



AN INSPECTION OF
**THE OFFICE OF THE
POLICE OMBUDSMAN FOR
NORTHERN IRELAND'S
INVESTIGATION OF ABUSE
OF POSITION CONCERNS
AND COMPLAINTS**

MARCH 2025



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CONTENTS

List of abbreviations	2
Chief Inspector's Foreword	4
Executive summary	6
Recommendations	9
Inspection Report	
Chapter 1 Introduction	12
Chapter 2 Strategy and governance	21
Chapter 3 Delivery	34
Chapter 4 Outcomes	58
Appendices	
Appendix 1 Methodology	63
Appendix 2 Terms of reference	65
Appendix 3 The Office of the Police Ombudsman for Northern Ireland Operational Structures	71

Note: Electronic links to documents and information sources referenced within this report are correct at time of publication but may be subject to change where the information is outside CJI's control.

LIST OF ABBREVIATIONS

AOP	Abuse of position
APSP	Abuse of position for a sexual purpose
Chief Constable	Chief Constable of the Police Service of Northern Ireland
CJI	Criminal Justice Inspection Northern Ireland
DoJ	Department of Justice
DPP	Director of Public Prosecutions (within the PPS)
DSIO(s)	Deputy Senior Investigating Officer(s) (within the Office)
ELT	Executive Leadership Team (within the Office)
GSOC	Garda Síochána Ombudsman Commission
HMICFRS	His Majesty's Inspectorate of Constabulary and Fire & Rescue Services (formerly Her Majesty's Inspectorate of Constabulary (HMIC))
ICIT	Initial Complaints and Investigations Team
ICRIR	Independent Commission for Reconciliation and Information Recovery
IO	Investigating Officer (within the Office)
IOPC	Independent Office for Police Conduct (in England and Wales)
IT	Information Technology
MoU	Memorandum of Understanding (in England and Wales)
MPS	Metropolitan Police Service
NDPB	Non-Departmental Public Body
NICS	Northern Ireland Civil Service
NIPB	Northern Ireland Policing Board

NPCC	National Police Chiefs' Council
Office	Office of the Police Ombudsman for Northern Ireland
PIP	Professionalising Investigations Programme
Police Ombudsman/ the Ombudsman	Police Ombudsman for Northern Ireland
PPS	Public Prosecution Service for Northern Ireland
PSD	Professional Standards Department (within PSNI)
PSNI	Police Service of Northern Ireland
SCT(s)	Significant Case Team(s) (within the Investigations Department of the Office)
SIO	Senior Investigating Officer (within the Office)
UK	United Kingdom

Explanatory Note

The Legacy Act refers to The Northern Ireland Troubles (Legacy and Reconciliation) Act 2023.

CHIEF INSPECTOR'S FOREWORD

The Office of the Police Ombudsman's independent and effective investigation of corruption is vital to public trust and confidence in the Police Service of Northern Ireland. We expect and need Police Officers and staff to uphold high standards and when they abuse their position for their own or someone else's gain or disadvantage it not only harms victims, it damages policing and lets all of us down. Therefore, it is also vital that the Police Service of Northern Ireland, at all levels, has confidence in the investigation of abuse of position allegations by the Police Ombudsman's Office and learns from them to improve policing.

Abuse of position, for sexual or other purposes, is a form of corruption. Sometimes we think of police corruption as horrific and high profile crimes that happen elsewhere but it has many forms and, as recent Court convictions have proven, happens in our community. So when it does happen, in whatever form, it needs a robust response that includes quality investigation as well as appropriate and timely outcomes that also act as deterrents.

Of course it is important to remember that the vast majority of Police Officers and staff go to work every day, often in challenging circumstances, to serve the public well and demonstrate the type of behaviour and integrity that underpins their Code of Ethics and public service standards. But if they do abuse their position in any way, then they must know there is no place in Northern Ireland's policing service for it and there will be appropriate and timely consequences.

At the time of this inspection the Office of the Police Ombudsman was experiencing senior team changes and challenges including the future handling of legacy investigations. The recently appointed Chief Executive and newly appointed Director of Impact provides an opportunity to stabilise the leadership team, reset sponsor relationships with the Department of Justice and build relationships with stakeholders.

This Inspection Report provides assurance about the work of the Office of the Police Ombudsman for Northern Ireland and also makes a number of Strategic and Operational recommendations for improvement for the Office and other key stakeholders.

These include legislation to enable gross misconduct hearings to be expedited, the absence of this means Police Officers can spend long periods on suspension on full pay or adjusted duties until any criminal proceedings are concluded.

This, understandably, attracts significant public criticism, can waste public money and is not victim focused. The expansion of Victim Charter obligations to the Office would support existing good practice and service development as well as provide clarity for victims and cohesion across the criminal justice system.

My thanks to the Office of the Police Ombudsman, the Police Service of Northern Ireland, the Public Prosecution Service of Northern Ireland and the Department of Justice for their co-operation during this inspection.

I am also grateful to Lead Inspector, Muireann Bohill, who was supported by Dr Roisin Devlin.



Jacqui Durkin

Chief Inspector of Criminal Justice
in Northern Ireland

March 2025

Criminal Justice Inspection
Northern Ireland
a better justice system for all



EXECUTIVE SUMMARY

Preventing Police Officers and staff abusing their position is a key aspect of tackling corruption that had been recognised across Europe through the Council of Europe's Group of States Against Corruption. This inspection focused on the Office of the Police Ombudsman for Northern Ireland's role in the investigation of concerns and complaints about abuse of authority by the Police Officers and staff of the Police Service of Northern Ireland. The inspection also examined the legislative and strategic context, and how key partners such as the Police Service of Northern Ireland and the Public Prosecution Service for Northern Ireland worked with the Office of the Police Ombudsman for Northern Ireland to address it.

The Police Ombudsman for Northern Ireland is a corporation sole and accountable to the Northern Ireland Assembly through the Minister of Justice. As a Non-Departmental Public Body, the Office of the Police Ombudsman for Northern Ireland was administrated through the Department of Justice. Inspectors found the working relationship was not as constructive as it should be. The Office of the Police Ombudsman for Northern Ireland and the Department of Justice needed to work better together to clarify expectations and achieve their required outcomes, including prioritising the development of a new Partnership Agreement.

During 2023-24, vacancies in key organisational posts, particularly the role of Chief Executive and Accounting Officer and instability at senior leadership level,

had impacted the Office of the Police Ombudsman's effectiveness. There was also significant organisational change as a result of legislation¹ which ended the Police Ombudsman for Northern Ireland's role as an investigator of 'Troubles-related'² legacy cases. At the same time, the number of public complaints had been rising, including the number of police malpractice complaints and the Office of the Police Ombudsman had 19 active investigations into cases of abuse of position for sexual purposes, their highest number of such cases to date. Despite these challenges, the Office of the Police Ombudsman for Northern Ireland had performed well against the majority of targets set out in its 2023-24 Business Plan³.

The Office of the Police Ombudsman for Northern Ireland had no definition of

1 *United Kingdom Government, Northern Ireland Troubles (Legacy and Reconciliation) Act 2023, September 2023* available at [Northern Ireland Troubles \(Legacy and Reconciliation\) Act 2023](#).

2 'Troubles-related' refers to incidents that occurred during the more than 30-year conflict in Northern Ireland.

3 Office of the Police Ombudsman for Northern Ireland, Annual Business Plan 2023-2024, internal document provided to Inspectors during fieldwork.

abuse of position and cases referred to it for investigation were not specifically identified as abuse of position cases. The Police Service of Northern Ireland and Public Prosecution Service for Northern Ireland were referring cases to the Police Ombudsman under a range of offence headings. A definition of abuse of position needed to be developed by the Office together with an Abuse of Position Strategy. This would enable case monitoring under this category to ensure learning about the Office's response, improvements required in policing and the wider public's awareness of abuse of position.

Recruitment had commenced for Investigating Officers to fill vacancies within all teams which was a positive step towards addressing staffing pressures, but strategic planning was necessary to determine current workforce requirements and future forecasts. Training was also identified as an area requiring focus and improvement. A training plan had been developed and approved for 2024-25 which prioritised essential training around investigative skills required for all cases but particularly abuse of position for sexual purposes cases which Inspectors welcomed. A Learning and Development Strategy that identified desired outcomes for the organisation and staff would assist in the development and delivery of focused training plans going forward.

The relationship between the Office of the Police Ombudsman for Northern Ireland and the Police Service of Northern Ireland was inspected by Criminal Justice Inspection Northern Ireland (CJI) in 2013.⁴ Areas for improvement had included the need for the development and implementation of a system to monitor the progress and effectiveness of policy recommendations. At the time of this inspection, neither the Police Ombudsman for Northern Ireland nor the Police Service of Northern Ireland had completed the required work. As a consequence, a Strategic Recommendation was included in this report to complete required implementation work within six months.

The most recent His Majesty's Inspectorate of Constabulary and Fire & Rescue Services inspection of the Police Service of Northern Ireland⁵ had determined that the Police Service of Northern Ireland's ability to detect and deal with misogynistic, prejudicial, improper and predatory behaviour was good. However, this inspection found that there was disparity in the data provided by the Police Service of Northern Ireland's Professional Standards Department and the Office of the Police Ombudsman for Northern Ireland on the number of abuse of position for sexual purposes cases referred by the Chief Constable of the Police Service of Northern Ireland to the Police Ombudsman for Northern Ireland.

4 CJI, *The relationship between Police Service of Northern Ireland and the Office of the Police Ombudsman for Northern Ireland*, December 2013, available at <https://www.cjini.org/TheInspections/Inspection-Reports/2013/October---December/The-relationship-between-PSNI-and-THE OFFICE>.

5 His Majesty's Inspectorate of Constabulary and Fire & Rescue Services, *The Police Service of Northern Ireland: An inspection of police effectiveness, efficiency, vetting and standards*, October 2023 available at <https://s3-eu-west-2.amazonaws.com/assets-hmicfrs.justiceinspectorates.gov.uk/uploads/psni-inspection-police-effectiveness-efficiency-vetting-and-standards.pdf>.

There were also examples where the Office of the Police Ombudsman for Northern Ireland had identified abuse of position for sexual purposes cases that were known to police but had not been referred to the Police Ombudsman.

The current Police Service of Northern Ireland 2018 guidance⁶ required updating to reflect the United Kingdom position regarding automatic referral of abuse of position for sexual purposes cases to the Police Ombudsman for Northern Ireland. The Police Service of Northern Ireland's Professional Standards Department needed to review the data discrepancies to determine if there was an issue with the existing recording process or computer system. They also needed to review the cases identified by the Office of the Police Ombudsman for Northern Ireland to determine if additional training was required to assist the Police Service of Northern Ireland to identify abuse of position for sexual purposes behaviours.

The Public Prosecution Service for Northern Ireland and the Office of the Police Ombudsman needed to finalise the Protocol under development setting out each organisation's role and responsibilities, particularly around victim and witness care and the service of Court papers. The Public Prosecution Service for Northern Ireland also needed to update their staff guidance regarding the Director of Public Prosecution's power of referral to the Police Ombudsman for Northern Ireland.

⁶ Police Service of Northern Ireland, SI3217 Maintaining a Professional Boundary Between Police and Members of the Public, 2018, internal document provided to Inspectors during fieldwork.

RECOMMENDATIONS

STRATEGIC RECOMMENDATIONS

STRATEGIC RECOMMENDATION 1

Within six months of publication of this report, the Office of the Police Ombudsman for Northern Ireland should:

- develop a definition of abuse of position; and
- develop an Abuse of Position Strategy that includes an Action Plan which incorporates a methodology for monitoring outcomes and timeframe for the delivery of the Strategy.

Paragraph 2.13

STRATEGIC RECOMMENDATION 2

Within three months of publication of this report, the Office of the Police Ombudsman for Northern Ireland and the Department of Justice should work together to improve their relationship and finalise a Partnership Agreement.

Paragraph 2.30

STRATEGIC RECOMMENDATION 3

Within six months of publication of this report, the Office of the Police Ombudsman for Northern Ireland should:

- develop a Workforce Strategy to include an Action Plan and timeframe for delivery of the Strategy; and
- develop a Learning and Development Strategy to include an Action Plan and timeframe for delivery of the Strategy.

Paragraph 3.19

STRATEGIC RECOMMENDATION 4

Within three months of publication of this report, the Police Service of Northern Ireland should:

- review Service Instruction 3217, *Maintaining a Professional Boundary Between Police and Members of the Public*, and make the necessary amendments to align with the United Kingdom position that abuse of position for sexual purposes cases will be referred by it to the Office of the Police Ombudsman for Northern Ireland and to reflect the learning around abuse of position for sexual purposes since 2018;
- review the abuse of position for sexual purposes cases identified by the Office of the Police Ombudsman for Northern Ireland to establish if there is a training need for Police Officers regarding abuse of position for sexual purposes; and
- monitor the recording and referral of abuse of position for sexual purpose cases to the Office of the Police Ombudsman for Northern Ireland to identify if there are issues with the process. If issues are identified, it must take the necessary action to address them.

Paragraph 3.27

STRATEGIC RECOMMENDATION 5

Within six months of publication of this report:

- the Office of the Police Ombudsman for Northern Ireland should develop and implement a system of monitoring the effectiveness of policy recommendations in improving the service delivery of the Police Service of Northern Ireland; and
- the Police Service of Northern Ireland should develop and implement a system of monitoring performance following policy recommendations and periodically report this to the Northern Ireland Policing Board Performance Committee.

Paragraph 3.57

OPERATIONAL RECOMMENDATIONS

OPERATIONAL RECOMMENDATION 1

Within three months of publication of this report, the Public Prosecution Service for Northern Ireland should:

- issue up-to-date guidance to Prosecutors regarding the Director of Public Prosecution's power of referral to the Office of the Police Ombudsman of Northern Ireland; and
- develop guidance for Prosecutors in respect of abuse of position for sexual purposes.

Paragraph 2.37

OPERATIONAL RECOMMENDATION 2

The Department of Justice should, as soon as possible, progress a legislative amendment to Section 59(3) of the Police (Northern Ireland) Act 1998 to facilitate the application of Regulation 20(3) of The Police (Conduct) Regulations (Northern Ireland) 2016.

Paragraph 2.41

OPERATIONAL RECOMMENDATION 3

Within six months of publication of this report, the Department of Justice, in partnership with the Office of the Police Ombudsman for Northern Ireland, should review the Northern Ireland Victim Charter rights and obligations to ensure its entitlements are guaranteed for all victims of crime including victims who report a crime to the Office of the Police Ombudsman for Northern Ireland.

Paragraph 3.44

OPERATIONAL RECOMMENDATION 4

To improve its effectiveness in supporting victims, the Office of the Police Ombudsman for Northern Ireland should, within three months of publication of this report, produce an Action Plan to include guidance, a needs assessment and engagement with specialist support services.

Paragraph 3.48

OPERATIONAL RECOMMENDATION 5

Within one month of publication of this report, the Office of the Police Ombudsman for Northern Ireland and the Public Prosecution Service for Northern Ireland should finalise and sign their working Protocol.

Paragraph 3.53

OPERATIONAL RECOMMENDATION 6

Within two months of publication of this report, the Police Service of Northern Ireland Professional Standards Department should develop and submit a business case for the resource required to address the delay in disciplinary proceedings.

Paragraph 3.61

Areas for Improvement identified by Inspectors during this Inspection are included within the report.

CHAPTER 1: INTRODUCTION

ABUSE OF POSITION BY POLICE OFFICERS AND STAFF

- 1.1 This inspection focused on the role of the Office of the Police Ombudsman for Northern Ireland (the Office) in tackling abuse of position (AOP) within policing. In this circumstance, AOP referred to a situation where a person entrusted with the powers of a Police Officer or member of staff employed by the Police Service of Northern Ireland (PSNI) abused their position for improper purposes. This could occur in a range of situations, for example, where there had been unlawful use of a police computer or records management system, of a police device such as a mobile phone, or abuse of position for financial gain or for sexual purposes.
- 1.2 The Council of Europe's Group of States Against Corruption, of which the United Kingdom (UK) was a member, was designed to enhance prevention and protection against abuse of entrusted power in the public and private spheres more broadly, which included but was not limited to policing contexts. It recognised AOP as corruption and sought alignment with relevant standard-setting treaties and guidance to ensure trust in public institutions.⁷ Oversight as a pivotal means to tackle corruption was highlighted noting that, *'[t]he ombudsman is of particular importance in modern democracies as an institution promoting sound management of public affairs.'*⁸
- 1.3 While there was not a set definition of the term 'AOP', the UK National Police Chiefs' Council (NPCC) had specifically defined the abuse of a position of trust for sexual purposes (APSP). This was, *'any behaviour by a Police Officer or police staff member*⁹, whether on or off duty, that takes advantage of their position as a member of the police service to misuse their position, authority or powers in order to pursue a sexual or improper emotional relationship with any member of the public**¹⁰.'* Its 2021 strategy declared the intent of police services in England, Wales, Scotland and Northern Ireland to work together with partners to prevent APSP and recognised it as serious corruption.¹¹

7 Council of Europe, *Group of States against Corruption (GRECO) programme of Activities 2019*, Adopted by GRECO 81 (Strasbourg, 3-7 December 2018), available at <https://rm.coe.int/group-of-states-against-corruption-greco-programme-of-activities-2019-/16808ffcd6>.

8 Council of Europe, *Group of States against Corruption (GRECO), Lessons learnt from the three Evaluation Rounds (2000-2010) Thematic Articles*, undated, available at <https://rm.coe.int/16806cbfc6>.

9 *'including volunteers or staff contracted into police roles.'*

10 *** 'a member of the public does not have to be vulnerable for the definition of abuse of position for a sexual purpose to be made out. However, the vulnerability of the member of the public may be an aggravating factor. Further clarity is provided in the College of Policing Guidance on Professional Boundaries. COP, Maintaining a professional boundary between police and members of the public, 2021, available at https://assets.college.police.uk/s3fs-public/2021-02/college_of_policing_guidance_on_professional_boundaries.pdf*

11 NPCC, *NPCC Strategy 2021: Abuse of Position of Trust for a Sexual Purpose*, available at <https://www.npcc.police.uk/SysSiteAssets/media/downloads/publications/disclosure-logs/workforce-coordination-committee/2023/161-2023-abuse-of-position-strategy.pdf>.

Background to this inspection

- 1.4 In recent years confidence in policing across the UK has been damaged by the criminality and actions of individual serving Police Officers who have been convicted of the most serious violent crimes against women. There had been crucial lessons for policing following inquiries and reviews into how the most abhorrent and egregious abuses of position had been able to occur.
- 1.5 Noting that it had not always been the case, through increased understanding, recognition and awareness raising, in 2022 the Independent Office for Police Conduct (IOPC) in England and Wales stated that APSP was *'now the single biggest form of corruption we deal with...'*¹² Tackling it was essential for public trust and to root out those *'...undermining the hard work of their colleagues, and seriously damaging confidence in the police.'* It set out a timeline of developments noting that APSP was not a new problem.

Timeline (copied from IOPC Learning the Lessons Issue 40)

The understanding of APSP – and the way it is dealt with right across policing – has evolved over the last decade. Some of the work involved is detailed below:

2011	A questionnaire commissioned by the Association of Chief Police Officers was sent to all forces to gain a better understanding of APSP. At around the same time, and following an increase in referrals, the then Independent Police Complaints Commission began to research the same topic.
2012	The Independent Police Complaints Commission and the Association of Chief Police Officers published a report containing a checklist for police forces to use to prevent, detect and investigate APSP.
2014	Following on from this work, the College of Policing's Code of Ethics came into force, including a section specifically mentioning APSP.
2016	Her Majesty's Inspectorate of Constabulary [formerly HMIC] published its assessment of the effectiveness, efficiency and legitimacy of police forces assessing how well forces were preventing and seeking out corruption. It included a specific focus on APSP.
2017	The Independent Police Complaints Commission published guidance for forces when referring allegations of APSP. They also contributed to a Her Majesty's Inspectorate of Constabulary report on APSP, which included findings based on its own investigations.
	They identified some cases of APSP were not being referred as required by legislation. After they raised it with Her Majesty's Inspectorate of Constabulary and the Home Office, the mandatory referral criteria were changed to make this requirement more explicit.
	The NPCC published guidance for police on maintaining professional boundaries with members of the public.

