

GCSE



CCEA GCSE TEACHER/STUDENT
GUIDANCE

Learning for Life and Work

Unit 1: The Police Ombudsman



For first teaching from September 2017

Incident Derry 2008

A man, who was dependant on alcohol, had not been seen for more than a week when police were alerted by a neighbour to concerns for his safety. The incident began when on Sunday, 14 September 2008 when a neighbour of the man reported she had not seen him for more than a week and said this was unusual. The woman reported the matter to police again the following day, Monday 15 September 2008 and police officers were sent to the man's home. A police officer, who was about to go inside the house, was cautioned by a colleague about the awful state of the property. Undeterred, and without either protective clothing or a torch, the officer went inside and began a search. The officer said the main living room windows were partially boarded up, the curtains were drawn and the lights were not working, all of which made visibility poor. The officers left the house without finding the body, which was under a blanket on a sofa in the room.

The police made additional inquiries with the Housing Executive and established that the man still lived at the property. Despite inquiries with Social Services and attempts to contact the man's family, they were not able to get any more information on his whereabouts. Local police patrols were informed to report any sightings of the man. The following day, Tuesday, 16 September 2008 police officers went back to the man's property to establish if he had returned home. A police officer who had previous knowledge of the house, went inside and began an initial search, but without success. When he came outside a neighbour told the officer that the man ate and slept in his living room and that a Housing Executive official had previously found him asleep under a blanket on the sofa. The officer returned inside and found the man in the position described by the neighbour, his body decomposing. The house was in an extreme state of disrepair, with no working toilet, rubbish half a metre deep in places and generally in a condition utterly unsuitable for human habitation, and with dead maggots in places.

Incident Date: 14.09.2008

The Police Ombudsman has recommended that two police officers be disciplined after a police search of a man's home in the Strathfoyle area of Derry/Londonderry failed to find his decomposed body, which was lying under a blanket on a sofa in the living room. The Ombudsman said the circumstances of the man's death are poignant: "I think there is a lesson for all of us in official organisations that vulnerable people, such as those dependant on alcohol, are still falling through the cracks in the system. If it was not for the persistence of the man's neighbour the discovery of his body would have been delayed even further." The Police Ombudsman has recommended that two police officers be disciplined: one for a failure to deal properly with the initial report made to police, the other was the police officer who carried out the initial search.

Incident Belfast 2014

A motorist reported in July 2014 that another driver had threatened him and later gone to his work and demanded to know where he lived. An officer recorded a statement about what had happened and provided his mobile number so he could be contacted if the man became aware of anything that could help identify the other driver. Nine days later the complainant saw the other man's car and left a message on the officer's mobile with detailed information about the vehicle and its location. However, he said he never heard from the officer again, despite raising the case when speaking to police about another matter several months later. In February the following year he learned that the case had been closed.

Incident Date: Jul 2014

A police officer has been disciplined for failing to investigate a road rage incident, and failing to inform the victim that the case had been closed.

Police Ombudsman investigators reviewed police records and found gaps of months during which the officer had done nothing to progress the investigation – despite being asked by his supervisors to make additional enquiries.

The officer said he could not recall having received a voicemail about the case, but accepted he had failed to provide the man with any updates and had not contacted him when the case was closed.

The PSNI has since implemented a recommendation that the officer should be disciplined.

Incident Belfast 2011

An off duty police officer confronted Marc Ringland, who was 29 years old, in a garage on the Albertbridge Road on the evening of 3 February, 2011 and discharged one round from his personal protection weapon, fatally injuring him. The CCTV footage showed Mr. Ringland entering the filling station, walking behind the counter, producing a knife and taking a sum of cash from the till. The footage shows that the off-duty officer walked into the garage, raised his firearm and pointed it towards Mr. Ringland, who at that stage was walking down an aisle towards him. The man raised a knife before the shot was fired. Mr. Ringland had the knife in his right hand, which was down by his side, but as he continued to walk towards the officer he began to move the knife upwards from below waist height. The footage shows the officer discharging one shot. There were several witnesses in the shop at the time including a member of staff.

Published Date: 21.11.2012

The Police Ombudsman's Office has found that the actions of a police officer, who shot dead a member of the public in a filling station in East Belfast, were justified and proportionate, given the threat he believed he faced. The police officer told Police Ombudsman investigators that he drew his gun, identified himself as a police officer and ordered Mr Ringland to drop the knife. The officer said Mr Ringland continued to walk towards him. He said he was uncertain as to whether the automated entrance/exit door had closed behind him, so he could not move backwards, and to move forwards would have placed him closer to the knife. The officer said he feared he would be stabbed and had no other option but to fire. The witnesses varied in their accounts as to the specific wording of the verbal warning issued by the officer, but all agreed that he identified himself as a police officer and warned Mr. Ringland to put down the knife or he would be shot. The Police Ombudsman, Dr Michael Maguire, has described the incident as tragic: "I recognise that this is a personal tragedy for the Ringland family. To lose a loved one so young and so suddenly must be a particularly heavy burden to bear. My role, however, has been to independently examine the circumstances of Marc's death. There is evidence that as Marc approached the officer, his knife presented a clear threat. The officer had a split second to decide what action to take. Given the threat he believed he was facing, as well as the potential danger to others, the officer's decision to fire his gun was understandable and justified," said Dr Maguire.

