



THE POLICE OMBUDSMAN'S OFFICE

*20 years of dealing with complaints
about the conduct of police officers
in Northern Ireland.*





The Police Ombudsman's Office is arguably one of the most high-profile public organisations in Northern Ireland. It opened its doors on Monday, November 6 2000 and in the twenty years which followed has transformed how that community deals with complaints about the conduct of police officers. This booklet provides a brief history of that work, focusing on some of the key personalities and issues involved. For a more complete account of the work of the Office visit its website: www.policeombudsman.org.

“There is no good reason not to try it.”

ONE

The Northern Ireland experience in dealing with complaints about the conduct of police officers is part of a wider discussion stretching across centuries and countries.

The first non-police body to hold officers to account was believed to have been formed in New York around 170 years ago.

Public concern about policing has been a recurring theme in the United States. In the late 1950s and the 1960s the need for police accountability came to the fore as a result of events in the protests against the Vietnam War and those in support of civil rights. Decades later and the police beating of Rodney King in Los Angeles and the death of George Floyd in Minneapolis kept the issue centre stage.

In the United Kingdom, it was also the issue of race which brought recent challenges for police and police accountability. The inner-city riots in the Brixton area of London in 1981 led to the Scarman Report and changes to the way police were held to account. But by 1999 the Macpherson Report had accused the Metropolitan Police of institutional racism in its handling of the murder of black teenager Stephen Lawrence six years earlier.

It was community division of a different sort which drove changes in Northern Ireland. The Hunt Report in 1969 had found the procedures for dealing with complaints about police were ineffective.

That was a time when the community was about to fall into what was to become decades of bloody unrest, which would cost more than 3,000 lives, many more injuries and deepening political division. The Royal Ulster Constabulary found itself part of and having to police a sharply divided society.

In 1977, a Police Complaints Board for Northern Ireland was established. While the body brought about some change in process, the actual investigation of police remained in the hands of the police. The Board itself acknowledged in 1981 that public confidence in the system was lacking, with suspicion ‘about the ability of the police to conduct investigations into themselves.’

In 1985, the Board was abolished and replaced with the Independent Commission for Police Complaints. It was given the power to supervise the police investigation of complaints against the police, an authority which few similar bodies internationally had.

Northern Ireland remained a society riven apart and the police complaints system found itself having to address issues ranging from allegations of ill treatment at police 'holding centres' to those of police officers operating a policy of 'shoot to kill.'

Public confidence in the new police complaints system became an increasing issue. In 1990, the lobby group the Committee for the Administration of Justice published a pamphlet in which it said some complainants believed the Commission to be 'the same old book under a new cover.' It argued for an independent body to take over the role and concluded its document by saying: "There is simply no good reason not to try it."



In 1995, the Government appointed senior civil servant Dr Maurice Hayes to conduct an independent review of the police complaints system in Northern Ireland.

Dr Hayes reported in 1997 and made a series of recommendations, the main one being the appointment of a Police Ombudsman with his/her own investigative staff to deal with all public complaints about the police.

In March 1988, UK Minister of State Adam Ingram said the Police (Northern Ireland) Act 1998 would contain provisions on police complaints which would give effect to "a new radical system in Northern Ireland by the establishment of an independent Police Ombudsman."

It was to be a time of change for policing too. The Good Friday/Belfast Agreement had made provision for the establishment of an independent commission to make recommendations for future policing arrangements in Northern Ireland. The Independent Commission on Policing for Northern Ireland (the Patten Commission) saw the Police Ombudsman's Office as an important institution in the governance of Northern Ireland and fleshed out its role in areas such as own initiative investigations and commentary on police policies and practices.

“I was determined to avoid those pitfalls.”

UK Minister of State Adam Ingram called the proposal to create a Police Ombudsman system in Northern Ireland a ‘radical’ idea.

One of the immediate tasks of government was to set about finding someone to become Northern Ireland’s first Police Ombudsman, someone who would transform a radical idea into a practical, working reality.

The person it appointed was to prove pivotal to the course of the Government’s ‘radical idea.’

Nuala O’Loan was a solicitor, who had been a lecturer in European Law at the University of Ulster. She had never been a police officer, but had shown a commitment to the values of police accountability, having served as



a member of the Police Authority in Northern Ireland and for many years had been a ‘lay visitor’ at many of its police stations.

Along with an implementation team from the Government’s Northern Ireland Office, she set about the task of creating a Police Ombudsman’s Office.

That challenge was formidable: she had to ensure the Office had all the necessary legislation in place, to recruit and train staff and all the while find and equip premises from which the new system would operate.

“Before taking up the post I had read widely on the issue of independent police accountability. Those systems which failed did so either because of a lack of resources or expertise.

I was determined to avoid these pitfalls. I put a lot of effort into seeking to ensure we had the funds needed to do the job properly. My argument was that the cost of properly investing in this new complaints system would be far outweighed by the cost of not doing so.



I also needed people who understood policing, had practical experience of the day-to-day issues police officers have to deal with, who understood the context in which they have to operate, but at the same time were also able to exercise independent judgement.

My first piece of really good fortune was when Deputy Assistant Commissioner David Wood (above right) agreed to lead my complaints handling and investigative unit. At that stage David had almost 30 years' experience with the Metropolitan Police Service, much of it focused on operational roles leading teams of detectives. In the years before joining



us he had led a national approach tackling serious corruption within policing. His credentials both as an experienced police officer and someone willing to challenge fellow officers where necessary was unquestioned," recalled Mrs, now Baroness, O'Loan.

David brought with him to the Police Ombudsman's Office a small team of handpicked police officers on secondment from the Metropolitan Police Service.

As Executive Director of Investigations, together he and Mrs O'Loan set about recruiting their complaints and investigation staff, attracting

experienced investigators from locations across the world including the United States, Canada, Australia and Hong Kong.

Mrs O'Loan and the team from the Northern Ireland Office also set about recruiting the other staff they would need across a range of specialisms including people with experience in handling finance, Information Technology, personnel and all the other corporate functions of a modern, accountable public sector body.

They also set about finding a premises in a neutral part of what was still in some ways a divided Belfast. They found such a building in the centre of the city opposite Saint Anne's Cathedral.

On Friday, November 3, 2000, Adam Ingram MP, the man who two years earlier had talked about this radical new idea, officially opened the premises of the Office of Police Ombudsman for Northern Ireland.

“I was going to have to demonstrate it.”

THREE

The Police Ombudsman’s Office opened its doors to the public on 6 November 2000.