¹² Independent Office for Police Conduct, *learning the Lessons: Improving policing policy and practice – Abuse of Position for Sexual Purpose (APSP) Issue 40 May 2022*, available at file:///C:/Users/cji-roisindexlin/Downloads/LTL40_OFFICIAL-2.pdf.

Timeline (copied from IOPC Learning the Lessons Issue 40)

- | | |
|-------------|--|
| 2018 | IOPC work with forces to help them better understand the new referral criteria led to a significant and sustained increase in APSP referrals. |
| 2019 | Her Majesty's Inspectorate of Constabulary and Fire & Rescue Services (HMICFRS) PEEL (Police Effectiveness, Efficiency and Legitimacy) spotlight report <i>'Shining a spotlight on betrayal'</i> , focused on the issue of APSP. It highlighted the fact forces were not doing enough to prevent Officers abusing their position for a sexual purpose. |
| 2021 | IOPC issued a national recommendation to the NPCC following one of their investigations. This called for training on APSP for [Police] Officers, which should be recorded and auditable. This was one of 24 APSP-related learning recommendations IPOC made since 2018. |
-
- 1.6 In November 2021, the then Home Secretary announced the terms of reference for the Angiolini Inquiry, chaired by Lady Eilish Angiolini. It was tasked to examine how off-duty Metropolitan Police Service (MPS) Officer Wayne Couzens was able to abduct, rape and murder Sarah Everard in March 2021. In a statement on publication of Part 1 of the Inquiry, the Everard family said, *'We believe that Sarah died because he was a Police Officer – she would never have got into a stranger's car.'*¹³ Sarah's family placed hope in positive change that would be of benefit to others.
- 1.7 Lady Angiolini stated that the Part 1 recommendations were *'designed to help prevent a situation where anyone entrusted with the powers of a serving Police Officer abuses that trust in such a heinous way again.'*¹⁴ It was noted that a tidal wave of reporting on police misconduct had resulted after Sarah Everard's murder, particularly where [Police] officers used their power to commit sexual offences. On 7 February 2023, the then Home Secretary expanded the terms of reference for the Angiolini Inquiry to include the case of former Police Constable David Carrick who was subsequently imprisoned for life for multiple counts of rape, sexual abuse and false imprisonment of 13 women.¹⁵
- 1.8 In recognition of public concern following the kidnap, rape and murder of Sarah Everard and other serious abuses and concerns, the MPS separately commissioned Baroness Louise Casey to lead an independent review into its standards of behaviour and internal culture.¹⁶ The report quoted Reverend Wilhelmina (Mina) Smallman to highlight abuse of power as everyone's concern, *"What we can't*

13 Statement of the Everard Family in response to the Angiolini Inquiry Part 1 Report, February 2024, available at <https://iipcv-prod.s3.eu-west-2.amazonaws.com/Statement-from-Everard-family-6.pdf>.

14 Angiolini Inquiry – Part 1 Report: Statement to Press Conference available at <https://iipcv-prod.s3.eu-west-2.amazonaws.com/STATEMENT-FOR-PRESS-PACKS-FINAL-1.pdf>.

15 The Angiolini Inquiry, Terms of Reference for Part 3: the Carrick case, available at <https://www.angiolini.independent-inquiry.uk/the-carrick-case-terms-of-reference/>.

16 Baroness Casey of Blackstock DBE CB, The Baroness Casey Review: An independent review into the standards of behaviour and internal culture of the Metropolitan Police Service, March 2023, available at <https://www.met.police.uk/police-forces/metropolitan-police/areas/about-us/about-the-met/bcr/baroness-casey-review/>.

have is the only reason that people who corrupt the police are taken in hand is by the tenacity of the women and the families they abused.”¹⁷ Reverend Smallman’s daughters Nicole Smallman and Bibaa Henry had been murdered in a London park. The two MPS Police Officers entrusted to guard the scene were convicted for taking and sharing photographs of their bodies.

- 1.9 While focused on the MPS, the learning from Baroness Casey’s report was clearly broader. The importance of building public trust, confidence and consent for policing, particularly among communities where respect and approval were most at risk, was emphasised.
- 1.10 In Northern Ireland, the Police Ombudsman for Northern Ireland had highlighted the importance of recognising the power imbalance that existed between the police and members of the public. On 15 April 2024, the Office reported that a Police Officer had been dismissed after a Police Ombudsman investigation finding that he had sex with a vulnerable woman at an industrial estate in Antrim while on duty in 2016.¹⁸ At the time the Police Ombudsman stated, *‘My Office is investigating a number of cases involving similar allegations against other police officers. I would urge anyone who believes they have been targeted by a police officer for sexual gain to immediately contact my office so that their concerns can be thoroughly and independently investigated.’*
- 1.11 On 12 September 2024, the Office’s Chief Executive highlighted the serious corruption entailed when Police Officers abuse their position for sexual purposes. It followed the Crown Court sentencing of former Police Officer, Christopher Little, for misconduct in public office. He had initiated contact with a 17-year-old girl while on duty. The Office noted it had more than 20 cases involving alleged abuse of position for sexual purposes with investigations ongoing or awaiting a final outcome. The Chief Executive noted the rise in cases stating that *‘although these cases remain relatively rare, the impact on victims, their families and on wider confidence in policing is considerable.’¹⁹* The Office outlined warning signs that characterised Police Officer behaviour in cases of sexual misconduct including:
- providing their personal contact details;
 - contact or visits;
 - off-duty or continued contact after an incident is closed;
 - unexpected visits or welfare checks;
 - unnecessary communication through social media, email or text;
 - sexualised comments;

17 Baroness Casey Review: Final Report: An independent review into the standards or behaviour and internal culture of the Metropolitan Police Service, Baroness Casey of Blackstock DBE CB, March 2023, available at <https://www.met.police.uk/SysSiteAssets/media/downloads/met/about-us/baroness-casey-review/update-march-2023/baroness-casey-review-march-2023a.pdf>.

18 Police Ombudsman for Northern Ireland, News: Officer dismissed after “predatory behaviour”, 15 April 2024, available at <https://www.policeombudsman.org/news/officer-dismissed-after-predatory-behaviour>.

19 Police Ombudsman for Northern Ireland, News: ‘Any abuse of position for sexual purposes is unacceptable’, Police Ombudsman Chief Executive, 12 September 2024, available at <https://www.policeombudsman.org/news/%E2%80%98any-abuse-of-position-for-sexual-gain-is-unacceptable%E2%80%99-police-ombudsman>

- physical contact; and/or
- flirtatious behaviour.²⁰

1.12 HMICFRS inspection of the PSNI examined police effectiveness, efficiency, vetting and standards.²¹ It found the PSNI's vetting arrangements were adequate with areas for improvement related to sufficient rationale for decisions, effective risk mitigation strategies and oversight in appropriate cases, and analyses of vetting data to understand any disproportionate impacts. Detecting and dealing with misogynistic, prejudicial, improper and predatory behaviour was rated as good. Better management and monitoring of police mobile devices and enough trained people within the PSNI's Professional Standards Department (PSD) to meet demand and allow for proactive intelligence collection were identified as areas for improvement.

Oversight of AOP complaints and concerns in Northern Ireland

1.13 As the independent police complaints body in Northern Ireland, the Office had a key role in the oversight of AOP within policing. Concerns related to AOP could be brought to the Office's attention in several ways including through a complaint made by a member of the public, by referral from the Chief Constable of the PSNI (Chief Constable), the Director of Public Prosecutions (DPP), the Northern Ireland Policing Board (NIPB),²² or the Department of Justice (DoJ), or where the Ombudsman called a matter in for investigation without a complaint.

1.14 The Police (Northern Ireland) Act 1998 was the Office's founding legislation and the main mechanism that enabled this to occur. It was enacted following the Belfast Agreement of 1998 and the report of the Independent Commission into Policing in 1999 (The Patten Report)²³ and had particular significance in the historical and political context of Northern Ireland. As CJI reported in 2011, *'[t]he position of Police Ombudsman is enshrined in legislation and as a system for dealing with police complaints is unique in the United Kingdom (UK) and rare in democracies across the world.'*²⁴

20 As above.

21 HMICFRS, *The Police Service of Northern Ireland: An inspection of police effectiveness, efficiency, vetting and standards, October 2023*, available at <https://s3-eu-west-2.amazonaws.com/assets-hmicfrs.justiceinspectorates.gov.uk/uploads/psni-inspection-police-effectiveness-efficiency-vetting-and-standards.pdf>.

22 The NIPB was an independent public body made up of 10 Political and nine Independent Members established to ensure an effective, efficient, impartial, representative and accountable police service.

23 *Independent Commission on Policing in Northern Ireland, A New Beginning: Policing in Northern Ireland – the Report of the Independent Commission on Policing in Northern Ireland, September 1999*, available at <https://cain.ulster.ac.uk/issues/police/patten/patten99.pdf>.

24 CJI, *An inspection into the independence of the Office of the Police Ombudsman for Northern Ireland September 2011*, available at <https://www.cjini.org/TheInspections/Inspection-Reports/2011/July---September/An-inspection-into-the-independence-of-the-Office>.

- 1.15 Legislation conferring the Police Ombudsman's powers and functions was an important part of the State's obligations in ensuring an independent and effective system of oversight to protect against AOP, for which practical and effective laws were required. The Police Ombudsman had a duty to review the Office's statutory powers every five years. In the most recent review, the Police Ombudsman highlighted piecemeal amendments over the preceding 20 years and urged instead a single Police Ombudsman Act to ensure a more transparent and accessible system.²⁵ The Ombudsman also made recommendations to bring the Office more in line with the International Principles for the Protection of Independence of an Ombudsman.
- 1.16 In 2021, the Minister of Justice, Naomi Long MLA, requested a 'stocktake' of policing oversight arrangements in Northern Ireland and a subsequent consultation about policing oversight and accountability and a review of the Police Ombudsman's powers took place.²⁶ The proposals had been intended to strengthen and clarify interfaces between various oversight bodies although outcomes were not available at the time of the inspection. The DoJ stocktake acknowledged that while three five-year (quinquennial) reviews had occurred since the Office had been in place, *'...the recommendations have not been acted upon due to a lack of political consensus for the package put forward.'* However, a consultation document on Legislative Proposals Relating to Police Officer Discipline was under development by the DoJ. Due for public consultation in Autumn 2024, but still awaited, it will incorporate some of the recommendations made by the Police Ombudsman in her 2021 report.
- 1.17 Although there had been amendments over time, the Police (Northern Ireland) Act 1998 remained the core basis for the Office and the legislation under which it was established to provide an independent and impartial police complaints system. Its stated aim was to deliver a fair, efficient and effective police complaints system for the people of Northern Ireland. It was a Non-Departmental Public Body (NDPB) and accountable to the Northern Ireland Assembly, through the Minister for Justice. The Police Ombudsman and her Office operated independently of the NIPB and the Chief Constable. The Office investigated and analysed evidence to decide if Police Officers had acted properly or not and investigated complaints about some civilian employees.
- 1.18 The Police Ombudsman had responsibility for the recording and investigation of complaints made against Police Officers and designated staff members by members of the public. Complaints about PSNI staff other than designated staff members did not come under the remit of the Police Ombudsman, nor did the Police Ombudsman investigate complaints against police and designated staff made by serving Police Officers and designated staff.

25 *Police Ombudsman for Northern Ireland: 5 Year Review, undated*, available at <https://www.justice-ni.gov.uk/sites/default/files/consultations/justice/5%20year%20review%20stakeholder%20document.pdf>.

26 *Stocktake of Policing Oversight and Accountability Arrangements and Review of Police Ombudsman's Powers: Consultation paper* December 2021 available at <https://www.justice-ni.gov.uk/sites/default/files/consultations/justice/oversight%20stocktake%20and%20the%20Office%20review.pdf>.

- 1.19 Most investigations by the Police Ombudsman related to on-duty matters but off-duty matters were investigated if the individual's status as a Police Officer was relevant. For example, if a person took advantage of their position as a Police Officer to abuse trust while off duty. The Police Ombudsman did not investigate the off duty conduct of designated staff members. The Police Ombudsman did not investigate matters that had occurred outside the previous 12 months unless she considered it in the public interest to do so, or where matters were grave or exceptional. Not all complaints made to the Police Ombudsman resulted in formal investigation. Certain less serious matters could be referred to the PSNI to resolve through Informal Resolution or other matters which were outside the Police Ombudsman's remit.
- 1.20 If the Police Ombudsman believed that a Police Officer may have committed a criminal offence, she was required to send a copy of her investigation report to the DPP.²⁷ She was also required, where she determined it appropriate, to make recommendations to the Chief Constable or to the NIPB as to whether a Police Officer should face disciplinary procedure, in accordance with The Police (Conduct) Regulations (Northern Ireland) 2016.²⁸ If appropriate, the Police Ombudsman could recommend that a conduct matter be addressed through mediation. The Police Ombudsman could also make recommendations to the PSNI to review and make changes to its policies following an investigation.

Previous CJI inspections

- 1.21 CJI first inspected the Office in 2005 and reported that the Office was well managed and had worked hard to build confidence among the public and within the PSNI. The Inspection Report had 13 recommendations with a number related to improving engagement with aspects of the PSNI, with stakeholders to increase understandings about respective roles and objectives, and with the Office staff to enable effective dissemination of organisational information.²⁹ In a 2007 Follow-Up Review, CJI found that all but one recommendation had been achieved.³⁰ This related to a programme of presentations designed for Criminal Investigation Department Officers within the PSNI which remained under consideration at the time of the Review.

27 Section 58 of the Police (Northern Ireland) Act 1998 available at <https://www.legislation.gov.uk/ukpga/1998/32/section/58>.

28 The Police (Conduct) Regulations (Northern Ireland) 2016, available at [The Police \(Conduct\) Regulations \(Northern Ireland\) 2016 \(legislation.gov.uk\)](https://www.legislation.gov.uk/ukpga/2016/12/section/1)

29 CJI, *Inspection of The Office of the Police Ombudsman for Northern Ireland, December 2005*, available at <https://www.cjini.org/getattachment/9f9b0677-92e3-456b-be45-5f9949213521/Police-Ombudsman-December-2005.aspx>.

30 CJI, *The Office of the Police Ombudsman for Northern Ireland: A Follow-Up Review of the inspection recommendations, October 2007*, available at <https://www.cjini.org/getattachment/7aa80c6f-f3fb-4757-ad5b-40ddd413ade3/picture.aspx>.

1.22 In 2011 CJI completed an inspection of the operational independence of the Office. It found a solid legislative base for the Office's work which provided a framework for operational independence at that time.³¹ Inspection Report recommendations related to significant concerns about Office management of historical case investigations. There were no concerns in relation to how the Office investigated current cases, which comprised most of its work. An immediate skills and competency audit was however recommended for everyone having input into complex cases, which CJI assessed as achieved in a 2013 Follow-Up Review.³²

1.23 The relationship between the PSNI and the Office was inspected by CJI in 2013.³³ Although much of the focus was on how requests for police intelligence related to historical cases were handled by the PSNI, the efficacy of PSNI implementation of the Office policy recommendations from Regulation 20 reports³⁴ and other cases was examined. Areas for improvement included:

- developing and implementing a system of monitoring the effectiveness of policy recommendations in improving the service delivery of the PSNI; and
- the Office and the PSNI jointly developing an approach that enables the refinement of recommendations informed by early interaction between officials in both organisations.

Evaluation of the impact of Office recommendations on policing policy and practice and the use of this information to help inform learning for the development of recommendation processes, was highlighted as an area for refinement.

1.24 Following a request from the then DoJ Permanent Secretary in 2019, CJI undertook a review of the methods the PSNI used to disclose information in respect of historic cases to the Office.³⁵ It focused specifically on the arrangements for disclosure in historic investigations and had not included current complaints. It recommended that the PSNI and the Office revisit and revise their Memorandum of Understanding (MoU) to enable professional and effective working relationships.

31 CJI, *An inspection into the independence of the Office of the Police Ombudsman for Northern Ireland*, September 2011, available at <https://www.cjini.org/TheInspections/Inspection-Reports/2011/July---September/An-inspection-into-the-independence-of-the-Office>.

32 CJI, *The independence of the Office of the Police Ombudsman for Northern Ireland: A Follow-Up Review of inspection recommendations*, January 2013, available at <https://www.cjini.org/getattachment/511cbd9d-363e-4064-a474-d6ff93bb127e/picture.aspx>.

33 CJI, *the relationship between the Police Service of Northern Ireland and the Office of the Police Ombudsman for Northern Ireland*, December 2013, available at <https://www.cjini.org/TheInspections/Inspection-Reports/2013/October---December/The-relationship-between-PSNI-and-THE OFFICE>.

34 A 'Regulation 20 report' is a report by the Police Ombudsman sent to the PSNI Chief Constable, the Minister of Justice, and the NIPB relating to a matter referred to her for investigation by the Chief Constable, the DoJ, or the NIPB, or where the Police Ombudsman calls a matter in for investigation without a complaint (see The Police (Northern Ireland) Act 1998, Section 55 and the Police (Complaints) (Regulations) 2000, Regulation 20).

35 CJI, *A Review into the Methods the Police Service of Northern Ireland Use to Disclose Information in Respect of Historic Cases to the Office of the Police Ombudsman for Northern Ireland*, April 2020 available at <https://www.cjini.org/getattachment/f10ddb54-8eda-40e3-951d-9e75855e2c24/report.aspx>.

This inspection

- 1.25 This inspection focused on the Office's investigation of abuse of position concerns and complaints relating to PSNI Officers and staff. The main organisation inspected was the Office, however, other agencies were included in respect of their engagement and co-operation with the Office, mainly the PSNI and the Public Prosecution Service for Northern Ireland (PPS). Stakeholder organisations met with Inspectors to help inform the approach to the inspection and to discuss learning from victims' experiences. Fieldwork comprising focus groups, one-to-one interviews, and documentary analysis was completed with the Office and its staff during July and August 2024 and a sample of files relating to AOP were reviewed in September 2024. Inspectors also held a focus group with Senior Prosecutors and met with senior leaders in the PPS and the PSNI. Discussions took place with the DoJ and the NIPB about each organisation's respective strategic roles. A detailed methodology is outlined in Appendix 1.
- 1.26 In the absence of an AOP specific strategy and governance, Inspectors looked at the governing documentation and statistics as a whole. Where we could, we looked at AOP specific documentation and data and reflected these particular findings in the report.
- 1.27 Inspectors reviewed the management of four investigations from complaint to closure. Three of the cases involved APSP and were Category A cases, two of which were investigated by Significant Case Team (SCT) 2 and one by SCT1. The fourth investigation involving perjury and perverting the course of justice, was originally a Category B case being investigated by the CORE Investigations team, however, following review, it was re-categorised as Category A. On each file Inspectors examined the:
- nature of the complaint;
 - source of referral;
 - case triage;
 - allocation of case;
 - victims circumstances, risk or needs assessment, support and level of victim engagement;
 - complained about person updates;
 - timeliness of investigation;
 - provision of rationale for any delay;
 - supervisory reviews and recommended lines of enquiry;
 - digital evidence gathering and extraction;
 - recording of engagement with PPS;
 - communication with the PSNI; and
 - case outcomes.

CHAPTER 2: STRATEGY AND GOVERNANCE

INTERNATIONAL STANDARDS

- 2.1 A report from the Council of Europe 19th Conference of European Ministers of Justice on Types of corruption and ways of tackling it in 1994³⁶ stated '*corruption is not about putting one's fingers in the till but about the abuse of power or, more accurately, improbity in the decision-making process.*' The Council of Europe leads the way in tackling corruption through the setting of European norms and standards using Treaty, recommendations and resolutions. To strengthen corruption prevention relating to Police Officers and other public servants, the Group of States against Corruption³⁷ conduct evaluations of States' compliance with the Council of Europe standards, potentially making recommendations for improvement. Corruption or abuse of position by Police Officers can cut across other European Conventions including the Convention on Preventing and Combating Violence Against Women and Domestic Violence and the Convention on Action against Trafficking in Human Beings. The UK is subject to evaluation by the monitoring groups for the Conventions Group of Experts on Action against Violence against Women and Domestic Violence³⁸ and the Group of Experts on Action against Trafficking in Human Beings.³⁹
- 2.2 Authorities at national or local level have a duty to set an example to the general public and to do this, they should also manage their own internal affairs in accordance with European standards and their own Codes of Conduct.

