State  
Northern Ireland Office  
Stormont House  
Stormont  
BELFAST BT4 3SH

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Belfast  
BT1 1PG

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**Fax:** 028 9082 8659

**Textphone:** 028 9082 8759

**Email:** [info@policeombudsman.org](mailto:info@policeombudsman.org)

**Online**

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