While Mrs O’Loan and her small team had put in place many of the people and systems needed to start a new chapter in police accountability for Northern Ireland, much remained to be done.

Among the more immediate issues was the appointment of an Accounting Officer:

“The public, through the Government, was paying for the police complaints system. We had to be accountable for how we would use public funds, while at the same time ensuring our complaints and investigation process was independent from Government or any other external influence.



I needed someone in the role of Chief Executive who had the experience and was committed to running a completely independent office within the constraints of proper accountability,” said Baroness O’Loan

The person she chose was Sam Pollock, who had more than 30 years’ experience in the criminal justice system and knew well the issue of how to maintain proper governance and

stewardship within an independent investigative organisation

Mr Pollock’s experience in this area was to prove far more significant than anyone realised at the time.

With her top team now in place, Mrs O’Loan set about turning that ‘radical idea’ into a reality.

“For the Police Ombudsman system to work, the public had to be aware of us, know how we were wholly different from what had gone before, and know how to use our service.

In those days, long before social media, we had to rely on using newspapers, television and radio to get this message across and had then to go and meet people in their communities,” she recalled.



The team began a programme of extensive discussions with interested parties, such as the RUC and its successor the PSNI, with the police staff associations, with the newly formed Policing Board, with key political and other civic leaders, with those working at ‘grass root’ level within the community and with the wider public. The new Police Ombudsman filled every spare moment attending such events:

“We spent many days, nights and weekends in towns, villages and police stations across Northern Ireland

telling people about what we were doing and listening to their views.

We would never discuss individual cases with anyone outside our Office, but would always listen to the views of people on how they believed the service could be best delivered to them,” recalled Baroness O’Loan.

The Police Ombudsman took the view that the key to the success of the new Office would be its independence and the public and police perception of that independence.

“The independence of our investigations was crucial, not just to the member of the public who had made the complaint but also to the police officer who was subject to that complaint.

But I quickly realised that it was not enough to talk in abstract terms about independence: I was going to have to demonstrate it if we were to win confidence,” she recalled.

Mrs O’Loan decided to regularly release to the media, and thereby to the police and the wider public, individual anonymised statements setting out in summary form some of the complaints her Office had received and how it had dealt with them, along with the outcomes of investigations into matters referred to the Office. This had been unheard of before in Northern Ireland.

Quite soon the Office began to demonstrate that it was making a difference. Surveys of public opinion had shown that awareness of the police complaints system had risen from 57% to 86% within 18 months.

A total of 79% of those surveyed believed the Office would treat them fairly - a figure many observers would have thought impossible under the previous systems.

But, despite this undoubted success, there were troubles ahead.

FOUR

“A defining moment for the Office.”

In December 2001, the Police Ombudsman’s Office issued a Public Statement in which it outlined findings of its investigation into matters connected to the August 1998 bombing of Omagh in County Tyrone, in which 29 people, including a woman pregnant with twins, were killed. More than 200 people were injured.

The bombing was the single most deadly incident during ‘The Troubles.’ In the years which followed there was increasing public comment and media coverage which included allegations that police and other agents of the state had information, which if acted upon, could have both prevented the bombing and brought those responsible to justice.

Mrs O’Loan felt she had to make a difficult decision about a very sensitive matter:

“A police complaints system must take seriously any allegation from a member of the public that not enough had been done to prevent the commission of a serious crime or that not enough had been done to use available information or evidence in pursuit of those who may have committed that crime.

Where such allegations relate to the killing of 29 people and two unborn children, in it would have been reckless of my Office to ignore or treat them with indifference.

It would also have been cruel to the victims and the relatives of those who were killed and injured to allow such matters to be the subject of speculation in the media without subjecting them to formal investigation,” she said at the time.



A memorial service ahead of the 20th anniversary of the Omagh bombing.

The investigation was to prove the largest the Office had undertaken thus far. It was very challenging to investigate those allegations.

“My staff were largely part of the community they lived in. Some of them were from Omagh. It was a horrific atrocity. Looking back, I know it had a physical and emotional toll on us all,” recalled Baroness O’Loan.

The investigation started in August 2001, was very intensive and when it was completed the findings were presented to the relatives of those who died and to some of those who were injured, and to the PSNI and the Policing Board.

On 12 December 2001, the Office issued a statement which said that “The persons responsible for the Omagh Bombing are the terrorists who planned and executed the atrocity. Nothing contained in this report should detract from that clear and unequivocal fact.”

It found many failures which included failures to disseminate intelligence held by RUC Special Branch both before and after the bombing.

The report concluded that “it will never be known whether or not the bombing of Omagh could have been prevented if the RUC had taken more action in relation to the information it had received.”

It also expressed considerable concern that during the initial stages of its investigation police did not provide some critical information to its investigators. It noted that at a senior management level within police, the response to the Police Ombudsman enquiry had been defensive and at times uncooperative.

So too was the response to the final report from the police. The PSNI issued a detailed rebuttal with the then Chief Constable Ronnie Flanagan saying he had considered taking legal action against what he described as a grossly unfair report with erroneous conclusions.

Some senior public figures echoed such views, with one former Secretary of State for Northern Ireland stating publicly that he believed the report to be “a very poor piece of work indeed.”

The dispute between the police in Northern Ireland and the new police accountability mechanisms made headlines internationally.

“It was a very difficult period and I got a very real sense that this was a defining moment for the Office and one which we may not survive. Some of the powers that be seemed to line up against us, while others were keeping their heads down, as it were.

I knew we had delivered an independent impartial investigation. I knew we were right factually in what we said. I had to rely on that as the only means of getting through that awful time,” recalled Baroness O’Loan.

That strategy proved right. The recommendations made in the Police Ombudsman’s report were complied with by PSNI, including a new investigation into the bombing and an independent review into terrorist related murder enquiries and into the role and function of Special Branch.

“A difficult and at times very sad investigation.”

FIVE

The House of Commons Northern Ireland Affairs Committee in looking at the functions of the Office in 2004-2005 observed that the task of “constructing from scratch a creditable police complaints service in Northern Ireland” had been “considerable” and said it was impressed by the dedication and leadership of the Police Ombudsman and her staff.

During that first decade of the new millennium the Office was receiving several thousand complaints each year made by members of the public following their interaction with police officers. The types of complaints received were not dissimilar to those made in other jurisdictions.