UK Standards

- 2.3 The Chief Constables of all police forces in England, Wales, Scotland and Northern Ireland represented their respective forces in the NPCC. The purpose of the NPCC was to co-ordinate the operational response across the police service to criminal threats. The NPCC dealt with counter corruption/integrity across the police service through the National Policing Counter-Corruption Advisory Group. Every police force had a counter-corruption unit.

³⁶ Council of Europe 19th Conference of European Ministers of Justice Report on Types of corruption and ways of tackling it, published 1994, available at <https://www.nipolicingboard.org.uk/files/nipolicingboard/publications/code-of-ethics.pdf>

³⁷ The Group of States against Corruption (GRECO), established in 1999 by the Council of Europe to monitor States' compliance with the organisation's anti-corruption standards.

³⁸ GREVIO is the body of independent experts responsible for monitoring the implementation by the parties of the Council of Europe Convention on preventing and combating violence against women and domestic violence.

³⁹ GRETA is responsible for monitoring the implementation of the [Council of Europe Convention on Action against Trafficking in Human Beings by the Parties](#).

- 2.4 In 2017, the NPCC developed the National Strategy to address the issue of Police Officers and staff who abused their position for a sexual purpose, in which they defined abuse of position for a sexual purpose, as set out in paragraph 1.3. This Strategy included some of the types of behaviour that amounted to APSP:

This includes: committing a sexual act, initiating sexual contact with, or responding to any perceived sexually motivated behaviour from another person; entering into any communication that could be perceived as sexually motivated or lewd; or for any other sexual purpose.

- 2.5 This strategy provided a framework for the police service in England, Wales and Northern Ireland to respond effectively to this issue which had the potential to undermine public confidence so significantly. The key principles were:

- prevention;
- intelligence;
- enforcement; and
- engagement.

Each police service would work together with partners to prevent abuses of position for a sexual purpose, gather intelligence to ensure cases were identified as early as possible, develop the policing response to such incidents and engage others to raise awareness and to build public confidence that the police took the issue very seriously.

- 2.6 In 2021, the NPCC⁴⁰ published their updated *Strategy on Abuse of Position of Trust for a Sexual Purpose* with the focus on 'ensuring consistency and building momentum'. The 2021 Strategy retained the four key principles adopted in the previous 2017 Strategy and affirmed that 'Local leadership is essential to the effective delivery of the strategy and all Chief Officer leads within forces must continue to drive activity across the 4 strands above in order to maintain momentum.'

- 2.7 The College of Policing set standards for key areas of policing to help forces and individuals provide consistency and better service for the public. They set requirements, accredit, quality assure and deliver learning and professional development and create and maintain access to knowledge, disseminate good practice and facilitate the sharing of what works. In Northern Ireland, the PSNI Police College is responsible for the delivery of the organisation's training and development.

40 NPCC, *NPCC Strategy 2021: Abuse of Position of Trust for a Sexual Purpose*, available at <https://www.npcc.police.uk/SysSiteAssets/media/downloads/publications/disclosure-logs/workforce-coordination-committee/2023/161-2023-abuse-of-position-strategy.pdf>

NORTHERN IRELAND POLICY

- 2.8 The PSNI issued *Service Instruction 3217*⁴¹ in October 2017, '*Maintaining a Professional Boundary Between Police and Members of the Public*'. This Instruction was last updated in March 2018 and was to be read in conjunction with the PSNI *Code of Ethics*, last updated in 2008.⁴²
- 2.9 There was a difference in the national position as set out by the NPCC regarding referral of APSP cases to the IOPC than that contained in the PSNI Service Instruction. Under the Enforcement principle in the 2021 Strategy, the NPCC stated: '*Abuse of position for sexual purpose is serious corruption. As such it will be recorded and referred to the IOPC so that a decision can be made regarding investigation.*' In contrast the PSNI Service Instruction stated: '*Where potential breaches of this Service Instruction come to light, they are likely to require referral to the Police Ombudsman's Office for investigation*'.
- 2.10 When Police Officers or staff abused their position for a sexual purpose, such behaviour represented a fundamental betrayal of the public who expected scrutiny and accountability which required independent oversight. Effectiveness required clarity and the current wording, in practice, had the potential for difficulty in understanding the requirements for APSP case referral by the PSNI to the Police Ombudsman. This is discussed further in Chapter 3. To remove any ambiguity and to align with national and international standards PSNI *Service Instruction 3217* should be reviewed. This is addressed in Strategic recommendation 4.
- 2.11 The Office did not have a definition of AOP and cases referred to the Police Ombudsman for investigation were not specifically identified as AOP cases. The PSNI and PPS also did not have a definition and were referring cases to the Police Ombudsman under a range of offence headings. This made it difficult for Inspectors and organisations to extract data on AOP cases.
- 2.12 For this Inspection, the Police Ombudsman provided data on APSP and malpractice cases as these types of cases most closely aligned with the understanding of AOP, acknowledging that other AOP cases may have been referred and weren't included in this data. The absence of specific AOP data being captured prevented Office analysis to determine its effectiveness in identifying and making recommendations to address this behaviour by serving PSNI Officers. It also prevented identification of behaviour patterns within policing Districts and across Northern Ireland to help inform learning and development.

41 PSNI, *Service Instruction 3217 Maintaining a Professional Boundary Between Police and Members of the Public*, internal document provided to Inspectors during fieldwork.

42 PSNI-NIPB, *PSNI Code of Ethics 2008, February 2008* available at <https://www.nipolicingboard.org.uk/files/nipolicingboard/publications/code-of-ethics.pdf>

- 2.13 An overarching Strategy to address AOP by PSNI Officers and designated staff was required. This Strategy should link relevant cases to the AOP category, enable monitoring and targeted training developed to effectively address AOP. The effectiveness of Police Ombudsman recommendations related to AOP and their implementation by the PSNI should also be assessed. The Police Ombudsman was already producing thematic reports on specific areas for internal purposes which were of a high standard. Inspectors found that there was potential for the Police Ombudsman to build on these and some Office staff agreed. Consideration should be given to producing thematic reports, similar to the lessons learned reports produced by the IOPC⁴³, to inform the wider public of their effectiveness in addressing AOP. Report findings requiring improvement or recommendations should be monitored to improve outcomes.

STRATEGIC RECOMMENDATION 1

Within six months of publication of this report, the Office of the Police Ombudsman for Northern Ireland should:

- develop a definition of abuse of position; and
- develop an Abuse of Position Strategy that includes an Action Plan which incorporates a methodology for monitoring outcomes and timeframe for delivery of the Strategy.

- 2.14 The Office had organisational Values and a Service Charter. The Values were:

- independence;
- fairness;
- integrity; and
- respect for others and their human rights.

- 2.15 The Service Charter made a number of statements about the service standards the Office sought to provide:

BEING FAIR AND RESPECTING OTHERS

We will treat people with fairness and respect for their rights.

BEING ACCOUNTABLE AND ACTING WITH INTEGRITY

We will do what we say.

MEASURING SUCCESS

We will measure how well we do by asking people who use the service.

BEING INDEPENDENT AND IMPARTIAL

We will investigate complaints and referrals free from any influence other than the evidence we have obtained.

43 IOPC, *Learning the lessons*, Issue 40, November 2022, available at <https://www.policeconduct.gov.uk/learning-lessons-40-abuse-position-sexual-purpose-apsp>

2.16 The Police Ombudsman had developed a Strategic Plan for 2020-21 to 2023-24 setting out four objectives for the Office. They were:

- **Objective 1** – to provide a high-quality complaints and investigation service which is accessible and fair to all parties reflecting human rights standards in order to hold the police to account;
- **Objective 2** – to further increase transparency in decision making in relation to police complaints, referrals and investigations and their outcomes;
- **Objective 3** – to work with criminal justice stakeholders to ensure our recommendations and research reports positively impact on policing policy, standards and practices; and
- **Objective 4** – to be ethical and accountable in our service delivery and use of public funds.

These objectives were to be reviewed by the Senior Management Team, now the Executive Leadership Team (ELT)⁴⁴, to ensure that they remained relevant in light of changes in the operational and financial environments.

2.17 The 2023-24 Business Plan had targets to achieve each Strategic Objective. Overall Office performance against all Business Plan objectives was assessed using the balanced scorecard.⁴⁵

TRANSFORMATIONAL CHANGE

2.18 On 17 May 2022, the UK Government published the Troubles (Information and Reconciliation) Bill which proposed the cessation of all criminal investigations relating to 'Troubles-related' matters. This was a significant change to the Police Ombudsman's investigatory remit. A new legacy body, the Independent Commission for Reconciliation and Information Recovery (ICRIR) was proposed with investigatory and information gathering powers.

2.19 On 18 September 2023, the Northern Ireland Troubles (Legacy and Reconciliation) Act (Legacy Act) received Royal Assent.⁴⁶ On 1 May 2024, the Police Ombudsman's role as an investigator of 'Troubles-related' legacy cases ceased and the ICRIR became operational on the same date. The Office is statutorily required to provide the ICRIR with information it may hold to assist its work. Transitional arrangements allowed for the completion of investigation reports and related administrative tasks in cases where investigations had concluded.⁴⁷

44 The ELT included the Police Ombudsman, the Chief Executive, the Senior Director of Investigations and the Directors of Current Investigations, HR and Corporate Services and Impact and Support.

45 A balanced scorecard is a management system that organisations use to measure and improve their performance in various aspects of the business. It helps companies to align activities with their vision and strategy, communicate their goals and priorities and monitor their progress and outcomes.

46 UK Government, *The Northern Ireland Troubles (Legacy and Reconciliation) Act 2023*, September 2023, available at <https://www.legislation.gov.uk/ukpga/2023/41/contents/enacted>.

47 UK Government, *The Northern Ireland Troubles (Legacy and Reconciliation) Act 2023 (Commencement No. 2 and Transitional Provisions) Regulations 2024*.

In addition, the role of the Police Ombudsman was extended to deal with complaints concerning designated ICRIR officers exercising the powers and privileges of a Constable in Northern Ireland. The Office also retained investigatory powers for non 'Troubles-related' legacy cases.⁴⁸

- 2.20 There were also other factors driving transformational change in the Office. The number of public complaints, particularly the lower-level complaints, had been rising. During the two-year period, between 2020-21 and 2022-23 complaints had risen by 26% and allegations⁴⁹ by 38%. Referrals from the Chief Constable had also risen, as had the Police Ombudsman's own motion investigations. By way of example, APSP cases had risen from three complaints/referrals received in 2019 to 26 cases in 2023. During this inspection the Office recognised that APSP cases were not specifically identified in their Case Handling System and carried out a review. The Office can now identify and report on APSP cases. Investigations were also becoming increasingly complex, with an increase in the number of allegations contained within complaints and the vulnerabilities of complainants. Added to this was the increase in the use of digital evidence and access to this evidence being impacted by dated Information Technology (IT) systems that were soon going to be unsupported and a case handling system that was no longer fit for purpose (discussed further in Chapter 3). There were also financial pressures as a result of reduced budgets.
- 2.21 The ELT replaced the Senior Management Team to provide 'strategic leadership, direction and decision-making for the Office of the Police Ombudsman for Northern Ireland'. A Senior Leadership Team of Senior Investigating Officers and Function Heads was also established. The Police Ombudsman and the ELT decided to restructure the Office to assist its transition to a police oversight body focussed on complaints and current policing matters. Their vision was *'To be a world class police complaints body with modern ombudsman legislation and a centre of best practice in investigations'*.
- 2.22 The new Current Directorate had two departments: Investigations Department and Impact, Operational Support and Standards and Compliance Department (Impact Department). The Impact Department had responsibility for:
- supporting the Investigations and Legacy Departments;
 - assessing the effectiveness of investigations through quality assurance;
 - producing thematic reports to identify learning;
 - developing policy; and
 - monitoring PSNI responses to strategic and policy recommendations.

48 The High Court of Justice in Northern Ireland in a Judicial Review taken by Dillon and Others (*Dillon* [2024] NIKB 11) found that the Legacy Act was in breach of human rights law and the Windsor Framework (post-Brexit legal agreement). In a statement in October 2024, the Northern Ireland Office said it fully intends repealing and replacing the act. They also confirmed that the government had lodged an application with the Court of Appeal seeking leave to appeal the Dillion Judgment.

49 Allegations were there number of issues raised within a complaint.

Both Departments would be supported by the Confidential and Disclosure Units. As a number of outstanding investigations did not fall under the definition of a 'Troubles-related' matter in the Legacy Act, a small Legacy Investigation Team was established to investigate these cases. Appendix 3 sets out the new operational structure for Current Investigations and the Legacy Department.

- 2.23 A Project Manager was appointed to manage the Transformational Change Programme. The Director of Investigations was recruited towards the end of 2023 and the Acting Director of Impact in early 2024 to lead the change in their respective Divisions. Transformation Change required resource and the Office was bound by agreed procedures regarding requests for resources, applicable to its status as a NDPB.
- 2.24 There were four key organisational roles and structures detailed in the Corporate Governance Arrangements document, which was last reviewed and endorsed in May 2021; the Police Ombudsman, the Chief Executive as Accounting Officer, the Senior Management Team (now the ELT), and the Audit and Risk Committee. The current governance documentation did not reflect the new organisational roles. **As an Area for Improvement the Office should update their governance documents to reflect the current organisational structure.**

GOVERNANCE AND ACCOUNTABILITY

- 2.25 Day-to-day operational matters were the responsibility of the Chief Executive/Accounting Officer and the ELT. The Accounting Officer responsibility was delegated from the DoJ Permanent Secretary. As the designated Accounting Officer, the Chief Executive was accountable to the Police Ombudsman for the effective and efficient control and resourcing of the Office. They were ultimately responsible for Office information security and were required to provide assurances that information risks were being controlled and managed and that the Office continued to be a trusted custodian of personal and business sensitive information.
- 2.26 The impact and instability at senior leadership level remained a concern at the time of fieldwork for this inspection. In their 2023-24 Annual Report, the Audit and Risk Committee stated their '*capacity to operate effectively has been constrained by vacancies in key posts within the organisation during the year, and particularly the post of Chief Executive and Accounting Officer for the Office.*'⁵⁰ They also cited the Office's limited engagement with the DoJ on options to address these issues on an interim basis as a contributing factor. They advised that '*The re-establishment of effective corporate governance arrangements within the organisation will be a key priority for the Audit and Risk Committee during 2024-25.*'

50 The former Chief Executive was absent from March 2023 and resigned in November 2023. From March 2023 to July 2023 the former Director of Corporate Services acted as Interim Accounting Officer. From July 2023, the Police Ombudsman was appointed to act as Interim Accounting Officer. The current Chief Executive took up post in July 2024.

- 2.27 By July 2024 all senior posts had been filled (albeit the Director of Impact, had been temporarily promoted) and work to establish the Impact Department had commenced, which had been contributing to improved internal governance.
- 2.28 The Police Ombudsman operated under a Management Statement and Financial Memorandum with the DoJ Permanent Secretary. This document was supplemented by a MoU, and they were agreed in October 2012.⁵¹ The Police Ombudsman and the DoJ were developing a Partnership Agreement however, the DoJ had been unable to progress this due to resourcing issues and competing priorities.
- 2.29 The Management Statement and Financial Memorandum and the MoU provided an operating protocol that recognised the operational independence of the Ombudsman and also satisfied the rules of accountability and oversight for the effective and efficient use of public resources. However, there was evidence of a disconnect in the working relationship between the two organisations. In addition to the limited engagement with the DoJ in relation to remedying issues as outlined above, there were other instances of incongruence. For example, according to the governance arrangements, the Police Ombudsman shall *'ensure that the DoJ is kept informed of any changes which are likely to impact on the strategic direction of the Office or on the attainability of its targets'*. During 2023-24, the Office received two limited assurance internal audit reports from the Northern Ireland Civil Service Internal Audit Service. The DoJ considered that the Office had failed in their obligation to notify the DoJ of these findings. The Office believed that they had satisfied the requirements through the presentation of the findings at sponsorship meetings with the DoJ (the Internal Audit reports are discussed in Chapter 3). Also, the DoJ had not been provided with the 2023-24 draft Business Plan by October 2024, even though the Police Ombudsman had been working to the draft Business Plan targets.
- 2.30 While respecting the Police Ombudsman's independence, the Police Ombudsman and the DoJ needed to work better together to achieve their required outcomes. There was general consensus that a Partnership Agreement⁵² could bring clarity in roles and facilitate improved governance. Both organisations needed to work together through examples where there had been a divergence of understanding of responsibilities so that this could be clarified and incorporated into the new Partnership Agreement, the agreement of this should be prioritised. Good working relationships at all levels are also a vital part of effective sponsorship and partnership in both organisations. This was essential to the effective and independent functioning of the Office including its response to AOP cases.

51 DoJ and the Office of the Police Ombudsman for Northern Ireland, *Management Statement and Financial Memorandum and Memorandum of Understanding*, 2012, available at <https://www.policeombudsman.org/what-we-do/corporate-governance/management-statement-and-financial-memorandum>

52 A Partnership Agreement is a contract between partners which sets out the terms and conditions of the relationship between the partners.

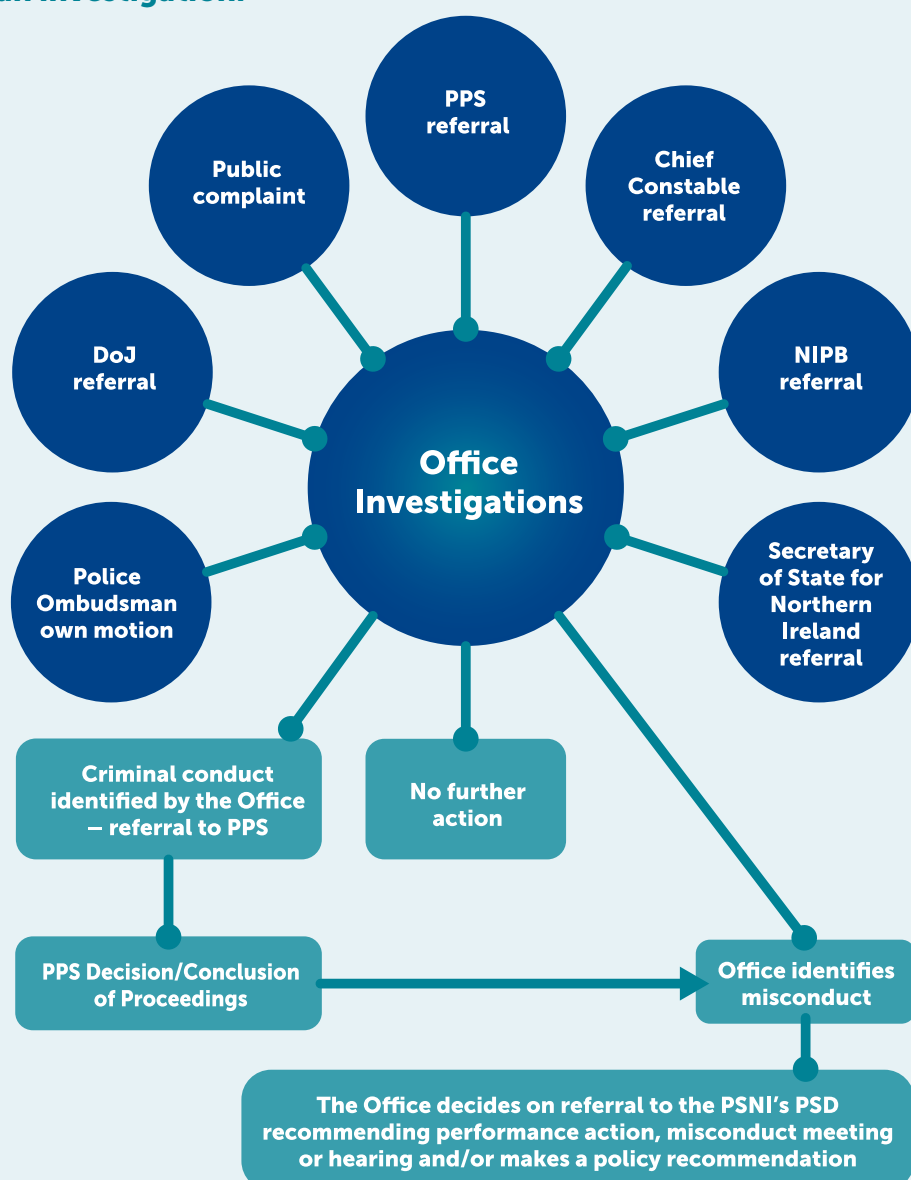
STRATEGIC RECOMMENDATION 2

Within three months of publication of this report, the Office of the Police Ombudsman for Northern Ireland and the Department of Justice should work together to improve their relationship and finalise a Partnership Agreement.

