



Making Northern Ireland Safer For Everyone Through Professional, Progressive Policing

FREEDOM OF INFORMATION REQUEST



Request Number: F-2008-04373

Keyword: Complaints/Discipline

Subject: USE OF THE PSNI INTERNET/COMPUTERS

Request:

Question 1

For the last financial year (07/08) I would like details on any incident where a member of staff or officer has received any form of warning/disciplinary action (clarified as formal disciplinary action where the member of staff or officer appeared before a misconduct panel) as a result of inappropriate/illegal use of the internet and/or e mail. This should include (i) the month of the incident (ii) the nature of the offence or breach of force policy (iii) if the person was an officer or member of staff and (iv) how the matter was resolved i.e. written warning, sacked etc.

Question 2

If any person was disciplined for visiting an inappropriate website please provide me with the web address.

Question 3

If any person was disciplined for the forwarding of an inappropriate joke/picture please provide me with the e-mail with all personal details redacted.

Answer:

This is to inform you that the Police Service of Northern Ireland (PSNI) has now completed its search for the information you requested. The decision has been taken to disclose some of the located information and exempt the remainder pursuant to certain exemptions.

Answer 1

During the 2007/2008 financial year one police officer was formally disciplined for inappropriate use of the service's internet. The use took place between April and August 2007 and did not involve the commission of any criminal offence. The officer appeared before a misconduct panel where a sanction of a reduction in pay was imposed. The alleged misconduct involved breaches of the PSNI's Acceptable Use policy, which governs the use of the service's internet and E-mail facilities. The officer used the internet for non police purposes and viewing adult/sexually explicit websites for purposes not related to official police business.

Further, one civilian member of Police Staff was formally disciplined for sending an inappropriate email. The incident occurred in July 2007. The email was a breach of the Acceptable Use Policy but also could potentially have been contrary to the Bullying/Harassment Policy. The matter was dealt with by way of a formal written warning.

Answer 2

The officer was disciplined for visiting adult/sexually explicit sites for non police purposes. The web site addresses will not be released pursuant to the exemptions outlined 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:

- Section 30(2)(iii)(b) and 31 (2)(b)(c) – investigations and proceedings conducted by public bodies
- Section 38(1)(a)(b) – health and safety

Section 30(2)(a)(iii)(b) and 31(2)(b)(c) - Investigations and proceedings conducted by public authorities.

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 an investigation conducted to establish whether a police officer had breached the PSNI's Code of Ethics in not complying with the service's Acceptable Use policy. The investigation was conducted by the Professional Standards Department of the PSNI under the Police Service of Northern Ireland (Conduct) Regulations 2000. This Department has responsibility for internal discipline relating to serving police officers.

The details of the websites visited were produced as part of that investigation. There is an expectation that such reports should remain within the domain for which provided, in this case the misconduct investigation and any subsequent misconduct hearing. There is no expectation that such reports will be released further afield. In essence the report was provided in confidence.

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. Consequently there is no obligation on the PSNI to identify the harm that would be caused if the information requested was released. In this case, as the exemption is qualified, 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 the police to be accountable for their actions. Information, which enables the efficiency and effectiveness of a force 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.

Release may further the interests of justice as it would improve the public's knowledge and understanding of how errant officers are dealt with, thereby encouraging the participation of members of the public in that process.

Releasing the information sought may better inform the public and even encourage others to come forward to report offences involving police officers if they know that positive action will be taken.

May allay public concerns that police officers are not above the law thus reducing the fear of crime and that the PSNI has the capability to detect and deal with staff.

There is always a public interest on how public bodies spend their money and in particular how police officers spend their time whilst on duty.

Police officers are public officials and the information relates to breaches of discipline associated with the officer's public position. There is always a public interest in the wrongdoing of public officials.

Favouring Retention

The details of the websites visited were produced as part of an investigation to determine whether an officer had breached the PSNI's Code of Ethics. There is an expectation that such reports should remain within the domain for which provided in this case the misconduct investigation and any subsequent misconduct hearing. There is no expectation that such reports will be released further afield. In essence the report was provided in confidence. Releasing material, which is confidential, will have a detrimental effect on future misconduct investigation if the public become aware that confidential information can be released. i.e. reduced flow of information/intelligence/evidence. A reduction in the flow of information, intelligence and evidence has the potential to prejudice misconduct investigations and inhibit Professional Standards Department from carrying out full investigations into staff who breach internal disciplinary regulations.

Accessing such sites could link to others of a similar nature and even encourage persons to visit illegal sites. This will increase the possibility of those persons being prosecuted and may lead to attacks on persons convicted of sexual offences. Clearly this will have the potential to have a negative impact on the core functions of the police i.e. the prevention and detection of crime and the apprehension and prosecution of offenders.

BALANCING TEST AND DECISION

There is always a strong public interest in the accountability of the Police particularly how they deal with their own officers who breach the disciplinary code. This is the most compelling argument for release. The strongest argument for non-release is the negative impact on the ability of the PSNI to conduct thorough misconduct investigations into officers who breach the PSNI's Code of Ethics and the potential to damage core policing functions. The public interest for retention clearly outweighs the public interest for release. Consequently this exemption is engaged.

Section 38(1)(a)(b) – Health and safety

This is a qualified and prejudiced based exemption. The prejudice likely to be caused to the health of an individual must be identified and challenged by the application of a public interest test.

LIKELY PREJUDICE

Releasing details of adult/sexually explicit sites visited could have a detrimental effect on children and other vulnerable persons who may use the details as a reference point. Accessing such sites could link to similar sites and even encourage others to visit illegal sites. This is likely to have a detrimental effect on the health of the individuals involved.

Access to such sites could lead to an increase in sexual crime. An increase in sexual crime may lead to increased attacks on those who commit or are suspected of committing sexual offences.

As this is a qualified exemption a public interest is required.

PUBLIC INTEREST TEST

Favouring Release

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Releasing the information sought may better inform the public and even encourage others to come forward to report offences involving police officers if they know that positive action will be taken.

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BALANCING TEST AND DECISION

There is always a strong public interest in the accountability of the Police particularly how they deal with their own officers who breach the disciplinary code. This is the most compelling argument for release. The strongest argument for non-release is the potential to corrupt vulnerable persons and the likely damage to their health and safety. There can be no

public interest in jeopardising the mental or physical health of any individual. The public interest for retention clearly outweighs the public interest for release. Consequently this exemption is engaged.

Answer 3

No person was formally disciplined for the forwarding of an inappropriate joke/picture in 2007/2008 financial year.

Whilst the PSNI takes seriously any wrongdoing by its staff, the number of cases must be put into context of the overall size of the PSNI i.e. around 9000 during the period for which the information is sought.

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 the Freedom of Information Team on 028 9070 0164. When contacting the Freedom of Information Team, please quote the reference number listed at the beginning of this letter.

If you are dissatisfied in any way with the handling of your request, you have the right to request a review in accordance with our complaints procedure. In the event that you require a review to be undertaken, you can do so by writing to the Head of Freedom of Information Team, Freedom of Information, PSNI Headquarters, 65 Knock Road Belfast BT5 6LE or by emailing foi@psni.pnn.police.uk

If following an internal review you remain dissatisfied in anyway with the handling of the request you may make a complaint to the Information Commissioner 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 all PSNI replies under Freedom of Information will be released simultaneously into the public domain via our website @ www.psni.police.uk

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