Yet, while most of the Office’s complaints and investigations dealt with matters which had arisen from



the everyday interactions between police officers and members of the public, a lot of work involved matters connected to the policing of civil unrest, which was still a feature of Northern Ireland’s society.

The police referred to the Office for independent investigation each instance when it fired weapons, including those occasions during such riots and other public disturbances.

In 2002, the Office released a report into the police use of plastic baton rounds in seven riots during the previous 12 months, saying that officers were not only justified but on one occasion were restrained in their use of the weapon.

In 2003, the Office found that the firing of three baton rounds by police officers during disturbances at a parade at Drumcree in Portadown the previous year had been justified as they had faced “a serious and immediate risk to life.”

In 2006, a Police Ombudsman investigation established that the police handling of an Orange Order parade and Nationalist protests on the evening of July 12 2004 at Ardoyne in North Belfast was “in general justifiable” and was overshadowed by “intelligence” reports that elements on both sides were planning violence.

Increasingly, the Office was also dealing with other significant matters.



The scene of a fatal shooting by police at Ballynahinch in April 2006.

It conducted investigations into several incidents in which police shot dead members of the public.

In April 2003, it began an investigation of an incident in the village of Upper Ballinderry in County Antrim during which two

men were shot by police officers. One of the men later died in hospital. In April 2006, it investigated the shooting dead of a man at Ballynahinch in County Down. The man had been the driver of a car which had approached a police vehicle checkpoint.

It also investigated the circumstances surrounding the deaths of people who had been in contact with police officers, including the death of a man had just been released from custody and a man who had been crushed by gates which had been closing at a police station.

The Office also continued to deal with a number of complaints about murders and deaths dating from 1969.



In January 2007, it released the findings of a four-and-a-half-year investigation into a series of complaints about police conduct in relation to the murder of Raymond McCord Junior (right) in November 1997.

The investigation had proved to be the most complex ever undertaken by the Police Ombudsman. More than 100 serving and retired police officers were interviewed, 24 of them ‘under caution.’ Members of the public were also interviewed. Police computer systems were examined and more than 10,000 items of police documentation was recovered, including material held within intelligence systems, on personal records, in police journals, in crime files and from other sources. Corroborating material was also recovered from a number of other, non-police agencies.

Mrs O’Loan upheld a complaint from Raymond McCord Senior that over a number of years police acted in such



a way as to protect informants from being fully accountable to the law.

Intelligence held within the policing system, the majority of which has been graded by police as “reliable and probably true” and which has been corroborated from other sources, linked police informants to ten murders and 72 instances of other crime, including attempted murders, a bombing, drug dealing and extortion.

A number of difficulties were encountered during this investigation, including the fact that some documents were either missing, lost or destroyed. The Police Ombudsman was of the view that this was not an oversight but was a deliberate strategy and had the effect of avoiding proper accountability.

Mrs O'Loan concluded that her investigation had established collusion between certain officers within RUC Special Branch and a UVF unit in North Belfast and Newtownabbey. She believed a culture of subservience to Special Branch had developed within the RUC which had created a form of dysfunction.

The PSNI accepted all of the recommendations contained in her Police Ombudsman statement:

“I am satisfied that the PSNI have accepted the mistakes of the past and put in place policies and procedures to help ensure they will not happen in the future.

“It has been a difficult and at times very sad investigation, both to conduct and to report on,” she said at the time.

Mrs O'Loan's seven-year tenure as Northern Ireland's first Police Ombudsman ended in November that year.



“Raised expectations I can seldom satisfy.”

Former Police Oversight
Commissioner Al Hutchinson
succeeded Nuala O’Loan as Police
Ombudsman in November 2007.

Mr Hutchinson brought to the
post a unique blend of experience.
Originally from Canada, he served
in and eventually led the Office of
the Oversight Commissioner in
Northern Ireland, which was charged
with overseeing the Patten Reforms
of the RUC.

Prior to that he served in the Royal
Canadian Mounted Police for
nearly 34 years and had built up a
considerable body of experience in
areas such as economic crime, drug
enforcement and public order.



Under his tenure, the Office
continued to deal with both routine
complaints and with significant cases
of public interest.

In 2008, the Office released the
findings of an investigation which
looked at matters connected to
the murder of off-duty policeman
Constable John Larmour who was
killed in Belfast in 1988, saying the
police investigation was not thorough
and not all available information was
passed to the detectives investigating
the killing.

That year it also found that police
failed to properly investigate the
disappearance of 15-year-old Arlene
Arkinson from Castledearg in County
Tyrone in 1994. It said police had
conducted quite a thorough initial
investigation but identified failures
in later stages of the inquiries.

Mr Hutchinson advised Government that the Office would need significant extra resources if it was to continue to deal with matters arising between 1968 to 1998, the period known as The Troubles.

In 2009, he gave a general welcome to the Eames/Bradley proposals which had been announced for dealing with Northern Ireland's past, but added that the concept of independent investigation of police must remain.

“As far as the recommendations relate to the role of the Police Ombudsman, it has long been my expressed view that having to investigate issues of the past is a disproportionate drain on the resources that I have available for my primary role, which is helping hold today's policing to account, and to assist in delivering better policing for tomorrow.

I have been on record as saying that while the victims of the past must not be forgotten, the Police Ombudsman's Office is a blunt instrument too narrowly focused to deal with what are broader societal issues.

Specifically, the narrow focus on the police, to the exclusion of paramilitary groups and other State actors, along with my statutory ability to focus only on evidence and not information, means that the victims of those terrible times have expectations raised that I can seldom satisfy.

I do not believe that a line can or should be drawn under the past, particularly if we want to learn lessons and avoid history repeating itself. Nor do I believe that the needs of those who have been victimised should be ignored. Victims are not the exclusive 'property' of one community, one institution, one area or region.

Therefore, it is important that there is a rational discussion on the merits of the proposals if the next generation is to benefit, something that will be difficult for such an emotive topic.



There are still issues and practicalities which I suspect need to be refined. It is important, for example, to ensure that those people investigating police complaint issues from the past are and are seen to be wholly independent of those they are investigating,” he said.



Those historical matters continued to form a large part of the work of the Office. In 2010, Mr Hutchinson released the findings of his investigation into how the Royal Ulster Constabulary dealt with their suspicions that a Catholic priest was

allegedly involved in the bombing of Claudy in County Londonderry on 31 July 1972, in which nine people were killed and more than 30 others were injured.

He found that the RUC investigation was compromised, failing those who were murdered and injured and undermined the police officers who were investigating the atrocity.