REFERRALS TO THE POLICE OMBUDSMAN

- 2.31 The Police Ombudsman could commence an investigation on foot of a complaint by a member of the public, a referral from the Secretary of State for Northern Ireland or specific criminal justice bodies or, through commencement of an own motion investigation by the Police Ombudsman. Diagram 1 shows the specific means of referral to the Police Ombudsman.

Diagram 1: Referrals to the Police Ombudsman and actions following Police Ombudsman investigation.



Referrals from the PSNI

- 2.32 The Chief Constable was required under Section 55(2) of the Police (Northern Ireland) Act 1998 to refer to the Police Ombudsman for investigation, any matter which appeared to indicate that the conduct of the police may have resulted in the death of a person. The Chief Constable may also refer matters that he considered to be in the public interest for the Police Ombudsman to investigate and where it appeared that a member of the PSNI may have committed a criminal offence or behaved in a manner which would justify disciplinary proceedings.⁵³
- 2.33 On receipt of a complaint the Police Ombudsman considered whether the complaint was suitable for informal resolution and for that purpose made such investigations as she thought fit. This was only appropriate if the complaint was not serious, and the complainant gave their consent. If, after investigation, the Police Ombudsman found misconduct, she referred the matter to the PSNI's PSD recommending performance action, a misconduct meeting or a misconduct hearing (see Diagram 1).
- 2.34 Matters outside the remit of the Office were sent to the PSD for consideration. Outside remit complaints were dealt with according to the Chief Constable's discretion and included the following:
- complaints over 12 months old, with the exception of matters described as grave or exceptional;
 - complaints to do with the delivery of policing services in a police area rather than allegations of misconduct by an Officer;
 - complaints against off duty members of the PSNI;
 - complaints against members of police staff;
 - complaints made by a serving Police Officer/designated staff member against another serving officer/designated staff member; and
 - anonymous complaints.
- 2.35 Outside remit complaints were considered by the Appropriate Authority⁵⁴ within PSD who assessed whether the matter constituted gross misconduct, and preliminary enquiries could be conducted for this purpose. If, following enquiries it appeared there was evidence of gross misconduct, the matter was returned to the Police Ombudsman for investigation. Where there was no evidence of gross misconduct, the matter was forwarded to the local Appropriate Authority⁵⁵ for any action they deemed appropriate.

53 Section 55(4a) of the Police (Northern Ireland) Act 1998, available at <https://www.legislation.gov.uk/ukpga/1998/32/contents>

54 Superintendent or Chief Inspector, PSD

55 Local District/Branch Superintendent

Referrals from the PPS

- 2.36 Under Section 55(4) of the Police (Northern Ireland) Act 1998, the DPP had an obligation to refer to the Ombudsman any matter which;
- (a) appeared to the DPP to indicate that a Police Officer;
 - (i) may have committed a criminal offence; or
 - (ii) may, in the course of a criminal investigation, have behaved in a manner which would justify disciplinary proceedings; and
 - (b) was not the subject of a complaint, unless it appeared to the DPP that the Ombudsman was already aware of the matter.
- 2.37 Paragraph 3.7 of the PPS *Code for Prosecutors*⁵⁶ set out the power of referral. The PPS made three referrals between 2019-20 and 2022-23, none of these related to APSP or malpractice. Not all Prosecutors Inspectors spoke with were aware of the DPP's power of referral. Inspectors were advised however, by some Prosecutors, that if they had concerns about police misconduct, they brought it to the attention of their Assistant Director. We heard of one example where a Prosecutor had concerns around contradictory evidence given by a Police Officer in Court and this was escalated to the Assistant Director who raised their concerns directly with PSD. The PPS had issued Law and Practice Guidance to its staff in 2005 but there had been no further guidance in the intervening years. Up-to-date guidance around PPS referrals to the Police Ombudsman would be beneficial, as would guidance on APSP and awareness sessions, to assist Prosecutors in recognising this type of behaviour.

OPERATIONAL RECOMMENDATION 1

Within three months of publication of this report, the Public Prosecution Service for Northern Ireland should:

- **issue up-to-date guidance to Prosecutors regarding the Director of Public Prosecution's power of referral to the Office of the Police Ombudsman of Northern Ireland; and**
- **develop guidance for Prosecutors in respect of abuse of position for sexual purposes.**

- 2.38 If the Police Ombudsman identified criminal conduct by a Police Officer they referred the matter to the PPS (see Diagram 1). The Police Ombudsman entered into a framework for co-operation and information sharing with the PPS under a MoU on 31 March 2022.

⁵⁶ PPS, *Code for Prosecutors*, May 2023, available at https://www.ppsni.gov.uk/files/ppsni/2023-05/Code%20for%20Prosecutors%20-%20May%202023_0.pdf

- 2.39 Where the Police Ombudsman submitted a report to the PPS for consideration in respect of criminal proceedings, disciplinary proceedings could only be considered by the Police Ombudsman once the PPS had decided either not to initiate proceedings or, if brought, any such criminal proceedings had concluded. Once the PPS consideration or criminal proceedings had been concluded the Ombudsman could submit a memorandum containing her recommendation and reasoning. Section 59 of the Act was clear that no disciplinary proceedings could be brought by the appropriate disciplinary authority before it received the memorandum of the Police Ombudsman.
- 2.40 Regulation 20(3) of The Police (Conduct) Regulations (Northern Ireland) 2016⁵⁷, (known as the 2016 Regulations) allowed the investigator to submit an early written report if special conditions were met, whether their investigation had concluded or not. The special conditions were defined in Regulation 3(3) of the 2016 Regulations and included having sufficient evidence that constituted gross misconduct and that it was in the public interest, they cease to be an Officer without delay. If these conditions were met, a special case hearing (fast track) could be held in accordance with Regulation 42 of the 2016 Regulations. These provisions required the Appropriate Authority to consider if any such action would prejudice the ongoing criminal proceedings. However, Section 59 of the Police (Northern Ireland) Act 1998, as primary legislation, took precedence over the Regulations and therefore prevented disciplinary proceedings going ahead until after receipt of the Police Ombudsman's memorandum, which could not be submitted until conclusion of criminal proceedings.
- 2.41 An amendment to Section 59(3) of the Police (Northern Ireland) Act 1998 was required to facilitate the application of Regulation 20(3) in cases where the special conditions had been met. Inspectors were advised by the DoJ that work was ongoing regarding this proposed legislative change. Inspectors recognised that there was a backlog of legislative amendments waiting to be passed through the Northern Ireland Assembly as a result of the Assembly's two-year suspension, but it was important that this legislative amendment was progressed as soon as possible.

OPERATIONAL RECOMMENDATION 2

The Department of Justice should, as soon as possible, progress a legislative amendment to Section 59(3) of the Police (Northern Ireland) Act 1998 to facilitate the application of Regulation 20(3) of The Police (Conduct) Regulations (Northern Ireland) 2016.

⁵⁷ UK Government, *The Police (Conduct) Regulations (Northern Ireland) 2016*, available at <https://www.legislation.gov.uk/nisr/2016/41/contents/made>

Referrals by the Secretary of State, NIPB and DoJ

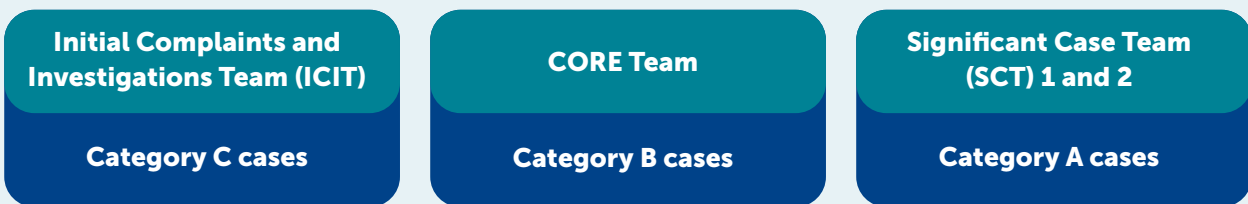
2.42 The Secretary of State, the NIPB and the DoJ could refer matters to the Police Ombudsman where it appeared that a member of the PSNI may have committed a criminal offence or behaved in a manner which would justify disciplinary proceedings, if, after consultation with the Police Ombudsman and the Chief Constable, it appeared that it was in the public interest for the Police Ombudsman to investigate. From 2019-20 to 2023-24 no such referrals were made to the Police Ombudsman.

CHAPTER 3: DELIVERY

THE JOURNEY OF A COMPLAINT TO THE POLICE OMBUDSMAN

- 3.1 New complaints were received by Complaints Officers. They recorded the complaints on the case handling system and assessed the information obtained from the public, police and other sources to determine whether the complaint fell within the remit of the Office. Complaints Officers made a decision to:
- seek further information;
 - refer for Informal Resolution;
 - refer for investigation;
 - close the complaint;
 - note withdrawal, if this had occurred; or
 - dispense the complaint.
- 3.2 If a complaint required formal investigation, it was assigned to the Deputy Senior Investigating Officers (DSIOs) within the relevant team for investigation. The teams are set out in Diagram 2.

Diagram 2: Current Investigations Department teams and the category of offences they investigate.



- 3.3 Cases were categorised based on the nature and complexity of the investigation. The Police Ombudsman categorised the investigations as Category A, B or C. Category A cases included allegations of serious police corruption or abuse of power. Category B cases included allegations of significant physical injury, theft or fraud and improper disclosure of information. Category C cases included use of excessive force, not accompanied by serious injury and minor breaches of police procedure.

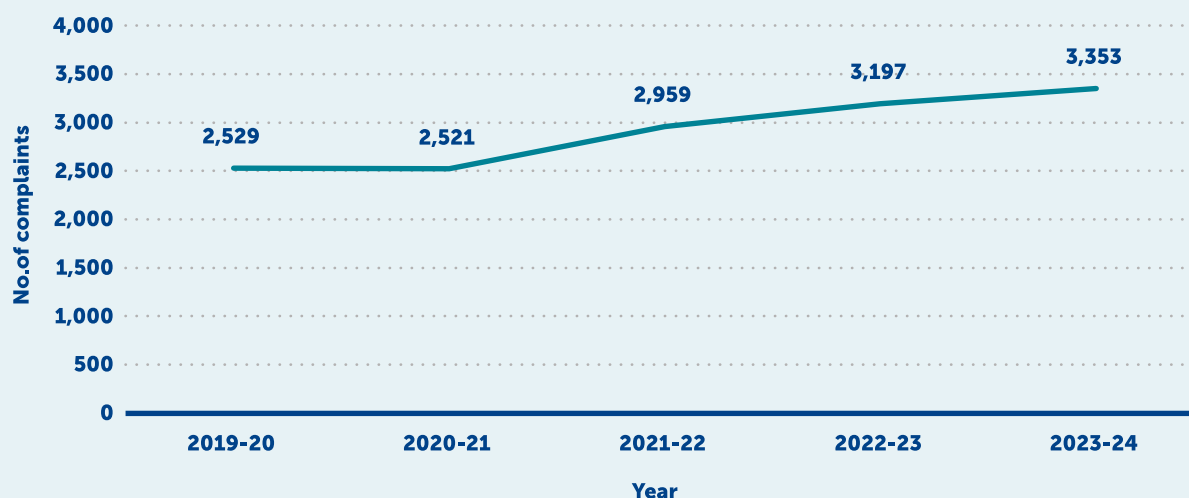
- 3.4 The Initial Complaints and Investigations Team (ICIT), dealt primarily with Category C cases, the CORE team with Category B and Significant Case Teams 1 and 2 with Category A cases. SCT2 were the professional leads on APSP cases but if a capacity issue arose, the Office would allocate a complaint of this nature to SCT1 and/or in exceptional circumstances, employ external support, which to date had occurred on only one occasion.
- 3.5 There were instances where allocation of cases based on categorisation was not followed and flexibility was invoked. For example, where an investigator had a lead role in the on-call response to an incident and wanted to remain as the Investigating Officer (IO) in the investigation and had the capacity to do so; where a Category C case, due to its scale and complexity sat better with the CORE Team; or where an IO had built up an area of expertise, proficiency or knowledge and had the capacity to undertake the investigation. Inspectors also heard of Category C cases being allocated to teams other than the ICIT to help reduce the backlog of Category C cases.
- 3.6 The Case Triage Process guidance was last reviewed in June 2017. This guidance set out that a triage meeting would be held each Monday to Friday at 10am and would be attended by an ICIT manager and a manager from the CORE team. Should a case potentially fall within the remit of SCT, the SIO or DSIO from SCT would also attend. In practice, this was not happening. Inspectors were told that the Complaints Manager was solely responsible for reviewing cases triaged by Complaints Officers and in the event of disagreement around categorisations the Director of Investigations was consulted. Given the volume of complaints received, it was not possible for the Complaints Manager to review every case which potentially could have resulted in an incorrect categorisation of an AOP case not being picked up during the case triage process. **As an Area for Improvement the Office should review their guidance on the Case Triage Process and the current practice to ensure that each aligns and reflects the most effective case triage mechanism.**
- 3.7 When a case was allocated, it was either progressed by individual Investigators or as an 'action' based team investigation. On conclusion of the investigation the Police Ombudsman took the various courses of action set out in Diagram 1 and detailed in paragraph 2.33.

FACTORS IMPACTING SERVICE DELIVERY

Complaint numbers

- 3.8 From 2019-20 to 2023-24, the number of complaints made to the Police Ombudsman increased by 28%. Chart 1 shows the increase in complaints during this time period. The number of allegations also increased during the same time period by 39%.

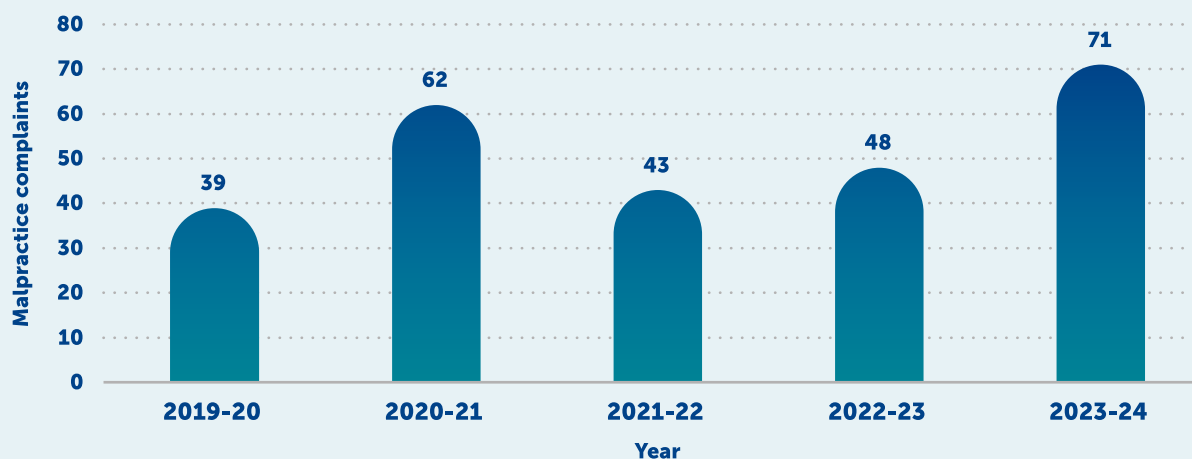
Chart 1: The number of complaints from 2019-20 to 2023-24



Source: The Office of the Police Ombudsman for Northern Ireland.

- 3.9 The number of malpractice complaints against police decreased in 2021-22 from the previous year but had increased each year since then (see Chart 2).

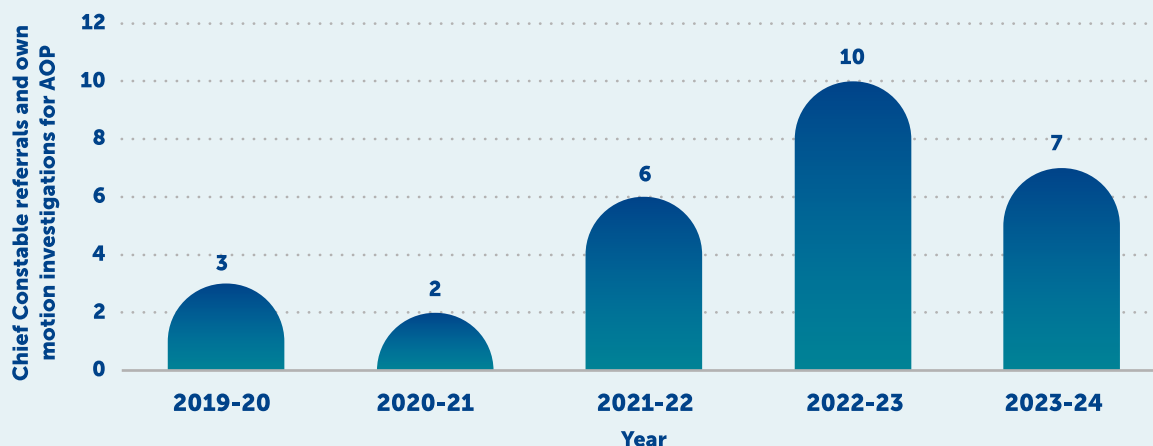
Chart 2: The number of malpractice complaints from 2019-20 to 2023-24



Source: The Office of the Police Ombudsman for Northern Ireland.

- 3.10 Chart 3 shows that the number of referrals under Section 55 from the Chief Constable and Police Ombudsman's Own Motion Investigations for AOP had increased from 2020-21 until 2022-23 but had decreased during 2023-24 and overall remained low.

Chart 3: Chief Constable Referrals and Own Motion Investigations for AOP from 2019-20 to 2023-24



Source: The Office of the Police Ombudsman for Northern Ireland.

Resourcing

- 3.11 As the volume of work increased, staff vacancies had occurred and the Office was restructuring. Some staff left to work for the ICRIIR on higher salaries. In September 2024 substantive staff vacancies were approximately 16% and approximately eight percent of staff were on sick absence. To fill vacancies, approximately 13% of staff had been temporarily promoted.
- 3.12 Agency staff were employed to backfill vacancies created through temporary promotions. Inspectors heard that team staff compliment, which had been determined some years previously, were not always met and some teams were continually working with a staffing deficit. SCT2, that was the lead on APSP cases, had been working with 50% of their staffing compliment for Investigating Officers from October 2023 until May 2024 due to staff sickness and members of the team being extracted for a specific investigation requiring their skills. This improved to 75% in May 2024. For 10 months from October 2023 until July 2024, SCT2 had also operated with 50% of their DSIOs. This was due to staff sickness and members of the team being extracted for a specific investigation requiring their skills. The Office needed to consider the impact on the teams dealing with AOP cases when making resourcing decisions for special investigations (see Strategic recommendation 3).
- 3.13 The ICIT workload for both Complaints Officers and IOs had become unmanageable for them and their managers to the extent that team management capped their caseloads, with a new case being allocated when one was completed. Risk was assessed on case receipt but up to a two-week backlog with non-time sensitive cases was created in both triage and within ICIT. Complaints Officers were advising complainants about the backlog.

