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Office of the Police Ombudsman
for Northern Ireland

Five Principal Types of Police Complaints Systems across Europe *

1. Internal Police
2. Ministry for Police
3. Public Prosecutor
4. Ombudsman
5. Citizen Oversight

* Smith G. University of Manchester UK. Every complaint matters International Journal of Law, Crime and Justice (2010)

Five ECHR principles of effective police complaints investigation *

1. Independence
2. Adequacy
3. Promptness
4. Public Scrutiny
5. Victim involvement

* G Smith – University of Manchester UK

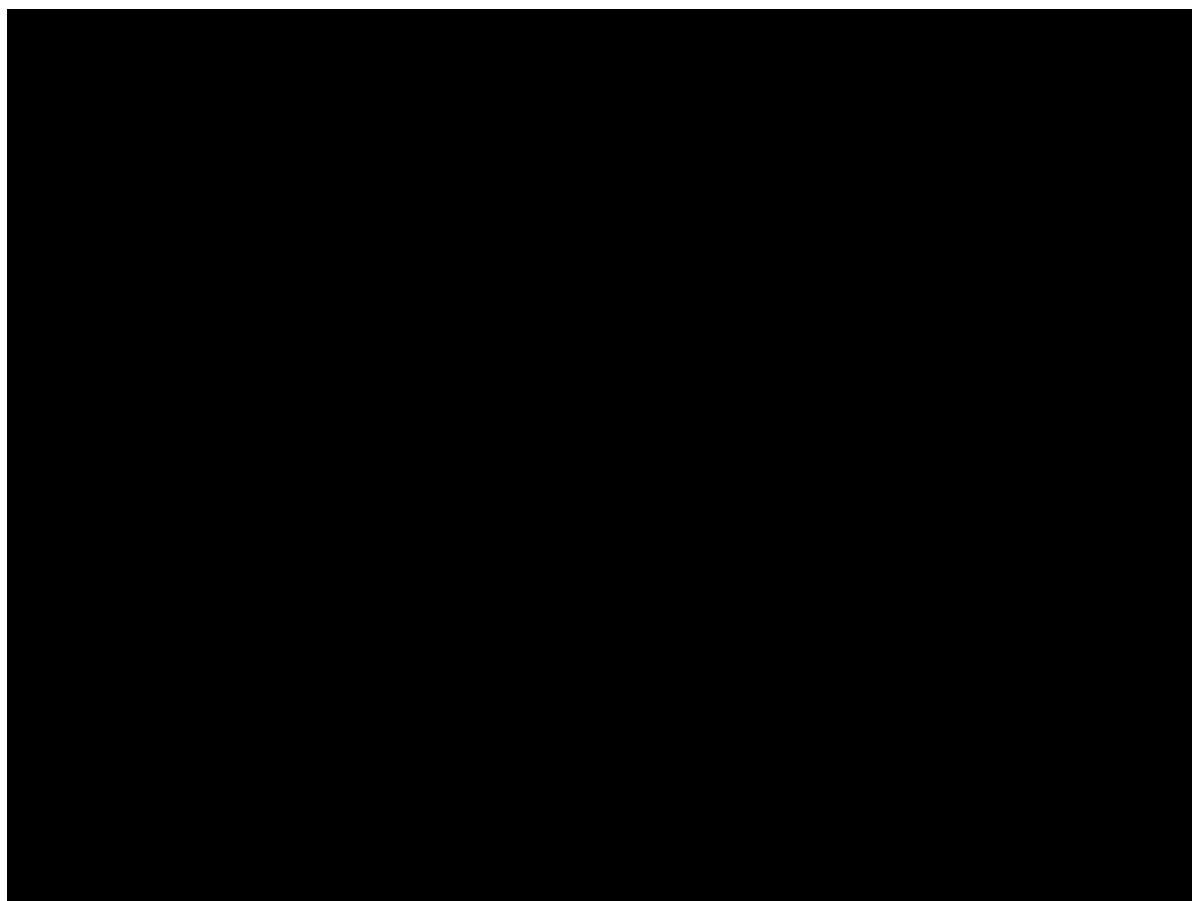
UK Position on Police Complaints

3 Distinct Regimes : -

- England and Wales – IPCC
- Scotland – Procurator Fiscal / Police Complaints Commissioner
- Northern Ireland – Office of the Police Ombudsman

Police Ombudsman for Northern Ireland

- Established in 2000 under the Police (Northern Ireland) Act 1998
 - A totally Independent police complaints system best calculated to secure the confidence of both the public and police
 - Unique policing environment in Northern Ireland
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Who do we investigate?

- PSNI
- Belfast Harbour /International Airport Police
- MOD Police
- Serious Organised Crime Agency
- UK Borders Agency
- HM Revenue and Customs
- Effectively all major law enforcement agencies in Northern Ireland

Instigating Investigation?