In 2011, the Office also released the findings of its investigation into matters connected to the UVF bombing of McGurk's Bar in Belfast in 1971, in which 15 people died and more than 16 were injured. It reported that while there was no evidence that the RUC assisted those responsible, the police investigation had such a predisposition towards the view that the IRA were responsible for the bomb that this became an investigative bias. The investigation concluded that while this fell short of collusion, it precluded an effective investigation of the atrocity.

Another report published by the Police Ombudsman's Office that year dealt with the police investigation into the murders of Trevor Buchanan and Lesley Howell, who were found dead in a car parked in a garage in Castlerock in May 1991 in what was initially regarded as a "double suicide." It found the investigation to have been deeply flawed; lacking objectivity and letting down the families of both victims. Mr Hutchinson said it missed evidential opportunities and should have been more thorough.

However, while the Office was busy dealing with complaints about the police and reporting its findings, there were problems growing behind the scenes which would, for some, call into question the very ethos of the organisation.

SEVEN

“I basically lost confidence in the Office.”

As the Police Ombudsman’s Office was entering its second decade it was as busy as it had ever been in its work of holding police to account.

However, while it continued to win the trust and confidence of the majority of the public, some key stakeholders were beginning to ask questions about the independence of the Office’s investigations.

By 2011, the human rights group the Committee on the Administration of Justice published the second of its commentaries on the work of the Office. The publication raised questions about the actual and perceived effectiveness, efficiency, transparency and independence of its ‘historical’ work.



Within the Office itself, differences of opinion had developed between key personnel about the core values of the organisation.

This came to a head in February 2011 when Chief Executive Sam Pollock tendered his resignation, saying there had been both a lowering of operational independence between the Office and the police it investigates

and an interference by its sponsoring body, the Department of Justice.

“I basically lost confidence in the direction and the independence of the office in relation to very serious matters.” he said afterwards.

The Department of Justice announced two separate investigations into the two allegations.

The first, which looked at the issue of Governmental interference, concluded that it had not found any evidence of systemic interference or meddling, but went on to detail a number of issues which it said were troubling and of concern.

The second report, which was by the Chief Inspector of the Criminal Justice Inspectorate in Northern Ireland, was more damning.

The Chief Inspector, Dr Michael Maguire, said significant concerns had been identified about how sensitive, complex and high-profile historical cases were being investigated and handled, which had served to undermine the Office's decision-making capacity and had led to a lowering of its operational independence.

Dr Maguire also said that non-governmental organisations, families, their legal representatives and the PSNI had "heavily influenced" reports, which led to a "lack of confidence in how the investigative processes are managed" and identified the handling and use of sensitive material as matters of concern

His report also evidenced "serious divisions" within the senior management of the Office which had created a dysfunctional environment and impacted on the office's day-to-day functions and the morale and attitude of staff.

It said this had led to a fractured approach to governance and decision-making, particularly around the production of reports.

The Chief Inspector made a number of recommendations which included the suspension of historical investigations until such times as a strategic plan for the Historical Investigations Directorate was adequately resourced.

In October 2011, Mr Hutchinson advised the Office of the First Minister and Deputy First Minister that he would like the process of selecting a new Police Ombudsman to be expedited.

"While I have received expressions of support from a number of quarters, it is clear that there remains a focused campaign to have me resign immediately. This continues to damage the Office, affect its independence and impact on its daily work," he said.

For his part, Sam Pollock looks back on this period with mixed emotions:

"I had very real concerns about all the issues which were ultimately identified in the Criminal Justice Inspector's report.

My problem at the time was that although I was raising these concerns, the governance arrangements were not working.

I worried that resigning in such a public way could damage the Office. But I eventually came to the conclusion that not to do so would damage it even more.

It was not an easy decision, on both a personal or professional level. But it was the right one. Time has proven that to be the case," he reflected.

Sam Pollock later went on to become Chief Executive of the Northern Ireland Policing Board.

EIGHT

“Uncomfortable truths to be told.”



In July 2012, the former Criminal Justice Inspector Dr Michael Maguire took up post as Police Ombudsman.

In many ways he was an ideal appointment. He had just spent four years as the Chief Inspector of the Criminal Justice Inspectorate

in Northern Ireland and had developed a reputation for having an independence of mind, and as someone who was not afraid to challenge the prevailing systems. Indeed, one of his last reports in that post had evidenced the problems in the Police Ombudsman's Office.



Joining him as Chief Executive was Adrian McAllister, a former Deputy Chief Constable from England with over 20 years' experience in policing.

After leaving the police, Adrian had established and developed the Independent Safeguarding Agency, which introduced a new vetting scheme for those working with vulnerable people. He brought to the Office a proven track record of delivering independence, coupled with extensive practical knowledge of policing.

Michael Maguire's first task, as the man who had pointed out problems with the Police Ombudsman's Office, was to fix them.

Dr. Maguire set about recruiting new and skilled staff to its Historical Investigations Directorate. He increased checks and balances in the handling of sensitive information; improved quality assurance arrangements; made policy changes to facilitate performance improvement and better communication arrangements with families who had brought complaints to the Office. He also introduced new management structures to the Office and clarified its relationship with the Department of Justice, with particular regard to those areas of the Office's work in which the Department did and did not have a say.

His progress within this area was the subject of a follow up review by his successor at the Criminal Justice Inspectorate, who recommended

that the Office's historical investigations should resume.

In 2013, Dr Maguire published a report on the "Good Samaritan" bombing in Derry / Londonderry in 1988, which killed two people, while a third person died later.

Whilst the report stated that the responsibility for the bomb rested with those who left it in a housing complex, it concluded that police could and should have done more to protect the residents of the area.

In 2014, the Police Ombudsman reported on the findings of an investigation by his Office into the role police played in a political scheme following the Good Friday Agreement which sought to deal with people who had been suspected of terrorist crimes and those convicted of such acts but who had escaped from prison – the so-called 'On the Runs' scheme. He found it had been marked by a lack of clarity, structure and leadership,



with disjointed communication between key police officers.

That year Dr Maguire had to consider taking legal action against the police as a result of their failure to release sensitive information necessary for the completion of the investigation of a number of very serious cases.

"This issue went to the core of accountability and I could not allow a situation to develop where those subject to investigation would decide what information would be given to investigators. Investigation by negotiation was simply not an option" he said.



The matter in question was resolved without the involvement of the courts, but the wider issue of the police provision of information to the Office was one which would rear its head again.