Senior management also allocated some ICIT Category C cases to the other teams to help reduce the backlog. Other teams who had been primarily dealing with Category A and B cases indicated that some of category C cases were complex and time consuming.

- 3.14 IO recruitment had commenced to fill team vacancies and interviews for shortlisting commenced mid-September 2024. This was a positive step to address staffing pressures, but strategic planning was necessary to determine workforce requirements and develop contingency plans for strategic resourcing issues. The Office needed to analyse complaint volumes and case complexity to determine if they were impacting potential backlogs and use this to strategically inform staff compliment and future forecasts (see Strategic recommendation 3).

Learning and Development

- 3.15 Training was identified by both staff and executive leaders as an area requiring focus and improvement. Investors in People carried out a *"We Invest in People"* survey between 21 January and 22 February 2022 and decided, due to the gaps in requirements, it was not possible to reconfirm accreditation at that time. The current Learning and Development Team consisted of one full time and one part time member of staff. Although a new training plan was being finalised towards the end of fieldwork for this inspection, the Learning and Development Strategy had not been updated since 2021.
- 3.16 An issue had arisen around IO accreditation. Consequently, a large portion of the learning and development budget for the last few years had been allocated to the Professionalising Investigations Programme (PIP) Level 1 training for IOs, working towards regaining accreditation. A total of 34 IOs had been enrolled in this programme to date and in 2023-24, 56% of the training budget was allocated for nine staff to undertake Level 1 of the PIP programme. The newly recruited IOs were also to receive Level 1 training. Next steps would be for Level 1 accredited IOs to proceed to Level 2 but there was a significant amount of work required to get to this point.
- 3.17 There was no formal staff induction training, or for staff temporarily promoted into roles. They learned on the job with the assistance of staff who were also dealing with their own workload. Of particular issue was the lack of training provided on the Case Handling System, that was used to record all work and staff advised this made it difficult for them to do their job. Inspectors were told about the need for refresher training to enable staff to perform their jobs effectively.
- 3.18 A training plan had been developed for 2024-25 with the anticipated budget and was approved by the ELT in August 2024. The plan was ambitious but areas of training and refresher training that had been identified by staff as essential for their investigative role such as Achieving Best Evidence interviewing, suspect interviewing and training for Family Liaison Officers to support victims were included and prioritised.

AOP training such as APSP awareness and behaviour traits of predators was also prioritised. Inspectors welcomed this training plan and a Learning and Development Strategy that identified desired outcomes for the Office and staff would assist in the development and delivery of focused training plans going forward.

- 3.19 An effective performance management process was also required to identify training needs. The Office was audited on their completion of mid and end-year performance reviews, but we heard of some staff not having personal development plans because it was felt to be pointless given the available training budget. To ensure training that supported and enabled staff to deliver a high-quality service, managers needed to work with staff to identify their training needs and inform the Learning and Development Team.

STRATEGIC RECOMMENDATION 3

Within six months of publication of this report, the Office of the Police Ombudsman for Northern Ireland should:

- **develop a Workforce Strategy to include an Action Plan and timeframe for delivery of the Strategy; and**
- **develop a Learning and Development Strategy to include an Action Plan and timeframe for delivery of the Strategy.**

Communication

- 3.20 A Staff Engagement Survey in 2022 identified a number of areas for improvement, particularly leadership, communication and engagement and learning and development. With one of the lowest scores, only 14% of survey respondents agreed senior managers would take action on Survey results. Further, only 7% agreed that effective action had been taken on the results of the previous survey in 2015.
- 3.21 An Action Plan was developed in response to the 2022 Survey results to address the key findings and to demonstrate the (now) ELT's commitment to action. There was also a commitment to undertake a Staff Engagement Survey every two years, using the 2022 Survey as a baseline to assess change and improvement.
- 3.22 Staff wanted greater openness and transparency in decision-making, meaningful and early engagement on new policies and decisions impacting staff and the operational targets set for them. Methods of communication were felt to be limited and limiting; the need to improve communication in teams and between teams was also identified. Staff also felt that at a corporate level, only high-profile successes were recognised and celebrated.

- 3.23 The Office had prioritised these issues since early 2023. A June 2023 staff engagement session provided an opportunity for staff feedback on proposed actions and priorities in the draft Action Plan which was agreed in June 2023. An Internal Communications Strategy had been drafted for ELT approval in September 2024. Connection Days had commenced bringing all staff together in one place for a dedicated period of time, usually a half-day session. They were planned to take place three times each year to ensure consistency in employee engagement. Staff received the agenda in advance to consider the content and to raise queries in advance. Staff were asked to feedback their views on the session through a digital survey after the event and the results were communicated promptly to all staff.
- 3.24 Team briefing was also established, focusing on key corporate and strategic issues relevant to staff. A written brief was produced after each ELT meeting and line managers would verbally deliver it to their teams to allow staff to raise questions which could be fed back to senior managers for response and/or action. The Communication Team was monitoring the participation rate of staff at Connection Days and all-employee consultations with target participation and response rates as well as other measures to assess the effectiveness of the Communications Strategy. Some staff advised Inspectors that there had been improvements with communication over the last year or so but there was still work to be done.
- 3.25 To address concerns raised by staff about leadership, the Office had developed a Leadership Pathway and Framework. A plan had been designed for implementation of Levels 1 and 2, covering the fundamentals and practical application of leadership for all line managers and more senior roles in 2024-25. In the interim the Office organised two leadership workshops with guest speakers from Ulster University and Price Waterhouse Coopers.

SERVICE DELIVERY AT EACH STAGE OF THE COMPLAINTS PROCESS

Complaints

- 3.26 In 2023-24 the Police Ombudsman received 3,353 complaints and during this same period closed⁵⁸ 3,354. Of those complaints received, the Police Ombudsman also exercised own motion powers to commence 11 investigations one of which related to APSP. No statutory referrals were received from the PPS, the NIPB, the DoJ or Secretary of State for Northern Ireland during this year. The Police Ombudsman recorded 10 referrals from the Chief Constable, three of which related to allegations of APSP. However, PSD advised that there were no APSP cases referred to the Police Ombudsman during 2023-24. PSD advised Inspectors that the current computer system used by them did not have the ability to readily capture data and this may have contributed to the three referred APSP cases not having been identified by PSD.

⁵⁸ The Police Ombudsman's Office closes complaints once it has reached a view on the matter involved, when the complainant and the Police Officer have reached a level of agreement on the contested matter or when the person who made the complaint no longer wishes to engage with the process.

PSD needed to liaise with the Office to identify the three cases and review their current recording processes and computer system to determine the cause of the discrepancy in the data so that the issue could be addressed.

- 3.27 In July 2024 SCT2, the professional leads for APSP cases and SCT1, had 19 active APSP related investigations. However, in the preceding two and a half years, SCT2 had identified seven alleged victims of APSP that were known to the PSNI but had not been referred to the Police Ombudsman. All of these victims now formed part of Police Ombudsman investigations through either Police Ombudsman own motion investigations or communication with the PSNI, which had resulted in a Chief Constable's referral to the Police Ombudsman. Reviewing these cases would enable PSD to identify if further training was required for Police Officers regarding APSP or, if lack of clarity around the referral of APSP cases to the Police Ombudsman as discussed in Chapter 2, had been contributing to this issue. Further, the relevant PSNI guidance had not been reviewed since 2018 and would have benefitted from updating to reflect current learning from investigations involving APSP. This would assist Police Officers in identifying potential APSP cases.

STRATEGIC RECOMMENDATION 4

Within three months of publication of this report, the Police Service of Northern Ireland should:

- review *Service Instruction 3217, Maintaining a Professional Boundary Between Police and Members of the Public*, and make the necessary amendments to align with the United Kingdom position that abuse of position for sexual purposes cases will be referred by it to the Office of the Police Ombudsman for Northern Ireland and to reflect the learning around abuse of position for sexual purposes since 2018;
- review the abuse of position for sexual purposes cases identified by the Office of the Police Ombudsman for Northern Ireland to establish if there is a training need for Police Officers regarding abuse of position for sexual purposes; and
- monitor the recording and referral of abuse of position for sexual purpose cases to the Office of the Police Ombudsman for Northern Ireland to identify if there are issues with the process. If issues are identified, it must take the necessary action to address them.

Case Categorisation

- 3.28 The level of internal quality assurance was positive. During 2023-24 the Office carried out a Case Categorisation Thematic Inspection to review compliance with the Case Categorisation guidance updated in March 2023. Out of the 331 cases reviewed, the Complaints Officer had incorrectly categorised cases on 23 occasions. This was picked up and amended by the DSIO or SIO in 17 cases.

- 3.29 Of the remaining six cases, the Complaints Officer made the correct category assessment in line with the guidance in four cases but the DSIO disagreed. Following review, two of the cases were returned to ICIT as Category C cases, one case was closed as Outside Remit as it related to a healthcare professional and the other, it could be argued, should have remained as a Category B case. In all cases where there was disagreement in relation to the category, evidence of the decision-making was clearly outlined in the progress log. The Office's thematic inspection found that there was some ambiguity in the interpretation of the guidance, with most discussion relating to the categorisation of complaints regarding failures to investigate hate crime and domestic violence. A total of 65 allegations identified in the internal thematic inspection did not appear in the definitions provided in the Case Categorisation guidance. The review also found that the rationale for the categorisation was not always clearly articulated. The Office's thematic inspection recommendation was that although the Case Categorisation guidance was not due for review until May 2026, an earlier review, taking into account these findings could improve case categorisation accuracy and consistency. To date this had not been done. **As an Area for Improvement the Office of the Police Ombudsman for Northern Ireland should review their Case Categorisation guidance and use the learning from the internal thematic inspection to inform the review.**
- 3.30 As outlined at the beginning of this chapter, the work of Complaint Officers involved much more than categorising cases. Since 2019, the Office had been conducting a quality assurance exercise in respect of the work of Complaints Officers, the last having been carried out in March 2023. Samples of each Complaint Officer's cases were examined to identify if there were issues with target or process compliance. In some instances, the level of non-compliance was high. This was attributed to a training gap for new Complaint Officers and supervision of individual Complaint Officer's work having been reduced to closure requests only, due to the increase in complaints and the fact that the sole supervisor, the Complaints Manager, also dealt with complaints against the Office. With the restructuring, it was intended that complaints against the Office would be dealt with by a different manager. A review of the supervision of the work of Complaint Officers also needed to take place to determine the appropriate resource. Training for Complaint Officers should be incorporated into the training needs analysis that is used to inform the training plan.
- 3.31 Despite the challenges, Complaint Officers exceeded their performance target in 2023-24, with 92% of initial complaints processes completed within 10 working days.

Investigations

3.32 The investigative process was set out in the Current Investigations Manual and supported by strategies and policies on specific areas. Investigators roles included:

- developing and implementing investigative strategies to include all reasonable lines of enquiry;
- gathering evidence, conducting investigative interviews, visiting incident scenes and making relevant records;
- making evidence-based recommendations for criminal and disciplinary action; and
- preparing reports for submission to internal and external stakeholders as required.

Investigators had access to an internal subject matter expert for the retrieval and examination of digital evidence and liaised with colleagues in the IOPC for advice about digital evidence retrieval and analysis in complex cases. In cases involving rape and sexual assault, the Office worked in partnership with The Rowan Regional Sexual Assault Referral Centre to assist with accessing support for victims and gathering evidence including forensic medical examinations and Achieving Best Evidence interviews.

3.33 Northern Ireland Civil Service (NICS) Internal Audit Services conducted an audit review of Oversight of Current Investigations and reported their findings in November 2023. Having found numerous discrepancies in practice against the Quality Assurance Strategy in place at that time, Internal Auditors recommended that the Office review the Quality Assurance Strategy to consider if it was fit for purpose and amend it to reflect changes in the case management process and supervision that had been introduced. A new Quality Assurance and Processes Strategy was approved by the ELT in March 2024 to address the issues raised in the Internal Audit Report, including recording the occurrence of all reviews and case meetings on the progress log and dip sampling files.

3.34 Inspectors were advised that dip sampling was being conducted by team managers and by the Director of Investigations who was dip sampling all three case categories. Following this type of exercise, the reviewer put an entry on the case file for the IO's information. If trends, areas for improvement or good practice were identified, they were shared at Directorate meetings and/or, if necessary, through Quality Improvement Committee. NICS Internal Audit Services were planning to review the implementation of their recommendations during the 2024-25 business year, which included the dip sampling of cases.

3.35 A limited assurance rating had also been given by NICS Internal Audit Services in their review of the Office's Property Handling Policy in May 2024. They considered that the Office's Property Handling Policy was adequate, but property audits conducted by Police Ombudsman staff had identified that it was not being

effectively adhered to, *'increasing the risks relating to the professional reputation of the Office as well as the integrity and presentation of evidence used for the purposes of investigation'*. To address the concerns and recommendations, the Office revised the existing Property Handling Policy and amended it to reflect how the Office would deal with errors and the escalation process to ELT if errors are deemed to be strategic. It was also amended to ensure *'the absence of the Property Manager/Deputy Property Manager for prolonged periods would prompt the Director of Impact to direct on measures to be adopted to mitigate against potential non-compliance with inspection schedules and the efficient management of property.'* The revised Property Handling Policy was approved in April 2024 and circulated to staff in May 2024 and the Office also entered into a revised MoU with the PSNI regarding the safe seizure, transportation and storage of firearms and ammunition handled by the Office as part of investigations.

- 3.36 Inspectors spoke with IOs in each team and reviewed four AOP files. On the files inspected, IOs were proactive in advancing investigations and updating the progress log on the cases files with work undertaken. For the most part, IOs explained delays where they arose but there was room for improvement as one file required a search of the case file to obtain an explanation. Supervisors regularly reviewed cases and gave guidance on case management, enquiry management and lines of enquiry on the progress log. The new Quality Assurance and Processes Strategy allowed for reviews to be recorded in various ways, at the discretion of the SIO/DSIO but as a minimum, with the exception of ELT bi-monthly meetings, the progress log required update to evidence review completion and the review report was to be attached to the file. This was not always done, requiring a search of other areas and documents on the case file to determine if a meeting had taken place and what the outcome was. **As an Area for Improvement the Office should remind staff of the Quality Assurance and Processes strategy and the importance of recording the occurrence of meetings and reviews on the progress log. They should also be reminded to update the progress log with explanations for delay.**

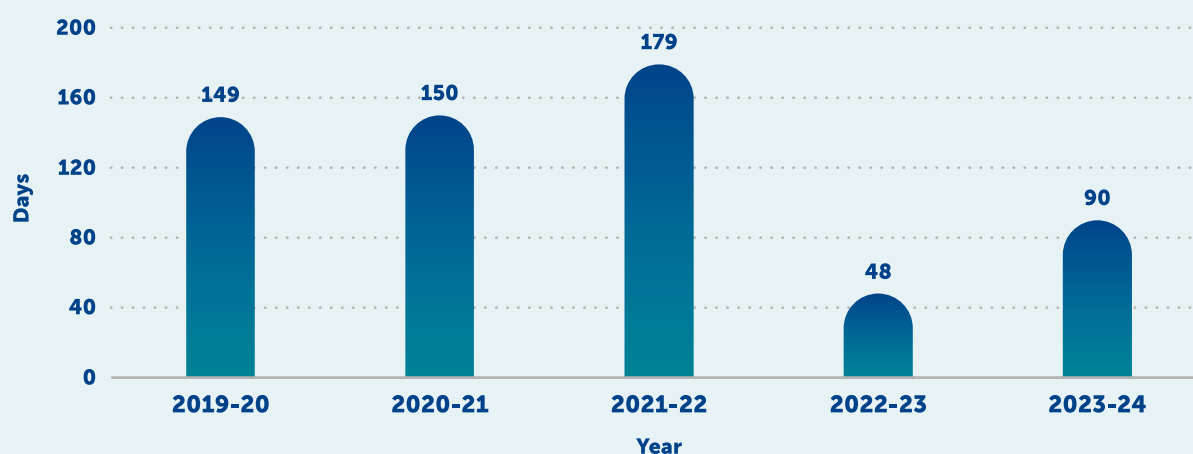
Timeliness of cases

- 3.37 Between April 2019 and March 2024 the average number days for the Office to investigate a malpractice complaint, including APSP, and submit it to the PPS with a recommendation for prosecution was 510 calendar days and with a recommendation for no prosecution, 397 days⁵⁹. The average number days for the Office to investigate a S.55 referral/complaint (see paragraph 2.32) including APSP, and submit it to the PPS with a recommendation for prosecution was 432 calendar days and with a recommendation for no prosecution, 357 days.
- 3.38 The average number of days between the PPS taking a 'no prosecution' decision and the Police Ombudsman sending a file with her recommendations to PSD for the last five years is shown in Chart 4. There had been a significant reduction in

59 Source: Office of the Police Ombudsman for Northern Ireland

the average number of days taken between 2021-22 and 2022-23 (131 days) but it had increased by 42 days between 2022-23 and 2023-24. The issues impacting service delivery have been set out earlier in this chapter, however it is important that, going forward, the Office monitor this area of performance and are proactive in addressing issues that may impact timeliness. A Workforce Strategy and more stable workforce will assist the Office in doing this.

Chart 4: Average number of days between PPS 'no prosecution' decision and Police Ombudsman recommendations to PSD 2019-20 to 2023-24



Source: The Office of the Police Ombudsman for Northern Ireland.

3.39 In December 2023 the Office produced a thematic report on aged cases; that is cases open for two years or more. As of 31 December 2023, there were 81 aged cases. All cases were monitored, including AOP cases although they were not disaggregated as such. Of those cases, 51 were with SCT1 and SCT2, 15 with CORE and ICIT had 11. Of the 81 cases, 30 required further internal actions before the case could be closed. Of those 30, 18 investigations were complete but required preparation or approval of closure documentation/public statements. A total of 11 investigations were ongoing, with some pending due to limited resources and others at misconduct investigation stage following a no prosecution decision by the PPS. One case was with the Police Ombudsman.

3.40 The Office had prioritised efforts to increase the timeliness of Category B investigations during 2023-24 and that target was exceeded with 67% of these cases completed within 110 working days. They also exceeded targets for the number of Category A cases completed. Table 1, paragraph 4.2 in Chapter 4 sets out the balanced scorecard performance against Key Aim 1. The targets for completion of Category C complaints and the management of the overall Category C caseload were not met and this was attributed to the increase in Category C cases being received, staff absences and the inability to recruit replacement staff due to budget constraints.

- 3.41 PPS Prosecutors advised that the quality of files they received from the Police Ombudsman's Office were of a high standard and rarely required Prosecutors to make a request for further evidence. When they did make a request, they told Inspectors that the IOs provided this evidence in a timely manner.

Determinations and Regulation 20 Reports

- 3.42 Regulation 20 of the Royal Ulster Constabulary (Complaints etc.) Regulations 2000 provided that at the conclusion of a matter investigated under Section 55 of the Police (Northern Ireland) Act 1998, the Police Ombudsman shall send a copy of the report on the investigation to the NIPB, the Chief Constable and the DoJ. A December 2023 thematic report on aged cases determined that of the 81 cases, 30 required further internal actions before the case could be closed. Of those 30, 18 investigations were complete but 15 could not be closed as the Regulation 20 report was outstanding. This was, to a large extent, due to IOs having to prioritise investigatory work and capacity at ELT level to approve the reports.
- 3.43 The delay in writing and publishing Regulation 20 reports did not impact the progress of misconduct or performance management proceedings being conducted by the PSNI. However, one of the main functions of the Police Ombudsman was to secure the confidence of both the public and police by providing an effective, efficient and accountable police complaints system. Public reporting on investigations completed by the Office and making decisions on those investigations was integral to achieving this objective. It was the intention that, when resourced, the Impact Department would assume responsibility for writing the Regulation 20 reports to allow IOs to focus on investigatory work. Communications Team resources should also form part of the Workforce Strategy to progress the publication of reports.

