



Making Northern Ireland Safer For Everyone Through Professional, Progressive Policing

FREEDOM OF INFORMATION REQUEST



Request Number: F-2008-05382

Keyword: Complaints/Discipline

Subject: POLICE OFFICERS CONVICTED OF A CRIMINAL OFFENCE - COUNTY TRYONE

Request:

Question 1 - The number of police officers charged and convicted of a criminal offence and reported to the Professional Standards Department each (calendar) year since the inception of the PSNI to the date this request is answered, for each of the above four areas. Please provide a detailed log of the rank of each officer and the offence(s) he/she was convicted of, and the punishment imposed in each case.

Question 2 - The number of police officers who were disciplined for offences excluding those reported to the Professional Standards Department, for example those dealt with at local management level etc, for each (calendar) year since the inception of the PSNI to the date this request is answered, for each of the above four areas. Please provide a detailed log of the rank of each officer and the offence(s) he/she was convicted of, and the punishment imposed in each case.

Question 3 - The number of police officers suspended and returned to duty each (calendar) year since the inception of the PSNI to the date this request is answered, for each of the above four areas. Please provide a detailed log of the rank of each officer and the offence(s) he/she was suspended for, the salary paid to each officer while suspended (I may accept the total salary of all suspended officers in the four areas if this is rejected for confidentiality reasons).

Question 4 - The number of police officers suspended who did not return to duty each (calendar) year since the inception of the PSNI to the date this request is answered, for each of the above four areas. Please provide a detailed log of the rank of each officer and the offence(s) he/she was suspended for, the salary paid to each officer while suspended (I may accept the total salary of all suspended officers in the four areas if this is rejected for confidentiality reasons).

Question 5 - How many officers are currently suspended in these four areas, and the reasons for the officers' suspension?

Answer:

I am writing to confirm that the Police Service of Northern Ireland has now completed its search for the information. I have today decided to disclose record numbered 01833.pdf and disclose information subject to certain exemptions pursuant to the provisions of the Freedom of Information Act 2000.

The information requested relates to both the old DCU structure of Omagh, Strabane, Dungannon/South Tyrone and Cookstown and the new structure. Due to restructuring within the PSNI those areas ceased to be District Command Units on 1.4.07. Dungannon and South Tyrone, Omagh and Cookstown are now part of F District and Strabane part of G District. The information therefore falls within the old District Command Unit structure until 31.3.07 and thereafter into areas.

Answer 1 - The PSNI replaced the Royal Ulster Constabulary on 4.11.01. Please refer to table 1 attached. The ranks of

the officers involved, the specific details of the offences, punishments imposed and salaries paid to individual officers during suspension will not be supplied by virtue of the relevant exemptions mentioned below.

Answer 2 - To answer this question would exceed the "appropriate limit" of £450 as set by the Secretary of State. The PSNI has undergone a number of internal boundary changes over the last few years in relation to reducing the number of areas covered by District Command Units from 26 to 8 Districts. The information you have requested is retained in a number of areas and it would take in excess of the "appropriate limit" to locate the relevant records and retrieve the information specific to your request.

Answer 3 - No officer was suspended and returned to duty in the areas mentioned during the time period requested.

Answer 4 - No officer was suspended and did not return to duty between 4.11.01 and 31.12.05 in the four areas mentioned.

In the calendar year of 2006 the following officers were suspended and did not return to duty:

Dungannon area – one officer suspended for breach of order/criminal offence.

Cookstown area – none

Omagh area – one officer suspended for criminal offence. One officer suspended for non-payment of fine and one officer suspended for motoring offences.

Strabane area – none.

No officer was suspended and did not return to duty in the 2007 calendar year.

In the period 1.1.08 to 11.12.08 the following officer was suspended and did not return to duty.

Dungannon area – none

Cookstown area – none

Omagh area – none

Strabane area – one officer suspended for criminal offence.

The total gross salaries paid to the five officers suspended was £151,329.52.

The gross salaries have been calculated from the beginning of the month in which suspension was effected to the last day of the month in which the suspension terminated.

In each case the officer's employment was terminated.

The ranks of the officers involved, the specific details of the offences for which suspended and the salaries paid to individual officers during suspension will not be supplied by virtue of the relevant exemptions mentioned below.

Answer 5 - The following officers are currently suspended in each of the four areas:

Dungannon area – none

Cookstown area – none

Omagh area – one officer alleged to have committed a criminal offence

Strabane area – one officer alleged to have committed a criminal offence.

The specific offences for which suspended will not be supplied by virtue of the relevant exemptions mentioned below.