The Office issued a public statement in which it said its investigators found that the RUC did not deal adequately with threats to the life of one of its officers, Sergeant Joe Campbell, who was murdered in 1977 in Cushendall.

That year it released the findings of an investigation which found no evidence

that police colluded to protect members of the IRA who had killed Arthur Rafferty in Belfast in 1974.

It also found no evidence of police involvement in the UFF gun attack on Gerry Adams and four other men in Belfast city centre on March 1984.

In 2015, it published the outcome of an investigation which found insufficient evidence to support an allegation that a piece of information given to police, if acted upon, could have prevented the bomb attack on the former PSNI Constable Peadar Heffron in 2010.

In June 2016, the Office reported the results of a three-year investigation into the terrorist attack on The Heights Bar in Loughinisland in which six people were murdered and five others injured. It said that those responsible for the attack were UVF gunmen and that police did not have prior intelligence about what was to happen.

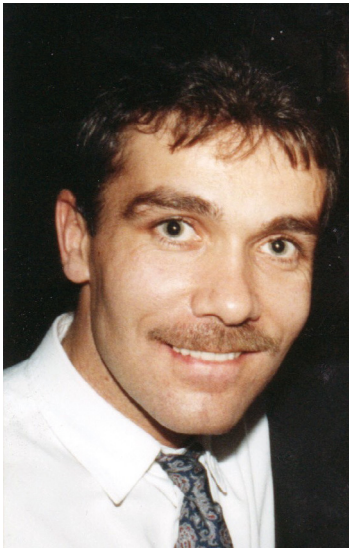


However, Dr Maguire concluded that collusion between police and the UVF was a significant feature of the attack.

He reported there was intelligence that police were aware of the importation of weapons which were eventually used in the attack, that police informants were involved in the importation of those weapons, that there were failures to share intelligence and that there were significant failures in the police investigation.

The Northern Ireland Retired Police Officers Association started Judicial Review proceedings seeking to have the report quashed. That ultimately provided unsuccessful, although the courts ruled that in some matters, the Office had “overstepped the mark.”

In 2016, the Office released the findings of an investigation into circumstances related to the death of John Hemsworth in July 1997, confirming the conclusions of an inquest, which found it was highly probable that police officers were responsible for the injuries which contributed to Mr Hemsworth’s death.



In 2017, it released the findings of an investigation into fears that police could have prevented a break-in at Castlereagh police station in 2002, but chose not to for political reasons and in order to protect an informant. It found no evidence that police had any advance information which would have allowed them to prevent or disrupt the raid.

In September 2018, the Office published the outcome of an investigation which found that police had failed Belfast woman Máiría Cahill and two other women in how they had dealt with reports of alleged child abuse. It found that the Royal Ulster Constabulary had information about the alleged abuse ten years earlier but did not investigate it. Dr Maguire said he was satisfied, however, that current police policies and practices would require such information to be investigated today.

In October 2018, Dr Maguire said his investigators found no evidence that police failures played a part in the fact no one was convicted for the murder of Robert McCartney, who died after he was attacked in Belfast city centre in January 2005

Throughout his tenure, Dr Maguire found the area of work which took the greatest impact from pressure on funding was his investigation of ‘historical ‘matters linked to The Troubles.’ The number of complaints had continued to rise and he was having to do more work with less resources:

“It is ironic that on the release of a Criminal Justice Inspection report, which states that the independence of the Office has been fully restored, our capacity to undertake work has been significantly reduced,” he had noted at one stage.

In 2018, as Michael Maguire's tenure as Police Ombudsman was entering its final phase, the man who had identified many of the challenges the Police Ombudsman's Office had faced in dealing with the past and then addressed them, was in a reflective mood.

In speaking to a large crowd at a community event in Belfast, he said he believed that the way Northern Ireland deals with its past had to be done differently if it was to ensure a stable and shared society.

Highlighting issues such as severe underfunding, the absence of a shared agreement on the way forward and the polarisation caused by competing narratives as major difficulties in the approach to legacy issues, he told his audience that the likely success of criminal prosecutions in cases going back decades also needed to be addressed honestly.



“This is a tough message for families who have been waiting years for an answer. The wider challenge, and perhaps a more difficult one, is to ensure that the end result is building a stable and a shared society rather than undermining its foundations. There are uncomfortable truths to be told and how we respond will be the critical issue,” he said.

NINE

“People in crisis.”

As Northern Ireland's third Police Ombudsman, Dr Michael Maguire presided over a police complaints system which was getting upwards of 3,000 complaints each year about current policing.

Many of these had followed routine exchanges between police officers and members of the public. Others ranged from complaints about incidents arising from the community tensions which still existed, others involved deaths and one alleged corruption at the highest level of policing in Northern Ireland.

Many of the more significant complaints had one thing in common: they involved people - both members of the public and police officers - who had reached a crisis point in their lives.

As the Office returned to full strength, Dr Maguire saw it as one of his key tasks to ensure such people trusted it to address their concerns.

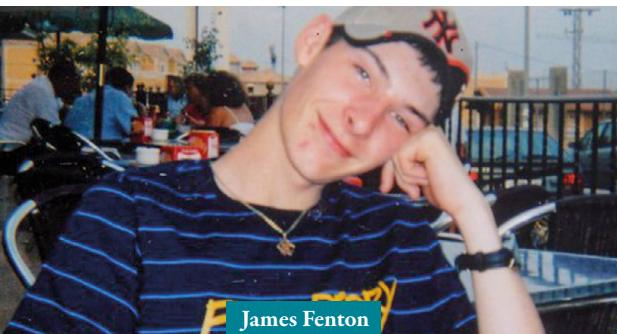
He recognised that a lot of the work of modern police officers in Northern Ireland involves dealing with social problems: quite often they are members of the emergency service called to pick up the pieces when things go wrong elsewhere. Such scenarios were also proving to be the occasion for issues brought to the Office.

Some people in crisis have found themselves in situations where they have attempted to harm themselves or have presented harm to others.

Such incidents can escalate to the point where police officers are called, who sometimes have to consider the use of TASERS - police equipment used to temporarily stun people. The Office investigated all such deployments during this period. In the vast majority of these it found that the officer had been justified in using the device.

Sadly, the death of a loved one was too often at the centre of complaints made to the Office.

In November 2011, Dr Maguire published the outcome of an investigation which found that police officers on duty inside Woodbourne Police Station in west Belfast did not see a man being beaten to death within 10 metres of its perimeter wall, despite fears to the contrary.