VICTIMS AND THE INVESTIGATION PROCESS

- 3.44 The Northern Ireland Charter for Victims of Crime (the Charter) stated, '*if you believe that a crime has been committed by a Police Officer you should report it to the Police Ombudsman who will investigate and may make recommendations to the Director of Public Prosecutions for criminal prosecution.*'⁶⁰ The Charter set out entitlements that victims of crime could expect including those related to information, support services and assessment of needs. However, the Office was not named as a 'service provider' within the Victims' Charter. It was important for the criminal justice system to assess how victims who reported crimes to the Office were supported to access their Charter entitlements in accordance with the European Union Directives it was designed to implement,⁶¹ and the overarching purpose of the European Union Victims Directive to ensure that victims of crime received appropriate information, support and protection.

60 DoJ, *Victim Charter: A Charter for Victims of Crime*, September 2015, available at <https://www.justice-ni.gov.uk/sites/default/files/publications/justice/Victim%20Charter.pdf>

61 EU Directive establishing minimum standards on the rights, support and protection of victims of crime (2012/29/EU) (available at <https://eur-lex.europa.eu/eli/dir/2012/29/oj>) and Directive 2011/92/EU combatting the sexual abuse and sexual exploitation of children (available at <https://eur-lex.europa.eu/eli/dir/2011/93/oj>).

OPERATIONAL RECOMMENDATION 3

Within six months of the publication of this report, the Department of Justice, in partnership with the Office of the Police Ombudsman for Northern Ireland, should review the Northern Ireland Victim Charter rights and obligations to ensure its entitlements are guaranteed for all victims of crime including victims who report a crime to the Office of the Police Ombudsman for Northern Ireland.

- 3.45 Victims' first contact with the Office could be with an Administrative Officer, a Complaints Officer or an IO on call if the complaint was made outside of normal working hours. Inspectors reviewed files where the victim made a complaint to the Office, a referral was made by the Chief Constable and the Police Ombudsman called herself in to investigate. The recipient of the complaint on each occasion noted the victim's details and the nature of the complaint, including vulnerabilities that the victim was experiencing, however, there was no consistency in where this information was recorded on the case file. There was a document on the Case Handling System with text fields to confirm if the victim had vulnerabilities and text boxes to populate with additional information, but this was not completed on any of the files reviewed by Inspectors. While the information was mostly available within each file, a search of the progress log, initial complaint documents and other documents was required to retrieve this information. It would be beneficial if the appropriate screen on the Case Handling System was populated with the necessary information so that it was readily available to any Office staff member involved in communicating with the victim or the investigation.
- 3.46 It was apparent from the files reviewed and from speaking with Office staff at different levels that they were responsive to the needs of victims where they were aware of them. Inspectors saw an example of an effective contact strategy and engagement plan where a victim in an APSP case was reluctant to engage with the Office. Inspectors considered that this could be further enhanced with the inclusion of a dedicated needs assessment capable of being recorded on the Case Handling System and updated as the investigation progressed and kept under review.
- 3.47 Staff had a good understanding of the vulnerabilities experienced by victims but there was no organisational training strategy or service procedure to ensure staff had the necessary skills to confidently support victims through the investigative process. The lack of refresher training for Achieving Best Evidence interviews, training around vulnerabilities to support victims and support for staff safety and welfare were areas of concern emerging from Inspectors' interviews with staff. The biggest issue was the absence of internal guidance around vulnerability, containing a list of support organisations to whom staff can refer victims and organisations and resources for staff to utilise for support, which Inspectors were advised had been under development for some time.

3.48 The Office worked with the Rowan Regional Sexual Assault Referral Centre to carry out Achieving Best Evidence interviews with victims, and they also worked with Assist NI⁶². In addition to victims of crime entitlement to access general victim support services, victims of APSP would have benefitted from the option of support from specialist services who supported individuals impacted by sexual abuse and abusive relationships. In 2020, the Office agreed a MoU with Nexus⁶³ to provide support to victims of APSP as part of the Hope Project⁶⁴ however, this was only valid for one year and was not renewed. Specialist services would also support staff with victim care.

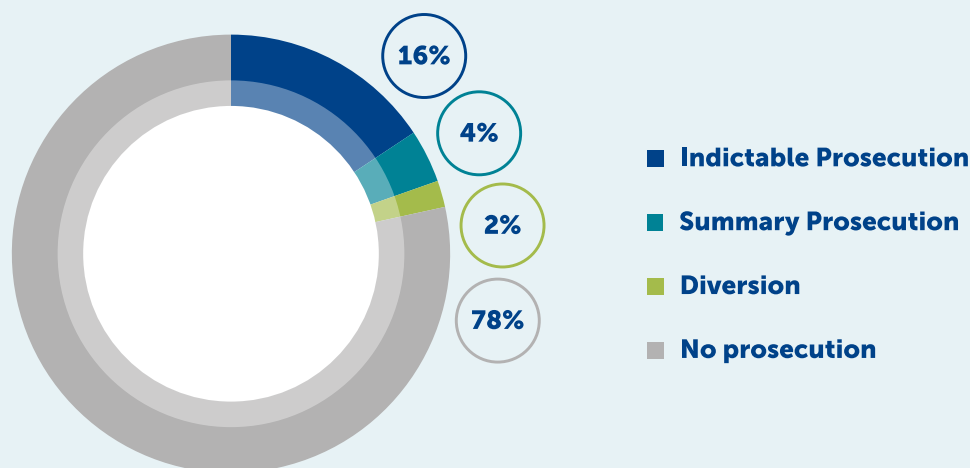
OPERATIONAL RECOMMENDATION 4

To improve its effectiveness in supporting victims, the Office of the Police Ombudsman for Northern Ireland should, within three months of publication of this report, produce an Action Plan to include guidance, a needs assessment and engagement with specialist support services.

PPS

3.49 Between 2019-20 and 2023-24 the Police Ombudsman forwarded 37 cases involving AOP related offences relating to 48 suspects to the PPS. During the same period, the PPS took 51 decisions, 78% of which were for no prosecution as shown in Chart 5.

Chart 5: PPS decisions on AOP cases from 2019-20 to 2023-24



Source: PPS

62 Assist NI is an advocacy service who supports victims of domestic and sexual abuse crime who primarily are engaged with the criminal justice system.

63 Nexus is a charitable organisation in Northern Ireland that supports individuals impacted by sexual abuse and abusive relationships.

64 The Hope Project was a pilot project in which Nexus Northern Ireland provided confidential counselling support to witnesses referred by the Police Ombudsman.

3.50 AOP cases took on average, 129 days for the PPS to take a no prosecution decision and decisions to prosecute or offer diversion took, on average, 366 days. Added to this was the length of time it took for a case to progress to trial and criminal proceedings to conclude. This lapsed time could result in the Police Officer or staff member under investigation being suspended and in receipt of pay for a considerable amount of time. There was also the negative impact of the protracted case progression and Court proceedings on the victim. In 2014, the Attorney General for Northern Ireland's *Humans Rights Guidance for the PPS*⁶⁵ at paragraph 15 states that '*prosecutors should, in particular:*

- f) *give due attention to the investigation and prosecution of crimes committed by public officials, particularly corruption, abuse of power, grave violations of human rights and other crimes recognised by international law; and*
- g) *be aware that the actions of the PPS may inadvertently have a traumatic effect on witnesses and to strive to counter that effect where possible.'*

Inspectors were advised that the PPS and PSD had discussed the potential for APSP cases to be dealt with by the Serious Cases Unit in the PPS. It would be beneficial if this could be explored further with the Office. **As an Area for Improvement the PPS should give particular consideration on how it prioritises the allocation of and decisions in abuse of position cases received from the Police Ombudsman in an effort to reduce delay.**

3.51 The Police Ombudsman's process of notification to the PPS when a complaint was received about a Police Officer that was connected to a crime file that had either already been, or was to be, submitted to the PPS required improvement. The agreed process was that the Police Ombudsman would notify the PPS on receipt of a complaint and this notification would then be attached to the PPS file. This enabled Prosecutors to request evidence that might impact their decision or have to be disclosed to the defence if it undermined their case. However, Prosecutors advised Inspectors they did not always receive the notification and this impacted due process. They described instances where they were notified by defence practitioners that a complaint had been made by their client to the Police Ombudsman. Inspectors were told of one instance where the Prosecutor did not become aware of the Police Ombudsman complaint until after the defendant had been convicted. **As an Area for Improvement the Office and the PPS should review the current process and practice regarding notification from the Office that they have received a complaint about an officer that is connected to a crime file that has been, or will be, submitted to the PPS.**

65 Attorney General for Northern Ireland, No.4 Human Rights Guidance for the PPS, March 2014, available at <https://www.attorneygeneralni.gov.uk/files/attorneygeneralni/human-rights-guidance-public-prosecution-service.pdf>

- 3.52 The Victim and Witness Care Unit in the PPS was responsible for providing updates to victims and witnesses on case progress when the investigation file had been provided to it. However, Inspectors were informed that often victims were contacting the Office asking the IOs to provide up-to-date information on hearing dates and case progress. This required the IO to contact the PPS to get the required information and then relay this to victims, which they did. The Victim and Witness Care Unit issued witness invitations and cancelled witness attendance when cases before the Court were not proceeding. On some occasions however they asked the Office to cancel witness attendance and advise the victim/witness about the new Court hearing date. This had the potential to confuse victims if they were being contacted by different organisations about Court attendance.
- 3.53 PPS Prosecutors told Inspectors that the Office's victim care was 'superb' and that IOs were attentive. Not to detract from their high standard of victim care, the number of Police Ombudsman cases in which prosecution was directed was relatively small in comparison to overall number of cases being prosecuted and some Prosecutors felt that there was a lack of understanding about the size of their caseloads. By way of example, a request to the PPS for a written debrief of what had happened at each Court hearing in a case was not achievable. IOs had the opportunity to attend Court in person or through Sightlink⁶⁶, if this was the preferred option. Improved communication and clarification around expectations would benefit both organisations. The Office and the PPS were in the process of developing a protocol clarifying responsibilities at the time of inspection fieldwork.

OPERATIONAL RECOMMENDATION 5

Within one month of publication of this report, the Office of the Police Ombudsman for Northern Ireland and the Public Prosecution Service for Northern Ireland should finalise and sign their working Protocol.

POLICE OMBUDSMAN RECOMMENDATIONS TO PSD

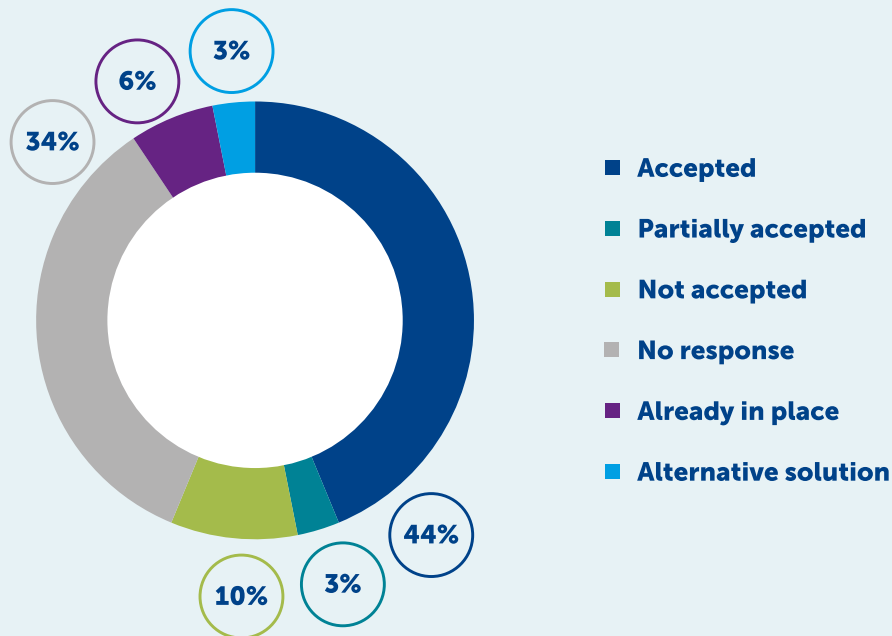
- 3.54 Paragraph 3.49 outlined the average length of time it took the PPS to take a decision in AOP cases and following decisions to prosecute, the additional time it took for Court proceedings to conclude. The impact of protracted proceedings was that by the time the Police Ombudsman could consider disciplinary proceedings and forward policy recommendations to PSD, the area of policing requiring improvement had gone unchecked for a significant period of time with the potential for further incidents having occurred in the interim. The recommendations were also less impactful given the passage of time from when the incident(s) causing concern had arisen. Inspectors heard of an example

⁶⁶ Sightlink is a cloud based video conferencing solution that enables multiple parties to meet using video and/or audio in a virtual meeting room from any type of device. The solution facilitates video and telephone conferencing.

where the Office had notified the Chief Constable of identified concerns in a case submitted to the PPS but that would ultimately result in policy recommendations being made, so that work could be commenced to address the concerns. This practice was not commonplace.

- 3.55 During 2023-24 the Police Ombudsman made 32 policy recommendations to the PSNI in respect of all cases including AOP cases which has not been disaggregated. Of these six were strategic recommendations, 24 were operational and two were areas for minor improvement.⁶⁷ Chart 6 shows that less than half of the policy recommendations had been accepted.

Chart 6: Status of policy recommendations made by the Police Ombudsman to the PSNI during 2023-24

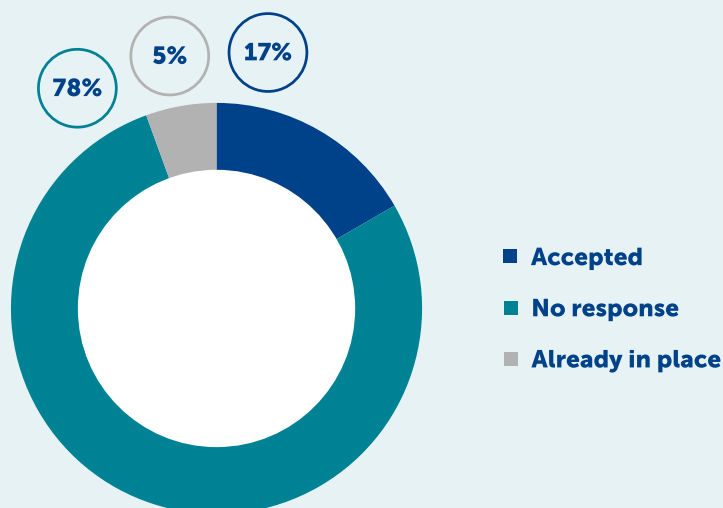


Source: The Office of the Police Ombudsman for Northern Ireland.

- 3.56 From 1 April 2024 to 30 September 2024, 18 policy recommendations had been made by the Police Ombudsman; 15 operational recommendations and three areas for minor improvement. Chart 7 shows that as of 14 October 2024, only 17 % of the recommendations had been accepted with a response awaited to 78% of the policy recommendations, with 61% of those recommendations being more than two months old.

⁶⁷ Strategic policy recommendations usually affect the entire PSNI or are in respect of fundamental changes/improvements to policies/procedures/practices. Operational policy recommendations are in respect of matters associated with the day-to-day running of the police service and may or may not affect the entire PSNI. Such recommendations typically relate to areas where current guidance is absent/deficient/not being adhered to but where there is no requirement for fundamental changes/improvements to policies/procedures/practices. Areas for minor improvement relate to matters which require to be improved but which are of a minor nature. Such recommendations are typically in respect of matters which may not be covered by specific Guidance documents or where pre-emptive action could effect minor improvements in service delivery.

Chart 7: Status of policy recommendations made by the Police Ombudsman to the PSNI from 1 April to 30 September 2024



Source: The Office of the Police Ombudsman for Northern Ireland.

3.57 Inspectors were advised that the Office, the NIPB and the PSNI tracked all Police Ombudsman policy recommendations but effective monitoring of how well the PSNI performed in implementing them was absent - as demonstrated by the no response rate. The 2013 CJI Inspection Report⁶⁸ raised this as an Area for Improvement together with the need for the Police Ombudsman to monitor the effectiveness of policy recommendations in improving PSNI service delivery. Inspectors were advised that one of the functions of the new Impact Department, when resourced, was to monitor the implementation and effectiveness of policy recommendations in improving PSNI service delivery. It would be beneficial if this work was to commence as soon as possible. Inspectors reiterate the recommendations contained in the 2013 CJI report.

STRATEGIC RECOMMENDATION 5

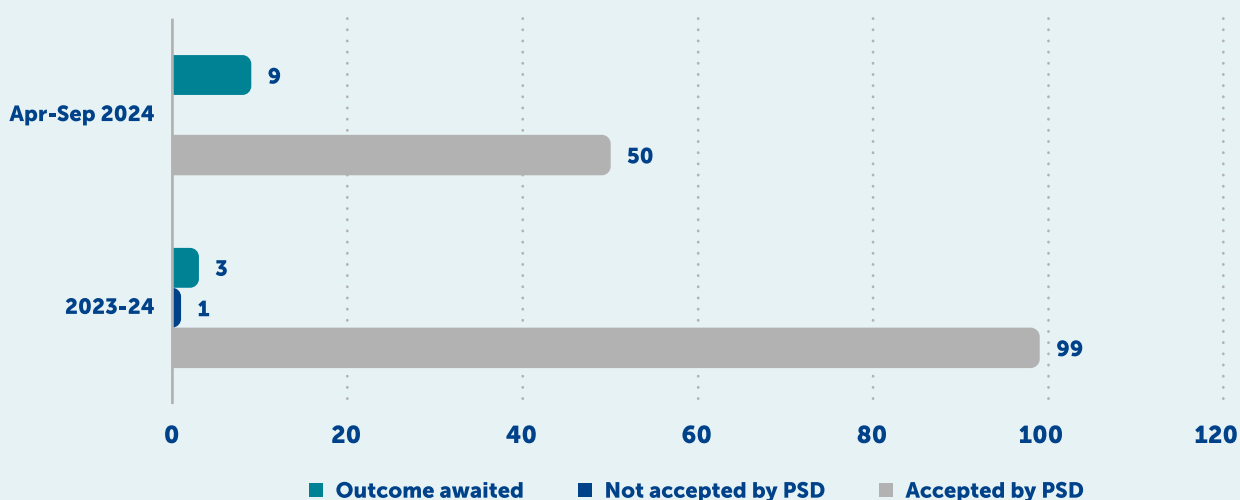
Within six months of publication of this report:

- the Office of the Police Ombudsman for Northern Ireland should develop and implement a system of monitoring the effectiveness of policy recommendations in improving the service delivery of the Police Service of Northern Ireland; and
- the Police Service of Northern Ireland should develop and implement a system of monitoring performance following policy recommendation implementation and periodically report this to the Northern Ireland Policing Board Performance Committee.

68 CJI, *The relationship between Police Service of Northern Ireland and the Office of the Police Ombudsman for Northern Ireland*, December 2013 available at <https://www.cjini.org/TheInspections/Inspection-Reports/2013/October---December/The-relationship-between-PSNI-and-THE OFFICE>

3.58 From 1 April 2023 to 30 September 2024 the Police Ombudsman forwarded 304 files to PSD with recommendations for performance management, misconduct meetings and misconduct hearings. Again, these related to all cases and AOP cases were not disaggregated. Charts 8, 9 and 10 show the recommendations that were accepted, not accepted and where an outcome was outstanding. In relation to performance management, in the one case in which PSD did not accept the recommendation, management action was taken.