Section 17 of the Freedom of Information Act 2000 requires the Police Service of Northern Ireland (PSNI), when refusing to provide such information (because the information is exempt) to provide you the applicant with a notice which:

- (a) states that fact,
- (b) specifies the exemption(s) in question
- (c) states (if not otherwise apparent) why the exemption applies

The exemptions are as follows:

Sections 40(2)(a)(b) and (3)(a)(i) – question 1 and 3 -5 above

Section 44(1)(a) and (c) – questions 5 above

Section 30(1)(a)(b) and (c) – question 5 above

Section 40(2)(a)(b) and (3)(a)(i) – Personal information – questions 1 and 3 – 5 above.

This is an absolute and class based exemption. The information sought must fall within the class of information covered by the exemption, in this instance the information must be personal i.e. information from which a person can be identified.

Releasing that information must breach at least one of the data protection principles. As this is an absolute exemption the legislators have assumed that harm will be caused should the information be released.

Because of the low number of officers involved in each area the potential exists for individuals to be identified from the information released i.e. ranks, details of offences, details of punishment, details of offences for which suspended and salaries paid to individual officers. Whilst no individual will be immediately identified from each piece of the information sought, taken together there is the potential for individuals to be identified from that information and other information that may already be in the public domain or which may appear in the public domain at some time in the future. The information on convictions etc. constitutes sensitive personal data of the officers concerned. A disclosure under the Freedom of Information Act constitutes release to the public in general.

Many cases are quite old and to resurrect details of those cases may cause distress to those officers and their families. Officers have a right to private lives – Article 8 of the Human Rights Act 1998 refers.

Releasing such data would be unfair and unlawful and breach the First Principle of the Data Protection Act 1998.

This exemption is therefore engaged.

Section 44(1)(a) and (c) – Prohibitions on disclosure – question 5 above.

This is an absolute and class based exemption. The information sought must fall within the class of information covered by this exemption; in this case there must be another enactment, which prevents disclosure. As this is an absolute exemption the legislators have assumed that harm will be caused should the information be released.

Persons have a right to a fair trial under Article 6 of the Human Rights Act. The cases referred to have not yet concluded.

Premature release may breach these rights and may lead to a contempt of court.

This exemption is therefore engaged.

Section 30(1)(a) - Investigations and proceedings conducted by public authorities – question 5.

This is a qualified and class based exemption.

The information must fall into the class of information provided by this exemption. The information sought is contained within 2 investigation files to determine whether police officers had committed criminal offences. Under the Police (NI) Act 2000 the PSNI has a responsibility to investigate crime.

The information sought clearly falls within this exemption. In a class based exemption the legislators have assumed that harm will be caused if the information is released. Because this is a qualified exemption this assertion must be challenged by the application of a public interest test.

PUBLIC INTEREST TEST

Favouring release

There is a general public interest in the way that police work and for public bodies to be accountable for their actions. Information, which enables the efficiency and effectiveness of the Service to be scrutinised, will be of benefit to the community. The behaviour of Police Officers is always high on the public agenda. Release will reassure the public that Police officers do not receive special treatment and that errant officers are suitably dealt with.

Releasing the information sought would be the right thing to do.

The public have a right to know how the PSNI deals with Police Officers suspected of wrongdoings.

Concerns over the behaviour of police officers is quite rightly high on the public agenda and disclosure of information surrounding these issues could assist individuals in making decisions about their own activities. Releasing the information sought may better inform the public and even encourage others to come forward to report criminal offences involving Police Officers if they know that positive action will be taken

Releasing details may allay public concerns that police officers are not above the law and are suspended in appropriate circumstances thus reducing the fear of crime.

Favouring retention

Should a prosecution fail as a consequence of a premature disclosure of information, the public may lose confidence in the ability of the PSNI to bring offenders to justice. This will have a negative impact on the prosecution process.

This could result in a reduction in the flow of information and evidence, which would have a negative impact on the PSNI's ability to carry out its core functions.

Releasing details that are not already in the public domain may compromise the officers right to a fair trial under the Human Rights Act and more importantly the rights of the victim, if a prosecution were to fail due to disclosure at this stage.

BALANCING TEST AND DECISION

There is always a strong public interest in the accountability of the Police and how they operate. This is the most compelling argument for release. The strongest argument for non-release is the potential harm to the prosecution process. There can be no public interest in compromising this process. The public interest for retention therefore outweighs the public interest for release. This exemption is engaged.

It should be noted that the above information relates to officers who were stationed within the districts/areas mentioned at the time when conviction occurred/suspension was effected.

The figures supplied have been compiled by the PSNI's Professional Standards Department which has responsibility for internal discipline relating to police officers. All the details requested are not recorded centrally and were obtained from the interrogation of several databases and the manual examination of a number of files. Information extracted in this manner may not be as accurate as that extracted from a single central database.

It should be noted that each case is examined on an individual basis to determine the level and nature of misconduct of the officer and the extent to which the PSNI's Code of Ethics has been breached. The seriousness of the offence, the circumstances surrounding its commission and its potential impact will dictate the level of action to be pursued and the misconduct sanction ultimately imposed.