James Fenton



Lauren O'Neill



Geng Feng Shi

In November 2012, the Office announced that it had found the actions of a police officer who shot dead 29-year-old Marc Ringland in a filling station in east Belfast were justified and proportionate, given the threat he believed he faced.

In February 2013, it announced that twelve police officers had been disciplined following a complaint about the search for 22-year-old James Fenton, who had been a patient at the Ulster Hospital in Dundonald. His body had been found in a secluded part of the hospital grounds ten weeks after he had been reported as missing and approximately 40 metres from where he had last been seen.

In February 2014, a Police Ombudsman investigation found that a police officer failed to provide police patrols with all relevant information from a 999 call, but that the failure did not contribute to the death of Andrew Lorimer, whose body was found in his flat in Lurgan days after the call.

In August that year, the Office disclosed that one of its investigations had resulted in eight police officers being disciplined for their failures in the search for 29-year-old Jonathan Magee who had been reported missing and was later struck and killed by a train.

In December, the Police Ombudsman said he found that the police decision to grant a firearms certificate to a man who several months later shot and

killed 18-year old Lauren O'Neill was made in line with current legislation and procedures.

In August 2017, Dr Maguire, said he believed police needed to rethink how they handle missing person investigations. His comments followed an investigation into how police responded to reports that Geng Feng Shi, a 23-year-old Chinese national, was missing. His body was later found in the River Lagan at Belfast Harbour. It was the latest such investigation from the Office. Between 2010 and 2016 it investigated the police handling of six separate missing person reports and recommended that a total of 55 officers be disciplined for failings.



In September, Dr Michael Maguire announced the findings of an investigation which concluded that police decision making which led to the release from custody of a man who had been arrested for assaulting his partner was flawed. Three days later the man and another person killed Caron Smyth and her friend Finbar McGrillen (pictured above).

Continuing community tensions were never far from the surface in some of the matters the Office dealt with during this period. These included both matters concerning current policing and those of a more historic nature.

In December 2012, community tension bubbled over into protests and public disorder following disagreements about the flying of flags



from public buildings and continued into 2013. It was a year which saw a lot of public disorder during the summer months. Overall, the Office received 280 complaints arising from parades and demonstrations, at least half of which related to the flag protests.

Members of the Orange Order made a complaint to the Police Ombudsman's Office alleging police had failed to protect one of its parades in south Belfast in July 2013. The Office subsequently published its findings, which were that police failed the marchers.

In late 2015, it said it had found no evidence to support concerns that police did not intervene to stop a sectarian attack in Coleraine in which a number of people were injured,

one of whom, Kevin McDaid, died later in hospital.

In May 2018, the Office published the findings of one of the most comprehensive complaints it had ever received into modern day policing in Northern Ireland. The investigation found no evidence the PSNI Chief Constable George Hamilton, members of his senior management team and other named senior police officers, were involved in criminality or misconduct. The Office had received more than 50 allegations about a police investigation into the PSNI's awarding of contracts worth around £15 million and its investigations into bribery and misconduct relating to the actions of both serving and retired senior officers.

“A healthy tension and open hostility.”

The Police Ombudsman is required by law to provide a police complaints system in which the public and the police can have confidence. It is a practical requirement too: for members of the public and for police officers to cooperate with the processes, they must have an expectation that it will be fair.

An independent survey of public attitudes in Northern Ireland records that almost 80% of people have confidence that the Police Ombudsman’s Office deals with complaints in an impartial way, and a similar number see it as independent of the police.

The police service, the Police Federation, the organisation which represents rank and file police officers and the other police staff associations also support the concept

of independent investigation of complaints about police officers

The history of this relationship presents a much more complex picture, however. At times it seems to have ranged from a healthy tension to open hostility.

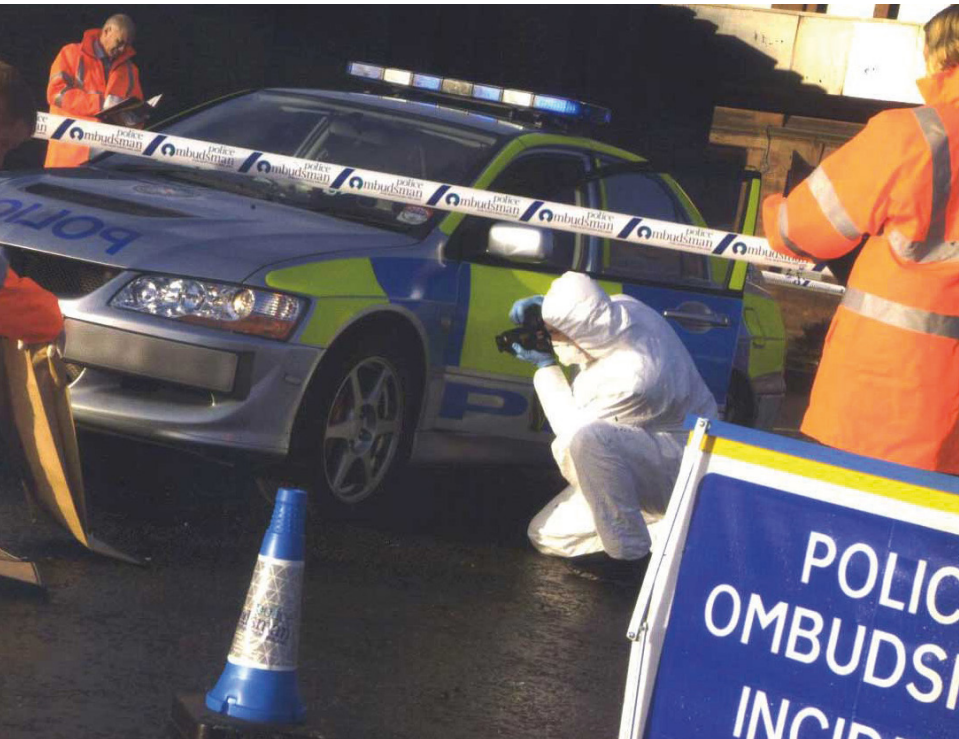
The Police Service of Northern Ireland has not always accepted the findings of Police Ombudsman investigations. The police response to the Office’s report on the Omagh Bombing was a seminal moment.

The then Chief Constable strongly rejected the findings and in the mind of some observers the nature of his response served to illustrate the hurt police felt at those findings. The Police Association went one stage further and launched a legal action to have them set aside.