- Public Complaint – Around 3000 per annum
 - Chief Constables Referral
 - Secretary of State Referral
 - Director of PPS Referral
 - Self Call-In (under Section 55(5) Very strong power)
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Automatic investigation



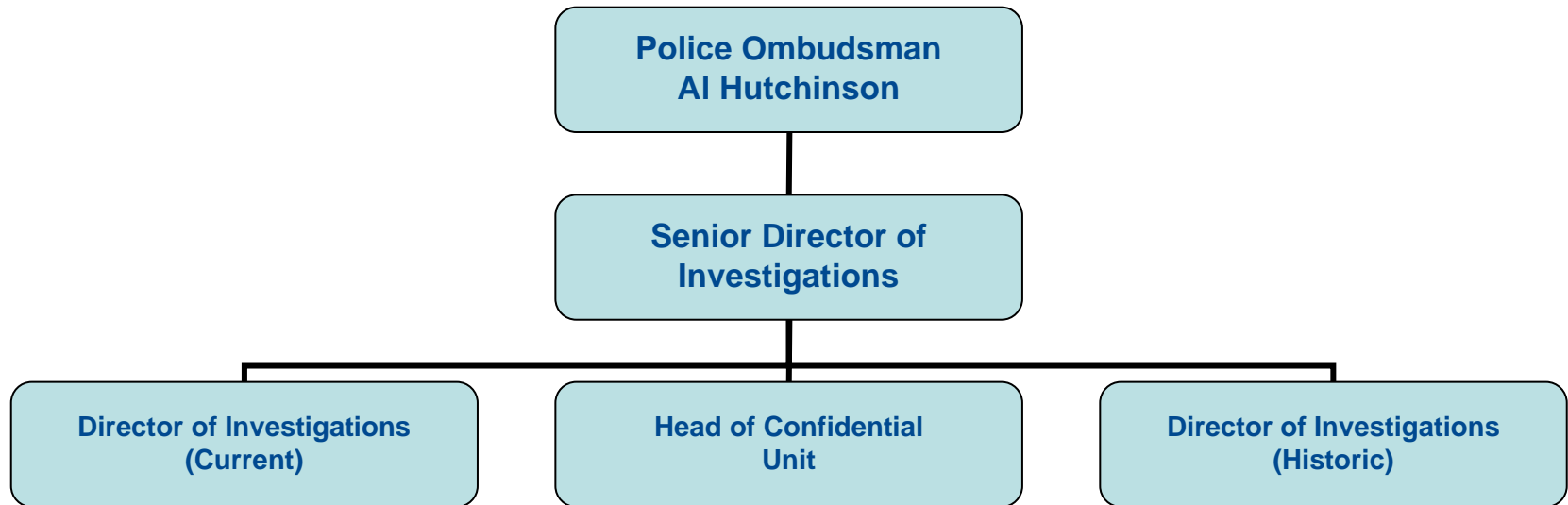
- Firearms discharges
- AEP discharges
- Taser Use
- Fatal RTCs
- Deaths
- Other serious issues

Vital that evidence is preserved. Protocols between Police Ombudsman and PSNI – steps must be taken to protect evidence and scene prior to arrival of Police Ombudsman staff.

OFFICE STRUCTURE

- 151 staff – 110 Investigators
- Corporate/Legal Services
- Information/Media
- Policy and Practice
- Investigations
- 24/7/365 cover through on-call teams
- £9 million budget





110 Investigators

134 Directly Employed

8 Seconded police from outside Northern Ireland

10 Ex RUC/PSNI

15 Ex Police Officers from outside Northern Ireland

What do we investigate?

- Allegation of criminality
 - Allegation of misconduct
 - Allegation concerning police practice or policy
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Informal Resolution

- Minor, non-criminal matters
- Complainant's consent required
- If no resolution – formal investigation



Formal Investigations (1)

Investigators have all the powers and privileges of a constable:

- powers of arrest, search and seizure
- powers to access and seize documentation or property
- powers to secure incident scene
- use all necessary ancillary support e.g. Forensic Science, photography, medical evidence



Formal Investigations (2)

- Notifications from police
 - Post Incident Procedures
 - First Accounts and Conferring
 - Previous experiences v recent experience
-

Police Ombudsman's decisions

- **The Complaint may not be upheld, or...**

Recommendations to:

- PPS for criminal action
- Chief Constable for disciplinary action
- Policing Board for disciplinary action against officers of ACC rank and above
- PSNI for changes to police policy and practice



Prosecutions

Recommendations for prosecution - Prosecution
Service – From 2001 to March 2010 – 135
recommendations

Disciplinary Issues

- 1127 discipline recommendations made to the Chief Constable, November 2000 – end March 2010
-

Making a difference – policy recommendations – 266 since 2006

- Land Rover driving
- Documentation
- Supervision of vulnerable persons in custody
- Missing persons
- BELL life-lines
- Seizure of Mobile Phones
- Section 44 Terrorism Act ‘stops’

- **Negative Impact**

Abdication of responsibility by Sergeants and Inspectors

- **New Developments**

Desktop resolution Pilot – Guardianship retained

Community views of Police Ombudsman's Office -2010

- Awareness 88%
- Independence 80%
- Impartiality 83%
- Fairness 86%
- Improving Policing 87%

Survey 2010

Officers' experiences of OPONI

- 68% satisfied or very satisfied by service
- 82% believed they were treated fairly

Of those officers who spoke to a Police Ombudsman investigator:

- 92% considered them professional
- 88% impartial
- 94% patient
- 88% knowledgeable
- 96% polite

WHAT MUST THE SYSTEM PROVIDE FOR EVERYONE?

- Accessibility
 - Clarity
 - Transparency where possible
 - Accountability
 - Effectiveness
 - Responsiveness
 - Simplicity
 - Speed
 - Confidentiality
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What do the public & police need of the system?

- To be heard
- To be understood
- To be treated according to the law with full respect for all human rights
- To understand the system
- Fairness
- Consistency
- Support
- Integrity