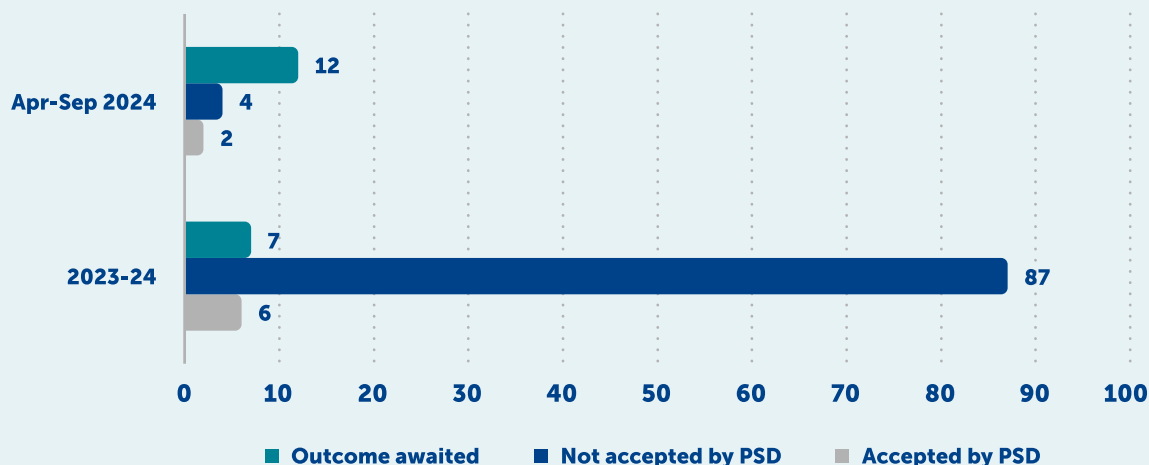
Chart 8: Performance management files sent by the Police Ombudsman to PSD between 1 April 2023 and 30 September 2024



Source: The Office of the Police Ombudsman for Northern Ireland.

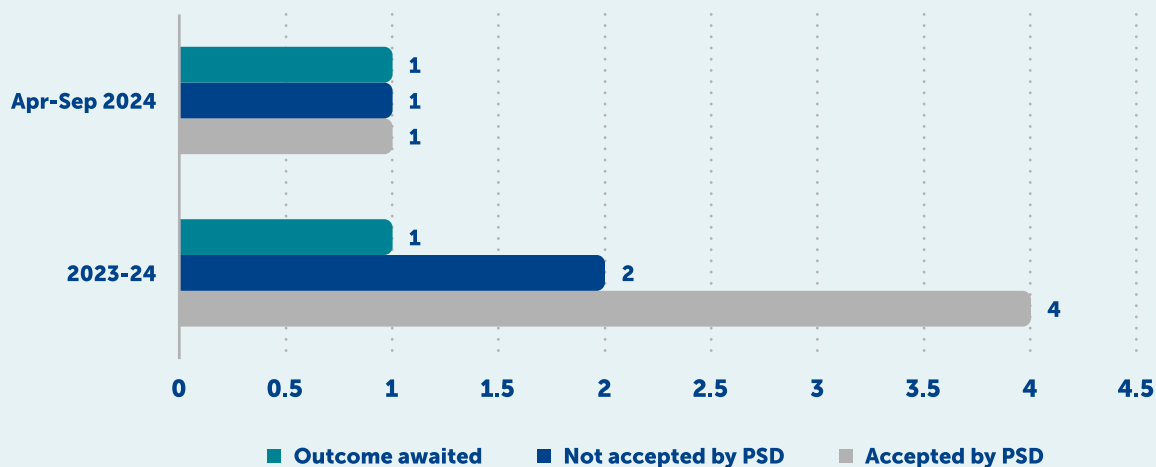
3.59 In respect of misconduct meeting recommendations (Chart 9), 73 of the recommendations not accepted by PSD related to one case with 73 different Police Officers and management action was taken. Of the remaining unaccepted cases, management action was taken in a further 12, performance management in four and the outcome of two was awaited. As shown in Chart 9, there were three cases in which PSD did not accept the recommendation for a misconduct hearing. In one of these cases, management advice was given, in another misconduct was not found and the outcome in respect of the third case was awaited. The outcomes of the accepted cases are set out in Chapter 4.

Chart 9: Misconduct meeting files sent by the Police Ombudsman to PSD between 1 April 2023 and 30 September 2024



Source: The Office of the Police Ombudsman for Northern Ireland.

Chart 10: Misconduct hearing files sent by the Police Ombudsman to PSD between 1 April 2023 and 30 September 2024

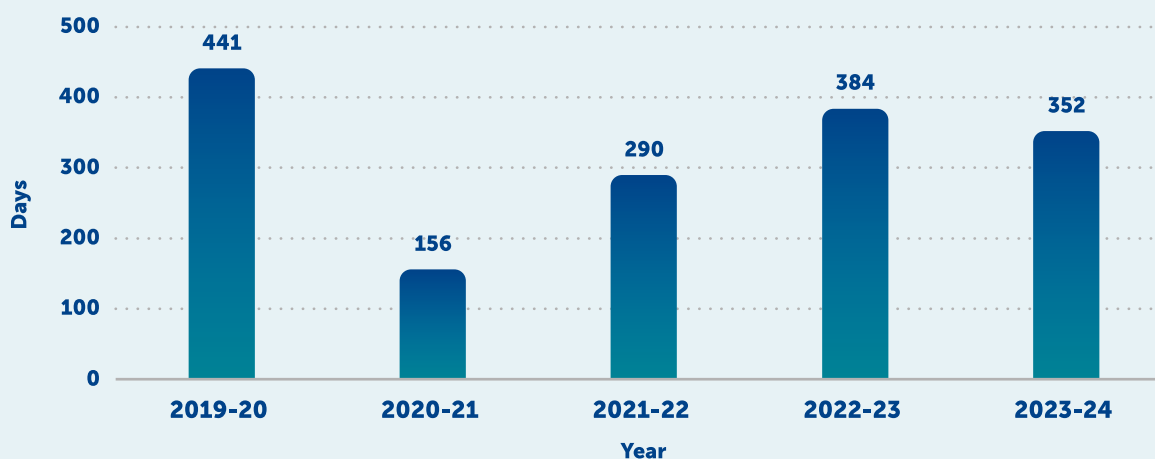


Source: The Office of the Police Ombudsman for Northern Ireland.

3.60 The average number of calendar days between the Police Ombudsman file being sent to PSD and a misconduct meeting or hearing taking place is set out in Chart 11. The average number of days reduced significantly between 2019-2020 and 2020-21 (285 days) however the average number of days then increased year-on-year until 2023-24, when, although it reduced slightly, it took on average, almost a year for a misconduct meeting or hearing to take place. The forthcoming DoJ consultation on Legislative Proposals Relating to Police Officer Discipline referenced in paragraph 1.16 included proposals regarding the role of chairperson of disciplinary panels. Currently, the requirement was that an Assistant Chief Constable fulfil this role.

It was being proposed that this responsibility should perhaps sit with Chief Superintendents, of which there were five times the number of Assistant Chief Constables, in the hope that this would help address the delay.

Chart 11: The average number of days taken between the Police Ombudsman file being sent to PSD and misconduct meeting or hearing taking place



Source: The Office of the Police Ombudsman for Northern Ireland.

- 3.61 Inspectors were advised by PSD that the main reason for delay in misconduct meetings and hearings was a lack of resources within PSD. It was in the public interest that police disciplinary proceedings were expedited to protect the public from serving officers who had been found to have behaved inappropriately, in some instances criminally, to reassure the public that such behaviour would not be tolerated and to protect the public purse. PSD needed to identify the resource required to address the delay in misconduct proceedings as the current timeline for meetings and hearings is not acceptable.

OPERATIONAL RECOMMENDATION 6

Within two months of publication of this report, the Police Service of Northern Ireland Professional Standards Department should develop and submit a business case for the resource required to address the delay in disciplinary proceedings.

THE ACCESSIBILITY AND EFFECTIVENESS OF THE COMPLAINTS MAKING PROCESS

- 3.62 A new website for the Police Ombudsman's Office was launched at the beginning of Summer 2024. The home page guided potential complainants on how to make a complaint online, by e-mail or by telephone. It explained what the public could complain about and there was a helpful Frequently Asked Questions section to assist potential complainants. This information was available in nine languages and audio assist was also available. While not used very often, there was also the ability for members of the public to attend in person at the Office to make an initial complaint. Inspectors were aware that a risk assessment had been carried out around people who attended the Office without an appointment and a policy had recently been developed around this process. The Office should keep this under review and any developments should inform the policy.
- 3.63 The Office commissioned regular surveys of those who had made a complaint to the Office, Police Officers and staff who had been subject of complaint and the public in general. For almost all aspects of the complaint process, the results obtained in the 2023-24 *Complainant Satisfaction Survey*⁶⁹ had increased from 2022-23 and 2020-21; these two years saw some of the lowest satisfaction levels recorded in recent years. There was, however, room for improvement in respect of all aspects of the process. Detail around the results of the *Complainant Satisfaction Survey* is set out in Chapter 4.
- 3.64 The *Police Officer Satisfaction Survey 2023-24*⁷⁰ results showed that a larger proportion of officers were satisfied with the manner in which they were treated, the explanation of the process and the clarity of correspondence than they were with the frequency of progress updates and the overall time taken to resolve the complaint. This is set out in more detail in Chapter 4.
- 3.65 Inspectors considered that there was a gap around engagement with the public and external bodies to increase awareness of the Office and its work and also to obtain feedback from stakeholders to inform improved service delivery. Increasing awareness could be done through publishing thematic reports to demonstrate the work they do and the impact it has on improving policing. The Office also needed to identify their key stakeholders, understand their needs and choose an effective communication platform to engage with them.

69 The Office of the Police Ombudsman for Northern Ireland, *Complainant Satisfaction Survey 2023-24*, June 2024, available at <https://www.policeombudsman.org/publications/complainant-satisfaction-survey-and-accompanying-spreadsheet-2023-24>

70 The Office of the Police Ombudsman for Northern Ireland, *Police Officer Satisfaction Survey 2023-24*, June 2024, available at <https://www.policeombudsman.org/publications/police-officer-satisfaction-survey-and-accompanying-spreadsheet>

3.66 The Office was a member of the recently formed Youth and Policing Partnership Forum with the PSNI and the NIPB, with the aim of fostering positive relationships, enhancing safety and well-being, and promoting mutual understanding between policing agencies and young members of the community. The Office had a presence at Belfast Pride and Belfast Mela in 2024 however, prior to the COVID-19 Pandemic (the Pandemic), the Office had also engaged with schools and other stakeholders, but this had not resumed. This was due in part to lack of resource available to develop and deliver awareness sessions but also because the Office was not being invited to engage with schools and other organisations. The Communications Team fully appreciated the importance of external engagement and having completed the Internal Communications Strategy, they planned to develop an External Communications Strategy during the 2024-25 business year.

BENCH MARKING BEST PRACTICE FOR SERVICE DELIVERY

3.67 The Office engaged with other oversight bodies, predominantly the IOPC and Garda Síochána Ombudsman Commission (GSOC) regarding policing oversight arrangements. In November 2022 they attended a joint conference in which IOPC presented lessons learned from gender-based violence investigations, including emerging trends in gender-based violence and police misconduct, communication strategies and Investigator training needs for this type of investigation. The second part of this conference involved the Office and GSOC discussing the potential for joint working and learning. On 4 March 2024 there was a Cross Border meeting between the Office and GSOC on developing quality oversight, harvesting digital evidence for policing oversight and emerging issues in policing oversight. They also discussed opportunities to share equipment and specialist support and carry out independent reviews.

3.68 There was further evidence that the Office looked to experienced oversight bodies for best practice in particular areas. The Office had eight members of staff trained in the use of ACESO platforms to extract mobile phone data, with the most recent training being provided to staff by Teel Technologies in January 2022. However, the ACESO equipment used by the Office did not extract all deleted material. It was for this reason that mobile phone extractions were mostly outsourced. During the file review, Inspectors saw an example of the IO seeking the advice and expertise from IOPC regarding best practice for the retrieval of digital evidence in an investigation and recording the advice given by IOPC for future reference. To achieve their vision of being 'a centre of best practice in investigations' the Office should continue to seek opportunities to learn from other oversight bodies, ensure their policies and practices are compliant with international and national standards and sufficiently upskill staff to enable them to deliver the desired outcomes.

CHAPTER 4: OUTCOMES

- 4.1 Drawing out the learning from AOP investigations to inform improvements in policing and to inform the wider public about AOP and the Police Ombudsman's effectiveness in addressing it was an essential part of improving outcomes for victims and complainants. The recommendations set out in Chapters 2 and 3, when implemented, together with the work that was already underway within the Office would facilitate this improvement. Monitoring and reviewing the timeliness and quality of the Office's complaints and investigations service was also an important part of assessing outcomes with a view to securing improvement.

PERFORMANCE IN 2023-24

- 4.2 Performance against Key Aim 1 in the 2023-24 balance scorecard is outlined in Table 1. These statistics were not disaggregated to identify AOP as a specific subset of cases. All targets were met regarding Category A investigations, Category B targets and 'Troubles-related' cases⁷¹. Both the Category A caseload target and the targeted number of public statements/Regulation 20 reports for Category A cases in current investigations were missed by one. Targets set for Category C cases were missed by some margins and thus the overall investigative caseload, as were the targets around the number of public statements/Regulation 20 reports for 'Troubles-related' cases.

Table 1: Performance against Key Aim 1 in the 2023-24 balanced scorecard

Key Aim 1:	Performance Against Target
<i>Provide a high-quality complaints and investigations service, fair to all parties reflecting human rights standards in order to hold the police to account</i>	
Complete 90% of initial complaints processes within 10 working days	✓ 92% completed
Complete 80% of Category C investigations within 90 working days	✗ 68% completed
Complete 60% of Category B investigations within 110 working days	✓ 67% completed
Complete at least 25 Category A Current Directorate investigations	✓ 28 completed

71 'Troubles-related' refers to incidents that occurred during the more than 30-year conflict in Northern Ireland.

Key Aim 1:	Performance Against Target
Completion at least 12 historical 'Troubles-related' investigations	✓ 12 completed
Manage overall Category C caseload to 350 cases or less	✗ 447 Category C cases
Manage overall Category B investigations to 135 cases or less	✓ 134 Category B cases
Manage overall Category A Current Directorate investigations to 70 cases or less	✗ 71 Category A cases
Reduce the overall investigations caseload by 10% from 1,119 cases at 1 April 2023 to no more than 1,000 by 31/3/24	✗ 1,097 in overall investigation
Publish at least 15 public statements and Regulation 20s in relation to Category A investigations undertaken by the Current Investigation Directorate	✗ 14 public statements published
Publish at least six Public Statements and Regulation 20s into historical 'Troubles-related' matters	✗ 1 public statement published
<i>The Current Directorate Support Team to undertake the following:</i>	<i>The Investigation Support Team was temporarily closed due to staff being required elsewhere.</i>
Develop and implement a comprehensive learning and development strategy for operational staff to include induction, professional accreditation and CPD.	Work on a learning and development strategy was being commenced by HR –with the aim of having it in place for 2025-26. A training needs analysis meeting was held on 20 February 2024.
Review and update Current Investigations Directorate policies to reflect existing best practice.	A number of policies were reviewed and updated but further were still to be reviewed.
Develop an options paper for realignment of existing resources and structures within the Current Investigations Directorate.	Work was to continue on the Transformational Change Project including the development of a business case regarding structures and resources moving forward.

Source: The Office of the Police Ombudsman for Northern Ireland.

- 4.3 Undertakings 1-3 of Key Aim 1 were not outcome-based targets and could be improved if, for example, the aim was linked to a targeted outcome against which the organisation could be measured.

COMPLAINANT AND POLICE OFFICER SATISFACTION SURVEYS

- 4.4 The Office conducted annual surveys with both complainants and complained about persons (Police Officers) to determine their levels of satisfaction with different aspects of the complaints process. In the 2023-24 Complainant Satisfaction Survey of those who responded, 75% of complainants reported that they had spoken to a member of Office staff. Of these:

- 81% felt they were treated with respect;
- 67% felt they were treated fairly;
- 79% thought staff were easy to understand; and
- 68% felt staff were knowledgeable.

- 4.5 Table 2 shows the levels of satisfaction/dissatisfaction with aspects of the Police Ombudsman complaint process. Complainants were more satisfied than dissatisfied in four of the seven areas, but improvements were required across all areas to improve outcomes for complainants, particularly around frequency of updates and the manner of treatment of complaint.

Table 2: Complainants satisfaction/dissatisfaction with aspects of the Police Ombudsman complaint process

Aspect of the complaints process	Satisfied	Neither satisfied nor dissatisfied	Dissatisfied	Number of respondents
Advice received from the Office	43%	14%	43%	353
Length of time to reply	54%	16%	30%	351
Clarity of explanation	51%	14%	35%	351
Frequency of updates	38%	17%	45%	346
Clarity of correspondence	49%	12%	40%	348
Manner of treatment of complaint	43%	12%	46%	349
Overall time to resolve complaint	43%	18%	39%	346

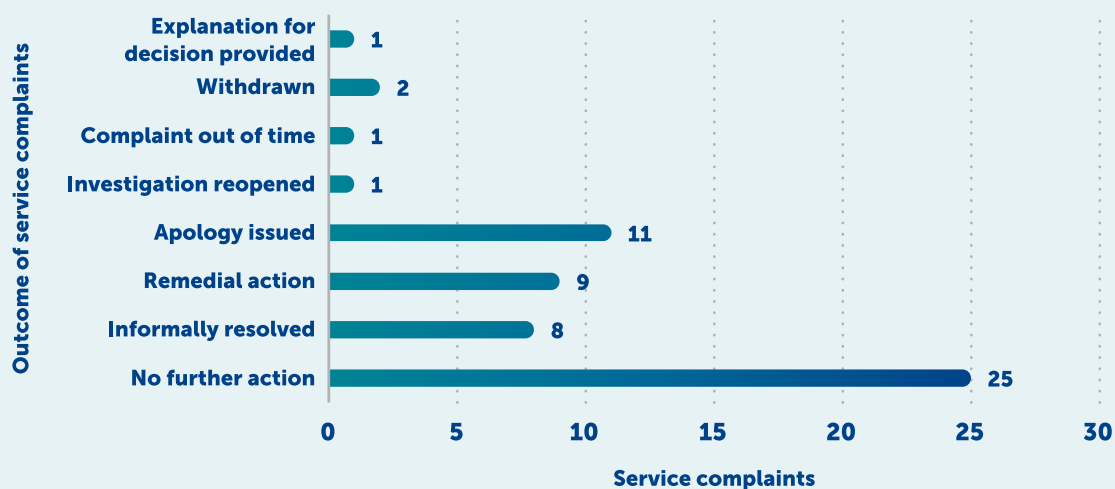
Source: The Office of the Police Ombudsman for Northern Ireland.

- 4.6 The results from the 2023-24 Police Officer Satisfaction Survey were more positive than the Complainants Survey results in some respects but similarly to complainants, the areas causing most dissatisfaction were the frequency of updates and overall time to resolve the complaint. Regarding progress updates to complainants and the complained about person, there was a requirement to keep them updated at certain points of the investigation and the Case Handling System kept a record of updates that had been met and/or updates missed. When quality assuring files through dip sampling or review, it was important that supervisors monitored whether complained about persons were being updated and address any performance issues identified. Inspectors were aware that these results related to all types of case but specific to this Inspection, disaggregating internally in relation to AOP would have been beneficial to identify areas of delay, if any, in relation to these types of cases. Prioritisation of AOP cases by the PPS would have assisted in reducing delay.

CUSTOMER COMPLAINTS

- 4.7 During 2023-24 there were 189 requests for a review of investigation outcomes, an increase of 28 from the previous year. There was no ability to request a review of the Police Ombudsman's decision under the legislation. Dissatisfaction with a decision of the Police Ombudsman or her Office was a matter for the High Court by way of judicial review. In 2023-24, one case proceeded to an application for leave for judicial review about the outcome of a complaint, however the High Court dismissed the application for leave for judicial review.
- 4.8 There were 61 service complaints received regarding the quality of service provided by staff of the Office in 2023-24. This was a 9% reduction from 2022-23, when 67 service complaints were received. A total of 60 of the complaints were from members of the public and one service complaint was received from a Police Officer.
- 4.9 At the end of 2023-24, six of the service complaints remained open. The outcome of the 55 service complaints closed during this year are shown in Chart 12.

Chart 12: Outcome of service complaints closed during 2023-24



Source: The Office of the Police Ombudsman for Northern Ireland.