The Chairman of the Police Federation at the time announced that his organisation would cut ties with the Office, saying it would not be inviting the Police Ombudsman to its events or taking part in any forums organised by the Office:

”She has an unfettered remit to investigate the past 30 years and we have to ask, on the basis of what has been achieved so far, where is this all going to lead other than an undermining of public confidence in politics and policing.”

The determination of some within the wider policing community to protect the image of the Royal Ulster Constabulary from what they see as uninformed criticism has continued throughout the years.



For its part, the Police Ombudsman's Office has been open in saying that some within policing have been less than helpful when it has been investigating events from the past, including its Omagh investigation and that into events connected to the death of Raymond McCord Junior.

The differences between some police officers and some within the Police Ombudsman's Office is not confined to historical matters.

In the early days of the Office, there were reports from Police Ombudsman investigators of an ignorance among some police officers who did not understand that they had the powers of 'constable,' which allowed them to question, search and even arrest police officers where appropriate.

There were reports too that some people within policing, including members of Special Branch, wrongly believed that there were areas of police

activity which were 'off limit' to the new complaints body.

For their part, some police officers alleged incidents where Police Ombudsman investigators were less than competent in their exercise of these powers, quoting what they said were a number of examples to illustrate their point.

Some officers had concerns about the business of complaints being made about the police. Many at that time had harboured a suspicion that some people make complaints simply to make mischief. Police Ombudsman staff still report that they are regularly challenged by police officers as to why those who make unsubstantiated complaints are not made to face sanctions.

The difficulty may be one of perception. While the Police Federation has talked of a witch hunt against its members, the rate of complaints against police officers which are substantiated does not bear this out.

Nor does the reaction of police officers who have been subject of complaints. Surveys of officers who have been investigated by the Office regularly return figures of more than 70% confidence that they have been treated in an independent manner.

The Chairman of the Police Federation, Mark Lindsay, in his 2018 speech to conference called for independent oversight of the Police Ombudsman and for redress for officers who had been subject to what he called malicious complaints.

“Relationships between this organisation and PONI have never been worse. This is to be regretted and until there is a willingness to better understand policing and apply common sense and a bit of understanding, that relationship will remain strained.”

The then Northern Ireland Secretary of State, Karen Bradley, made a speech at the conference in which she paid tribute to the role police officers perform in society.



She also made the following brief observation:

“One of the reasons why the PSNI commands very high levels of support from across the community is due to the accountability structures under which it operates,” she noted.

For his part, Dr Maguire observed that there was also the possibility that the Federation did not understand police accountability.

In 2019, as he was leaving his post, Dr Michael Maguire reflected on the Office’s relationship with policing:

“I think if you look at the wider policing family, whether it be some retired police officers or police representative bodies, they have difficulty with accountability. At one level they say they support

the Office and at the same time criticise the work we do. I find it difficult to understand at times,” he said.

Perhaps it was always going to be so. The 2004-2005 House of Commons Northern Ireland Affairs Committee report into the function of the Office noted that the Northern Ireland Office considered the relationship between the police and the complaints body would have inevitable tension. It quoted:

“Inevitably in any relationship between a complaints investigations agency and the organisation it investigates (and the representative body of its members) there will be a healthy tension at times. However, it is important that everyone is aware of their responsibilities and obligations and the relationship remains such that it benefits the policing arrangements provided to the community in Northern Ireland.”

ELEVEN

Putting Things Right.

The Police Ombudsman's Office, in dealing with many thousands of complaints each year about policing in Northern Ireland, is in a unique position to see when and why things can go wrong and to make recommendations for improvement.

The Office does not need to wait until a complaint has been fully dealt with before it can identify issues which would benefit from early attention.

“Our statistical team will regularly supply police with information about the numbers and types of complaints we receive and with information about officers who may be attracting multiple (and as yet unsubstantiated) complaints.



The statistical staff and our investigators together can often spot a developing trend or issue where things seem to be going wrong, which the police District Commanders often appreciate being brought to their attention. The hope is that early intervention can help deal with emerging problems,” explained the Police Ombudsman's Director of Current Investigations, Susie Harper.

The Office also regularly makes recommendations for improvements to particular police policies and procedures based on issues they have identified during individual investigations:

“While our investigations are about the conduct of individual police officers, we will sometimes identify an issue where the relevant police policy may have caused or aggravated the problem and where changes could contribute to those things not happening again. Police welcome these recommendations and often develop their policies accordingly,” she said.

Some of the features of modern policing people see or experience may be due in part to recommendations made from our Office.

At a time when the only identifying marks police vehicles in Northern Ireland had were their registration plates, the Office recommended that all police vehicles should have unique identifying markers permanently on view on all sides and on their roof.

There have been other changes to police vehicles and property after recommendations from the Police Ombudsman's Office.

The 'cell' vans police used to transport certain prisoners to custody were reviewed following an investigation into the death of Paul Somerville (right), a young man who died four days after sustaining serious head injuries when he fell from the rear of a moving police van in Maghera in 2012. A forensic examination found that the van's cell door was misaligned with its frame and that its latches did not always fully engage even when slammed shut. It also found that a deadlock did not engage unless the key was turned anticlockwise through a

full 90 degrees, even though a locking bolt could be seen moving as the key was turned. Following the Police Ombudsman investigation, the PSNI said it would warn UK police forces about possible problems with the design of the cell fitted to specially adapted police vans.

Recommendations from the Office contributed to the design of a new custody suite in the Waterside Police Station.



The Office recommendations followed concerns from investigators about the lack of separate juvenile detention facilities at a station in Belfast.

Some of the changes were less visible and concerned police policy and procedures.

The PSNI changed the way it handles money seized by its officers following recommendations the Office had made on foot of an investigation into a complaint that police stole thousands of pounds during a house search. The allegation of theft was made by a man whose property was searched by police officers, whom he said recovered £28,000, but only returned £25,000 to him. The Police Ombudsman's investigation established that the cash was found in different parts of the property and put into individual tamperproof evidence bags, but was later counted as one total sum. This contributed to the confusion over the total amount of money seized.



It also weakened the prosecution case against the owner of the property, as the police were unable to counter the man's assertions about how much money was in each location when he explained why the money was there. Additionally, it exposed police officers to allegations of theft. The Police Ombudsman recommended that the police should establish new written

guidance for the way seized money is handled. This resulted in a new 'Cash Seizure' flow chart being introduced throughout the PSNI.

Police officers were given new guidance on dealing with suspects in police custody following a policy recommendation by the Police Ombudsman.