The Police Service expects its staff to behave professionally, ethically and with the utmost integrity at all times. Whilst the Service takes extremely seriously any allegation of wrongdoing, the number of cases must be put into context of the overall number of police attached to the four areas concerned i.e. just over 400 officers at the date of your request.

United Kingdom Police Services do not use generic systems to capture information. For this reason PSNI's response to your questions should not be used for comparison purposes with any other Police Service.

If you have any queries regarding your request or the decision please do not hesitate to contact me on 028 9070 0164. When contacting the Freedom of Information Team, please quote the reference number listed at the beginning of this email.

If you are dissatisfied in any way with the handling of your request, you have the right to request a review. You should do this as soon as possible, or in any case within two months of the date of issue of this letter. In the event that you require a review to be undertaken, you can do so by writing to the Head of Freedom of Information, PSNI Headquarters, 65 Knock Road, Belfast, BT5 6LE or by emailing foi@psni.pnn.police.uk

If following an internal review, carried out by an independent decision maker, you were to remain dissatisfied in any way with the handling of the request you may make a complaint, under Section 50 of the Freedom of Information Act, to the Information Commissioner's Office and ask that they investigate whether the PSNI has complied with the terms of the Freedom of Information Act. You can write to the Information Commissioner at Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF. In most circumstances the Information Commissioner will not investigate a complaint unless an internal review procedure has been carried out, however the Commissioner has the option to investigate the matter at his discretion.

Please be advised that PSNI replies under Freedom of Information may be released into the public domain via our website @ <http://www.psni.police.uk/>

Personal details in respect of your request have, where applicable, been removed to protect confidentiality.

Table 1

**PSNI OFFICERS CHARGED AND CONVICTED OF A CRIMINAL OFFENCE
AND REPORTED TO PROFESSIONAL STANDARDS DEPARTMENT IN
EACH CALENDAR YEAR SINCE THE INCEPTION OF THE PSNI FOR THE
AREAS OF DUNGANNON, COOKSTOWN, OMAGH AND STRABANE.**

DATE	DUNGANNON AREA	COOKSTOWN AREA	OMAGH AREA	STRABANE AREA
2001 (from 4.11.01)	Nil	Nil	Nil	Nil
2002	1 officer – motoring offence. Fined and disqualified from driving	1 officer – motoring offence. Fined and penalty points	1 officer – motoring offence. Fined plus penalty points	1 officer – motoring offences. Fined and disqualified from driving
2003	1 officer – motoring offences. Fined and disqualified from driving	1 officer – motoring offence. Fined plus penalty points. 1 officer – motoring offences. Fined plus penalty points	Nil	1 officer – motoring offence. Fined plus penalty points
2004	1 officer – motoring plus firearms offence. Fined and disqualified from driving. 1 officer – motoring offence. Fined and disqualified from driving	Nil	Nil	1 officer – motoring offences. Fined and disqualified from driving
2005	1 officer – motoring offence. Fined and disqualified from driving. 1 officer – motoring offence. Fined and disqualified from driving	1 officer – breach of Order. Caution	1 officer – motoring offences. Fined plus penalty points	1 officer – motoring offences. Fined, disqualified from driving plus penalty points.
2006	Nil	1 officer – breach of Orders. Fined.	Nil	1 officer – motoring offences. Conditional discharge plus penalty points.
2007	Nil	1 officer – breach of Orders/criminal offence. Suspended	1 officer – motoring offences. Fined and disqualified.	1 officer – motoring offence. Fined plus penalty points.

Table 1

PSNI OFFICERS CHARGED AND CONVICTED OF A CRIMINAL OFFENCE AND REPORTED TO PROFESSIONAL STANDARDS DEPARTMENT IN EACH CALENDAR YEAR SINCE THE INCEPTION OF THE PSNI FOR THE AREAS OF DUNGANNON, COOKSTOWN, OMAGH AND STRABANE.

		sentence.		
2008 (to 11.12.08)	Nil	Nil	1 officer – motoring offences. Fined plus penalty points. 1 officer - motoring offence. Fined plus penalty points.	1 officer – criminal offence. Fined.

NOTE 1. THE PSNI REPLACED THE ROYAL ULSTER CONSTABULARY ON 4.11.01.

NOTE 2. DETAILS RELATE TO OFFICERS WHO WERE STATIONED IN THE AREAS MENTIONED AT THE TIME OF DETECTION. DETECTION MAY NOT HAVE TAKEN PLACE IN THOSE AREAS.

NOTE 3. THE DETAILS RELATE TO YEAR OF CONVICTION AND NOT TO YEAR OF DETECTION. CONVICTION MAY NOT NECESSARILY FALL INTO THE SAME YEAR AS DETECTION.