4.10 During 2023-24, no complaints from a member of the public progressed to the Independent Complaints Assessor as the third-tier reviewer. The Independent Complaints Assessor conducted a first review on one case and a second review on one case due to the seniority of the staff member associated with the complaints. Again, this data related to all requests for review and was not disaggregated to identify how many, if any, related to AOP cases.

Looking to the future

4.11 Overall, delivery against performance targets had been positive; however, there was an opportunity to review targets and consider including metrics related to tackling AOP. For example, improved monitoring of the Office's own performance targets and contributing to the overall criminal justice system response by increasing awareness and learning. The Office had embraced the changes resulting from the Legacy Act, using it as an opportunity to restructure the organisation to focus on current investigations and improve how they deliver their investigations and service. It was envisioned that the new Impact Department would assess the effectiveness of investigations through quality assurance, identify learning from investigations, and monitor PSNI responses to strategic and policy recommendations to secure improvement. There was potential for this to focus on AOP cases.

APPENDIX 1: METHODOLOGY

SCOPING MEETINGS

Inspectors met with the Police Ombudsman, the Acting Chief Executive, Director for Investigations and a Senior Investigating Officer (SIO).

DESKTOP RESEARCH AND DOCUMENTARY REVIEW

Research literature and guidance were reviewed in relation to the Office. This was used to inform the development of terms of reference for the inspection and fieldwork planning. A review was also completed of external and internal documentation relating to the effectiveness of the investigation of AOP concerns and complaints relating to PSNI Officers provided by the Office. This was used during fieldwork, planning and analysis.

FIELDWORK

One-to-one interviews and focus groups with the Office were completed and Inspectors very much appreciated the time and efforts involved in organising these. The bulk took place with the Office and to a lesser degree the PSNI and the PPS. Inspectors also met with representatives from the DoJ and were grateful for the information provided by them. Representatives from the following areas in each agency were interviewed:

Office of the Police Ombudsman for Northern Ireland (the Office):

- Chief Executive;
- Acting Chief Executive;
- Director of Investigations;
- Director of Impact;
- Communications Team;
- Head of Learning and Development;
- Complaints Manager;
- Complaints Officers;
- Initial Complaints Investigations Team – SIO, Deputy SIO and IOs x 4;
- CORE Team – Deputy SIO and IOs x 4;
- Significant Case Team 1 – SIO, Acting Deputy SIO and IOs x 2; and
- Significant Case Team 2 – SIO, Deputy SIO and IOs x 3.

PPS:

- Assistant Directors x 2; and
- Senior Public Prosecutors x 5.

PSNI:

- Detective Chief Superintendent Professional Standards Department.

Interviews and focus groups were also undertaken with stakeholder organisations including:

- Police Federation for Northern Ireland;
- Northern Ireland Policing Board;
- Superintendents' Association of Northern Ireland;
- Nexus;
- Victim Support Northern Ireland; and
- Commissioner Designate for Victims of Crime in Northern Ireland.

Inspectors reviewed the management of four investigations from complaint to closure. Three of the cases involved APSP and were Category A cases, investigated by SCT2. The fourth case involving perjury and perverting the course of justice was originally a Category B case being investigated by the CORE team, however, following review, it was re-categorised as Category A.

APPENDIX 2: TERMS OF REFERENCE

AN INSPECTION OF THE INVESTIGATION OF ABUSE OF POSITION CONCERNS AND COMPLAINTS RELATING TO POLICE SERVICE OF NORTHERN IRELAND

TERMS OF REFERENCE

Introduction

Criminal Justice Inspection Northern Ireland (CJI) proposes to undertake an inspection of the effectiveness of Office of the Police Ombudsman for Northern Ireland (the Office) investigations of cases involving Abuse of Position by Police Service of Northern Ireland (PSNI) Police Officers or designated staff.

Abuse of Position is a term that refers to a situation where a person uses or fails to use his or her position in a dishonest/honest way to gain an advantage or cause harm to another person. There is also a specific category of Abuse of Position for a sexual purpose (APSP). The National Police Chiefs' Council defines Abuse of Position for a sexual purpose as:

'any behaviour by a Police Officer or police staff member, whether on or off duty, that takes advantage of their position as a member of the police service to misuse their position, authority or powers in order to pursue a sexual or improper emotional relationship with any member of the public'.

The key organisations involved in this inspection are the Office, the PSNI and the Public Prosecution Service for Northern Ireland (PPS).

Representatives from voluntary and community sector organisations who provide support to victims and complainants will also be interviewed.

The Police Ombudsman and the Office

The Police Ombudsman is appointed by His Majesty the King as a named person for a fixed term of seven years as a corporation sole.

The Office is a Non-Departmental Public Body administrated through the Department of Justice (DoJ); it is accountable to the Northern Ireland Assembly and is required to take into account all relevant guidance given by the Department of Finance and the DoJ.

The Office was established under the Police (Northern Ireland) Act 1998⁷² to provide an independent and impartial police complaints system and this legislation sets out the statutory functions of the Police Ombudsman. Its stated aim is to deliver a fair, efficient and effective police complaints system for the people of Northern Ireland. The Office investigates and analyses evidence to decide if Police Officers have acted properly or not and they investigate complaints about some PSNI civilian employees.

They also deal with complaints about:

- National Crime Agency Officers in Northern Ireland;
- Belfast Harbour Police;
- Belfast International Airport Police;
- Ministry of Defence police in Northern Ireland; and
- Immigration Officers and some customs officials in Northern Ireland (serious cases only).

However, these organisations are outside the remit of this inspection.

The Police Ombudsman can carry out investigations on cases referred to her by the PSNI Chief Constable, the Director of Public Prosecutions (DPP), the Northern Ireland Policing Board⁷³ (NIPB) or the DoJ, instigated by a complaint directly from a member of the public or by the Police Ombudsman's own motion where she believes it is in the interests of justice to do so. In 2022-2023, there were 3,185 complaints about police conduct. The Chief Constable made 10 referrals to the Police Ombudsman during 2022-23, five of which related to allegations that Police Officers had abused their position for sexual purposes. Regarding all cases, the Police Ombudsman exercised her own motion powers to commence 15 investigations during 2022-23 and two referrals were received from the PPS.

If the Police Ombudsman believes that a Police Officer may have committed a criminal offence, she is required to send a copy of her investigation report to the DPP. She must also, where she thinks it appropriate, make recommendations to the PSNI Chief Constable or to the NIPB as to whether a Police Officer should face disciplinary procedure, in accordance with The Police (Conduct) Regulations (Northern Ireland) 2016.⁷⁴

The Police Ombudsman may also make recommendations to the PSNI to review and make changes to its policies following an investigation. During 2022-23, across all cases, the Police Ombudsman forwarded 49 policy recommendations to the PSNI.

Eleven of these were of a strategic nature, 31 at an operational level and seven related

⁷² The Police (Northern Ireland) Act 1998, available at [Police \(Northern Ireland\) Act 1998 \(legislation.gov.uk\)](https://legislation.gov.uk/ukpga/1998/20)

⁷³ The Northern Ireland Policing Board is an independent public body made up of 10 Political and nine Independent Members established to ensure an effective, efficient, impartial, representative and accountable police service.

⁷⁴ The Police (Conduct) Regulations (Northern Ireland) 2016, available at [The Police \(Conduct\) Regulations \(Northern Ireland\) 2016 \(legislation.gov.uk\)](https://legislation.gov.uk/nir/si/2016/100)

to areas for minor improvement. Four policy recommendations were accepted and they related to the use of body worn video and three to Service Instructions for lost property, bail checks and wanted persons. The PSNI considered that a small number of recommendations related to matters that were in place already. Responses were awaited in respect of 39 policy recommendations.

Context

Confidence in policing and the integrity of Police Officers are integral to the legitimacy of policing in any community. This is a topical issue nationally with recent high-profile convictions of Police Officers for very serious offences that have a significant impact on public confidence in policing.

Following the kidnap, rape and murder of Sarah Everard in England on 3 March 2021 by serving Metropolitan Police Officer Wayne Couzens, APSP by serving Police Officers has had a significant negative impact on policing both locally and nationally.

On 15 April 2024, the Police Ombudsman released a statement advising that *'A Police Officer has been dismissed after a Police Ombudsman investigation found that he had sex with a vulnerable woman at an industrial estate in Antrim while on duty in 2016'*.⁷⁵

In May 2022 the Independent Office for Police Conduct (IOPC) in England and Wales, published *Learning the Lessons 40 – Abuse of Position for sexual purpose*⁷⁶ in which they stated, *'Abuse of Position for sexual purpose (APSP) is now the single biggest form of corruption we deal with at the IOPC'*.

In April 2022, the Chief Constable and senior team in the PSNI issued a Zero Tolerance statement in respect of this type of misconduct by serving Police Officers. In October 2023, His Majesty's Inspectorate of Constabulary and Fire & Rescue Services published a report on *The Police Service of Northern Ireland: An inspection of police effectiveness, efficiency, vetting and standards* in which they found that *'The Service understands abuse of position for a sexual purpose'*.⁷⁷

Part 1 of an independent Inquiry was commissioned in late 2021 by the then Home Secretary, The Right Honourable Priti Patel MP, to establish a definitive account of the career and conduct of Wayne Couzens. The Angiolini Inquiry Part 1 Report⁷⁸ was published on 29 February 2024. The Report makes recommendations *'that need to be implemented by those responsible for policing to ensure that everything possible is being done to prevent those entrusted with the power of the Office of constable from abusing that power in the most dreadful of circumstances.'*

75 Police Ombudsman for Northern Ireland media release, 15 April 2024, available at <https://www.policeombudsman.org/Media-Releases/2024/Officer-dismissed-after-predatory-behaviour>

76 Independent Office for Police Conduct: *Learning the Lessons 40 – Abuse of Position for sexual purpose*, May 2022, available at [https://www.policeconduct.gov.uk/publications/learning-lessons-issue-40-abuse-position-sexual-purpose C](https://www.policeconduct.gov.uk/publications/learning-lessons-issue-40-abuse-position-sexual-purpose-C)

77 His Majesty's Inspectorate of Constabulary and Fire & Rescue Service, *The Police Service of Northern Ireland: An inspection of police effectiveness, efficiency, vetting and standards*, October 2023, available at <https://hmicfrs.justiceinspectorates.gov.uk/publication-html/psni-inspection-of-police-effectiveness-efficiency-vetting-and-standards/>

78 *The Angiolini Inquiry Part 1*, 29 February 2024, available at [The Angiolini Inquiry](#)

The Police Ombudsman and her Office play an essential role in holding the PSNI to account. One of the Office principles of governance is to ensure that *'stakeholders can have confidence in the decision-making processes and actions of the Office in the management of its activities, and in the individuals in the Office.'*

During 2022-23 the Police Ombudsman commenced a total of eight investigations relating to allegations of APSP. In total, the organisation had 16 such investigations, a number of which awaited criminal or misconduct proceedings or PPS decision.

Previous inspections

CJI have previously inspected the Office including inspections on the *Independence of the Office of the Police Ombudsman for Northern Ireland* published in September 2011⁷⁹, with the *Follow-Up Review* in January 2013⁸⁰ and *A process verification assessment* in September 2014⁸¹. The Office was also inspected as part of the *Review into the methods the Police Service of Northern Ireland use to disclose information in respect of historic cases to The Office of the Police Ombudsman for Northern Ireland*, published in April 2020.⁸²

Aims of the Inspection

With regards to investigations of abuse of position concerns and complaints, the broad aims of this Inspection are to:

- examine the effectiveness of case triage, investigation, progression and determination processes by the Office in achieving outcomes and supporting the achievement of strategic business objectives and improved service delivery;
- review how operational delivery and staff resourcing is structured and organised to meet business needs, the needs and expectations of parties to the investigation and assess effectiveness, continuous development and potential areas for improvement;
- examine the relationship between the PPS and the Office in cases referred to the PPS and the timeliness of decision-making on prosecutions;
- examine the accessibility and effectiveness of the process for making complaints and referrals for Abuse of Position including from the PSNI and PPS;
- consider the process for implementation of recommendations made by the Office by the PSNI;
- assess how effective investigation and management of Abuse of Position cases is benchmarked against good practice in other jurisdictions; and
- any other matters arising during the inspection if considered appropriate by CJI may be included.

79 CJI, *Independence of the Office of the Police Ombudsman for Northern: An inspection on the independence of the Office of the Police Ombudsman for Northern*, September 2011 available at <https://www.cjini.org/TheInspections/Inspection-Reports/2011/July---September/An-inspection-into-the-independence-of-the-Office-of-the-Police-Ombudsman-for-Northern-Ireland>

80 CJI, *Independence of the Office of the Police Ombudsman for Northern: A follow-up review of inspection recommendations*, January 2013 available at <https://www.cjini.org/TheInspections/Action-Plan-Reviews-Inspection-Follow-Up-Review/2013/The-independence-of-the-Office-of-the-Police-Ombud>

81 CJI, *Office of the Police Ombudsman for Northern Ireland: A process verification assessment*, September 2014 available at <https://www.cjini.org/TheInspections/Action-Plan-Reviews-Inspection-Follow-Up-Review/2014/The-Office-of-the-Police-Ombudsman-for-Northern-Ir>

82 CJI, *Review into the methods the Police Service of Northern Ireland use to disclose information in respect of historic cases to The Office of the Police Ombudsman for Northern Ireland*, April 2020, available at <https://www.cjini.org/TheInspections/Inspection-Reports/2020/January-March/Disclosure>

Methodology

The review will be based on the CJI Inspection Framework, the three main elements of the inspection framework are:

- Strategy and governance;
- Delivery; and
- Outcomes.

Design and Planning

Preliminary research

Data and initial information has been sought from the Office to inform the scope of this inspection.

Stakeholder consultation

Consultation has taken place with the Office to determine the scope of the inspection.

Benchmarking, research and data collection

Collection of benchmarking information and data and review of inspection and research reports will be undertaken.

Contact with organisations

Terms of reference will be shared with the Office, the DoJ, the PSNI, the PPS and other bodies as appropriate. Liaison officers from the relevant organisations should be nominated for the purposes of the inspection.

Policies and procedures, management information, minutes of meetings and related documentation from the organisations will be requested and examined.

Stakeholder consultation

The following stakeholder organisations and individual will be consulted:

- Police Federation for Northern Ireland;
- Northern Ireland Policing Board;
- Superintendents' Association of Northern Ireland;
- Nexus;
- Victim Support Northern Ireland; and
- Commissioner Designate for Victims of Crime in Northern Ireland.

Other stakeholders and organisations that carry out similar functions to the Office may be consulted as required.

Self-assessment

The Office will be asked to undertake a self-assessment, which will be reviewed by CJI prior to the commencement of fieldwork.

Development of fieldwork plan

Interviews and focus groups will be conducted with the Office and other criminal justice agency staff, and relevant stakeholders to give an insight into the issues affecting the effective investigation and outcomes of Abuse of Position cases.

Initial feedback to agency

On conclusion of the fieldwork the evidence will be collated, triangulated and analysed and emerging findings will be developed. CJI will then present the emerging findings to the Police Ombudsman, the PSNI and the DoJ.

Drafting of report

Following completion of the fieldwork and analysis of data, a draft report will be shared with the Police Ombudsman, the PSNI, the PPS, the DoJ and any other relevant stakeholders for factual accuracy check within four weeks. The Chief Inspector will invite the Police Ombudsman, the PSNI or other organisations where appropriate, to complete an action plan within a further two weeks to address the recommendations and if the plan has been agreed and is available, it will be published at the same time/alongside the final inspection report. The review report will be shared, under embargo, in advance of the publication date with relevant bodies.

Publication and Closure

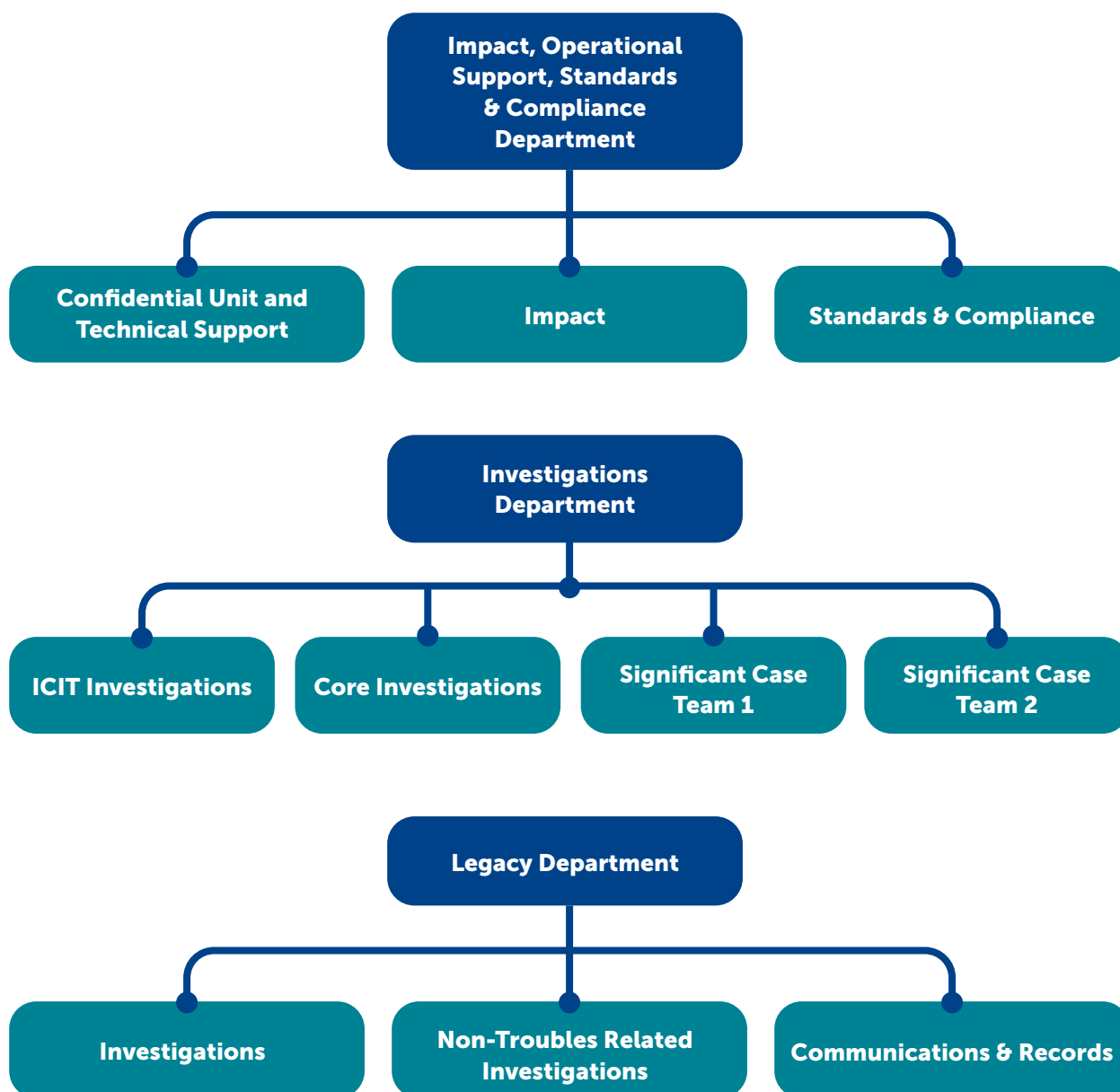
A report will be sent to the Minister of Justice for permission to publish. When permission is received the report will be finalised for publication. A press release will be drafted and shared with the Office, the PSNI, the PPS and the DoJ and any other relevant stakeholders prior to publication and release. A publication date will be agreed and the report will be issued.

Indicative Timetable

Scoping, research and self-assessment:	March-May 2024
Fieldwork:	June-September 2024 (allowing for summer leave)
Draft report to the Office and other appropriate organisations for factual accuracy:	November 2024
Publication (subject to permission to publish)	January 2025

The above timetable may be impacted by factors outside CJI's control such as the anticipated pre-election period. Organisations will be kept advised of any significant changes to the indicative timetable.

APPENDIX 3: OFFICE OF THE POLICE OMBUDSMAN FOR NORTHERN IRELAND OPERATIONAL STRUCTURES





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