The PSNI also agreed to review its guidelines about the search of travellers' sites, with particular reference to the use of warrants.

A travelling community activist had told the Office that police had gone onto a site and used a search warrant to search every caravan, which he argued could not be right.

A Police Ombudsman investigation resulted in the PSNI introducing measures to help prevent CS Spray canisters falling off police officers' belts and becoming lost. The Office had received a complaint from a woman who said that after police had left her property, her young daughter had found a canister and sprayed it in her face.

A lot of police equipment, including radios, batons and handcuffs are now given markings which can allow them to be linked to the police officer using them, after recommendations from the Office.

TWELVE

A New Decade: the Opportunity to Reform.



As the Police Ombudsman's Office enters its third decade it does so under new leadership, with new challenges and some old ones too.

Mrs Marie Anderson had succeeded Michael Maguire as Police Ombudsman in July 2019. Prior to taking up the post,

Mrs Anderson, who has a legal background, had been Public Services Ombudsman in Northern Ireland and before that had established the Information Commissioner's Office in Belfast. She had developed a particular skill set which was to be called upon within months of taking up the post.



Joining her, as Chief Executive, was Mrs Olwen Laird. Her predecessor, Adrian McAllister became seriously ill and had to leave the organisation to focus on his recovery.

Dr Maguire noted that Adrian had made a significant contribution to the repair of the organisation and to holding police to account.

Mrs Laird had been with the Office since November 2003 and - as its Director of Corporate Services with responsibility for corporate governance, the day to day stewardship of its financial, personnel and Information Technology structures - knew the organisation well.



Justice Minister Naomi Long with Police Ombudsman Marie Anderson.

One of Marie Anderson's first tasks in the new post was to seek to resolve the long running issue of the processes by which police provide information to the complaints body. In 2014, the former Police Ombudsman Dr Michael Maguire served notice on the PSNI that he was to take legal action for his refusal to provide investigators

with information. The matter was resolved without going to court. In 2018, he said his investigators had identified information held by police but not made available to his staff. The PSNI launched an internal review of its processes while the Criminal Justice Inspector began a review of police disclosure methods.

“From the beginning I wanted to become more directly involved and get a detailed understanding of how police search their vast estate for material. I soon came to the realisation that my investigators needed to be involved at every stage of that search on occasions.

I knew that providing us with information had at times been difficult for police, not least because of the vastness of the task but also the legal duty on all of us to protect the most sensitive of information,” she said at the time.

After months of detailed discussion, in August 2020 the two organisations announced a new agreement to oversee the process.

“I believe this agreement will allow for better searching for and sharing of this information. The public must have confidence that police provide my Office with all the information it asks for.

Such disclosure in central to confidence in both our organisations,” she said.

As someone from a legal background, the new Police Ombudsman next set her sights on another issue which was concerning her:

“I want the Office to have more modern powers to resolve complaints and obtain evidence and material from any person who has information of relevance to a complaint. Legislation

requires that the Police Ombudsman review the legislation of the Office each five years, to keep pace with the requirements of the work. The police complaints bodies in Great Britain and the Irish Republic have had significant reviews of their powers and the police complaints system legislation, but so far, other than a few amendments, nothing of significance has really changed for us.

The Police Ombudsman’s Office at one stage led the way in the powers

and processes we had for holding police to account. We are at risk of falling behind other jurisdictions and I am determined to fight that.

As the Office enters its 20th year, there is another chance to review the legislation. It also comes at a very early period in my tenure as Police Ombudsman and unlike my predecessors, I will have the time to influence and shape the changes we need.

PSNI Chief Constable Simon Byrne and Police Ombudsman Marie Anderson sign an agreement about access to police information.



I will consult on those changes and genuinely listen to the views of others, but less than a year into Office, I have some very clear ideas where I think things could be improved.

One of the things that has always surprised me was that the powers of the Police Ombudsman are given as part of policing legislation – the Police (Northern Ireland) Act to be precise. Surely, we should have our own Police Ombudsman legislation particular to this Office, underpinning our independence from policing?

I would like to develop increased transparency in our decision making. At the moment the law sets very strict limits on what we can and cannot say in public about the outcome of a disciplinary process following our investigations. One major concern I have is that we do not have absolute privilege for our reports and public statements. That leaves the Office Holder potentially exposed to claims of defamation.



I also think we need to look again at the legislation around the discipline process for police officers following our investigations. At present we do the investigation of such complaints independently of the police and then hand our findings back to the PSNI, which deals with the matter from that point on. Surely for the public to have more confidence, there should also be an independent element in that discipline process, with lay representation and a legally qualified chair sitting on discipline tribunals on matters arising from our investigations?

This will increase the public's trust and confidence in the process.

I also think there should be greater transparency around decisions in police misconduct cases. The PSNI should provide cogent and full reasons when it does not accept my recommendations on whether or not an officer should be disciplined. I have begun discussions with the Policing Board on ways of ensuring that PSNI are held to account when my recommendations are not accepted or fully implemented.



And then of course there is the long-discussed issues that only serving police officers are compelled to cooperate with us. All members of the public are compelled to cooperate with the police and with others during criminal justice investigations. We are a criminal justice body and should have those powers too,” she reasoned.

One area of life in Northern Ireland which stubbornly refuses to develop is the community’s approach to dealing with its troubled past. Several attempts to find a better way of dealing with those matters

have crashed on the rocks of agreed political support. That has meant that the Police Ombudsman’s Office continues to deal with many complaints from that era, but without the proper resources to do so.

“We have had to put on hold more than half of those cases. It is upsetting to explain to families that on the existing resources we may not be able to begin their investigation for another seven years. Nor is it the way those investigations should be progressed.

I am setting up a Disclosure Unit with specialist staff dedicated to provide information and materials to the courts and in particular to support the Coroner’s inquests,” explained Mrs Anderson.

The new Police Ombudsman has said she would like to see more joint working with other police accountability mechanisms such as the Policing Board, Her Majesty’s

Inspectorate of Constabulary and Fire and Rescue Services and the Criminal Justice Inspectorate, to avoid duplication of effort and what she has called ‘accountability fatigue’ on the part of PSNI in answering to a number of oversight bodies on broadly similar issues.

As the Office begins its third decade, it is now a well-established part of the public life in Northern Ireland.

At the core of all its work is the principle of independent investigation: that people cannot investigate anything or anyone to which they have had a previous connection or involvement.

Whatever the future holds for the Office, it views that principle as non-negotiable.

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