Incident Antrim May 2015

Police responded to a 999 call about a man acting aggressively with a hatchet. Local uniform police officers were given orders to contain the area and negotiate with, rather than challenging, the suspect. When the the officers arrived at the scene they discovered that the man had a crossbow and hatchet, and was high on drink and drugs. A decision was taken to get the assistance of an armed police unit. When the armed officers arrived, the man was inside a caravan. They ordered him to come out and he did so, but was armed with the crossbow and hatchet. An officer drew his personal protection weapon and ordered the man to drop the weapons. He also stated that another officer had an AEP baton gun to provide a less lethal option if required. Instead of dropping the weapons, the man raised the crossbow and took aim towards police. The officer who fired the shots initially aimed his gun at the man's chest, before assessing that there was an opportunity to use less lethal force by firing at the grass bank behind him. He then fired two shots into the ground, which resulted in the man dropping the crossbow and running off into a nearby caravan, where he was then apprehended.

Officers justified in firing warning shots

Published Date: 01.11.2016

The Police Ombudsman has concluded that a police officer was justified in firing two warning shots into the ground near a man who aimed a crossbow at officers.

The officer said he fired the shots in order to neutralise the threat, and described his actions as the least lethal option he could have taken in the circumstances.

The Police Ombudsman, Dr Michael Maguire, noted that police guidelines require officers using live fire in such circumstances to take care to avoid causing unintentional harm to others. He noted that the officer had done so by ensuring the area behind the man was clear, and said his actions had helped resolve a volatile and dangerous situation. He concluded that the use of live fire in the circumstances had "lawful, proportionate and justified."

Police Ombudsman for Northern Ireland

The Police Ombudsman's Office provides independent and impartial investigation of complaints about the police in Northern Ireland. The current Police Ombudsman is Dr Michael Maguire.

The Office opened in November 2000. Its opening marked the beginning of an entirely new system for investigating complaints against police officers in Northern Ireland. Previously, complaints against police were investigated by other police officers.

The Police Ombudsman's Office, however, has its own teams of professional investigators who gather evidence to show whether or not police officers have acted improperly. The investigators in the Ombudsman's Office are not Police Officers.

The Office was the first fully-funded and completely independent police complaints organisation in the world, and has been described as the international 'gold standard' for police complaints. This is because the system benefits both the complainant and the police. In complaint systems in most other parts of the world the police are involved in investigating complaints about themselves. This leads them open to allegations of a cover-up if they find there was no wrong-doing. The independent Ombudsman system, however, prevents any such accusations and protects the integrity of the police.

Currently about 3000 complaints per year are made about police officers in Northern Ireland. These include complaints about the use of force by police officers, allegations that officers failed to do their jobs properly, that police perverted the course of justice, or that they were rude or offensive during the course of their duties.

In addition, the Police Ombudsman investigates:

- All discharges of police firearms (including Taser)
- All fatal road traffic collisions involving police officers
- Any death which may have occurred as a result of the actions of a police officer

In most circumstances the Police Ombudsman can investigate only incidents that have occurred in the previous 12 months. However, there is no time limit on the investigation of grave or exceptional matters. As a result, the Police Ombudsman has investigated many complaints from the relatives of the people who died during 'The Troubles'.

Following an investigation – if the evidence suggests that police officers have broken the law or breached the police Code of Ethics – the Police Ombudsman has no power to apply sanctions itself, but can recommend that action is taken by either the Public Prosecution Service or the Chief Constable. Sanctions can range from a prison sentence in the case of a criminal prosecution, or for disciplinary incidents an officer can receive either a verbal warning, advice and guidance, a fine, or even dismissal, depending on the severity of the offence.

Whether there is evidence to support the complaint or not, the Police Ombudsman will inform both parties to the complaint of its outcome and in cases of public interest make a general statement about the findings.

If necessary he will also make any relevant recommendations for the improvement of police policy and practice. These are made when, for example, during the course of an Ombudsman investigation it becomes clear that police procedures and guidance to officers to deal with a particular situation were inadequate. Recommendations will then be made to improve them to make sure similar difficulties do not happen in the future.

The vast majority of the recommendations made by the Police Ombudsman have been accepted and implemented by the police.

Anyone wishing to make a complaint to the Police Ombudsman can make contact via the methods listed below. There is no charge for the use of the service.

Web: www.policeombudsman.org

Email: info@policeombudsman.org

Tel: 028 9082 8600 / 0845 601 2931 (Out of hours)

Consequences for Police Officers

- The Police Ombudsman has NO power to impose sanctions against a member of the PSNI, but if a crime has been committed they must pass the evidence to the Public Prosecution Service (PPS) and the Chief Constable.
- Consequences can include:
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 - Advice and Guidance
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 - Prison Sentence

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