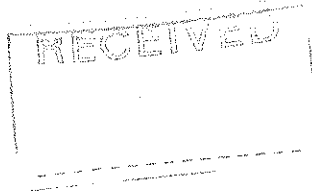


Our ref: 80213843-2020

Date: 6 September 2021

Ms Patricia Devlin
c/o
KRW Law
9-15 Queens Street,
Belfast
BT1 6EA



Dear Ms Devlin

Re Complaint against police

I refer you to previous correspondence in relation to the above. I write to inform you that I have now concluded the investigation into this matter.

The role of the Police Ombudsman for Northern Ireland, which is totally independent of the Police Service, is to consider whether an officer's behaviour fell below the standard set out in the Police Code of Ethics.

Your complaint

On the 13th October 2020, you contacted the Police Ombudsman for Northern Ireland via KRW Law.

You stated that you on the 28th October 2019 you made a report to police that you had received threatening message via your personal Facebook account. Your complaint to the Police Ombudsman's Office is that police did not investigate this report properly and failed to protect you.

Your complaint was specifically against the assigned police Investigating Officer in that he:

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- (1) Failed to make the necessary enquires to locate and deal with the suspected offender.
- (2) Failed to protect you as the victim of the threatening messages.

Our investigation

The Police Ombudsman for Northern Ireland obtained relevant police documentation in respect of this incident, which was subsequently examined and reviewed.

The Police Officer subject to the complaint was issued with formal notification of the complaint. The officer submitted a written response under the misconduct caution.

Investigators from the Police Ombudsman for Northern Ireland contacted and liaised with the professional standards department of Police Scotland.

- (1) Failed to make the necessary enquires to locate and dealt with the suspected offender.

A review of the police investigation found that evidential opportunities were missed in regard to enquiries that should have been conducted by police during the investigation.

Although the Officer had limited service (6 months at the time of taking the report), he did have the ability to seek advice and guidance. There is nothing within Police documentation nor within the Officer's written response under the misconduct caution to say that he actively sought advice and guidance. The Officer's immediate supervisors changed during the investigation.

The suspected offender in relation to the report you made to police was believed to be residing within Scotland at the time of the police investigation.

Section 137 of the Criminal Justice and Public Order Act 1994 relates to cross border powers of arrest between Scotland and Northern Ireland, England and Wales. Section 137A of the same Act relates to additional powers of arrest.

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These arrest powers relate to the ability of Police Officers in Scotland to arrest a suspect in Scotland, who has committed an offence in Northern Ireland. This arrest can only be carried out for certain offences in certain circumstances which are outlined within the Act.

In essence the offence in question, of improper use of a public communications network for the purpose of causing annoyance, inconvenience or needless anxiety to another, is not covered by this legislation.

There were however other legal and operational alternatives that the Officer could and should have considered.

In relation to this part of your complaint, the Police Ombudsman's Office made recommendations to the PSNI Professional Standards Department (PSD) regarding how the police officer had performed during the investigation.

(2) Failed to protect you as the victim of the threatening messages.

In the statement you made to police on the 28th October 2019 you stated 'I feel scared for my safety and that of my family'.

Police documentation records that you received 13 contacts from the police officer in a period of 11 months. No specific failings were identified in regard to police failing to protect you.

Conclusion

In regard to Allegation 1, PSD agreed with the Police Ombudsman's recommendations, and the recommendations have now been acted upon.

Allegation 2 has now been closed; no recommendations were made to PSD regarding this allegation.

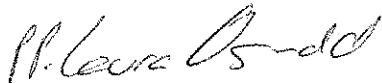
This case has now been closed. The Police Ombudsman will retain a record of your complaint on file.

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You will receive a customer survey form in the next six to eight weeks and I would encourage you to complete this with any relevant feedback and return it to the office.

Yours sincerely,



Robert Noddings

Investigating Officer

Office of the Police Ombudsman for Northern Ireland

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