



Making Northern Ireland Safer For Everyone Through Professional, Progressive Policing

## FREEDOM OF INFORMATION REQUEST



**Request Number:** F-2008-04643

**Keyword:** Organisational Information/Governance

**Subject:** VOLUNTARY ATTENDANCE AND NECESSITY TO ARREST

### Request:

**Question 1** - PSNI policy on voluntary attendance and the aspect of necessity to arrest. If a member of the service agrees with an individual to voluntarily attend for interview should the officer honour this commitment whilst circumstances remain unchanged?

**Question 2** - If an individual writes to the service, what expectation of time, can the applicant expect to wait before receipt of a reply?

**Question 3** - How many officers have been investigated/dismissed/prosecuted/disciplined since 2004 for failing to investigate an offence expeditiously, accurately etc. What is the breakdown of ranks regarding same?

**Question 4** - How many officers have since 2004 been investigated / dismissed /prosecuted/disciplined for perverting the course of justice? What is the breakdown of ranks regarding same?

**Question 5** - How many officers are currently serving or have served in 'acting ranks', since 2005, who do not possess any part of a promotion examination. What is the gender/ranks of these officers?

**Clarification** - With regards to the term 'acting up', I am aware that officers act in what is normally the next rank on the promotion scale. They would ordinarily receive remuneration for acting in these posts. I am aware that there appears within the service to be some form of disparity between the definition of the terms 'acting up' & 'temporary promotion'. A requirement of service policy in temporary posts is to be in possession of part of the OSPRE or appropriate promotion examination of the rank, which the individual is promoted into. In short, does the service differentiate between the terms 'acting' and 'temporary', and if so what is the differentiation and how many officers currently represent both versions.

**Question 6** - What is the number of current grievances under investigation by the service?

**Question 7** - How are these broke down in terms of type i.e. discrimination etc.

**Question 8** - What is the average time in resolving these matters?

### Answer:

This is to inform you that the Police Service of Northern Ireland has now completed its search for the information you requested. The decision has been taken to disclose the located information to you in full.

**Answer 1** - Police officers must act in accordance with Section 31 of the Police & Criminal Evidence (NI) Order 1989, when requesting any individual to accompany that officer as a voluntary attendee.

## **Voluntary attendance at police station etc.**

(1) Where for the purpose of assisting with an investigation a person attends voluntarily at a police station or at any other place where a constable is present or accompanies a constable to a police station or any such other place without having been arrested—

(a) He shall be entitled to leave at will unless he is placed under arrest;

(b) He shall be informed at once that he is under arrest if a decision is taken by a constable to prevent him from leaving at will.

(2) Where—

(a) A person is taken to a police station in pursuance of a direction under section 16 of the Prison Act (Northern Ireland) 1953; and

(b) While he is there it appears to a constable that he is liable to arrest for an offence, he shall be arrested for that offence

**Answer 2** - The PSNI Command Secretariat protocol for dealing with correspondence is as follows: letters have to be acknowledged within 3 working days of receipt with a full response being sent within 28 working days from receipt of letter. Any correspondence relating to the Freedom of Information Act is to be dealt with within 20 working days of receipt of the request.

**Answer 3** - From 1.1.04 to the date of your request a total of 397 cases involving 377 officers (in some cases allegations have been made against more than one officer and in other cases no officers have been identified) have been referred to the Professional Standards Department of the PSNI. These cases have either originated from within the PSNI or referred to the PSNI from the Police Ombudsman's Office. The cases relate to alleged failures to conduct proper investigations or conduct investigations in an expeditious manner. They refer to incidents where the police have a duty to investigate reported crime, incidents and other allegations.

Failure to conduct a proper investigation or conduct an investigation expeditiously constitutes a disciplinary offence; consequently no officer was prosecuted through the criminal courts.

Of the 377 officers against whom allegations were made, 15 were formally disciplined i.e. brought before a misconduct panel. Of those formally disciplined 4 officers were either dismissed or required to resign. A further 3 officers had their services dispensed with under other regulations (unsatisfactory performance) without recourse to formal disciplinary proceedings.

The ranks of the officers against whom the allegations were made are as follows:

Superintending rank x 1  
Inspecting rank x 8  
Sergeant x 29  
Constables x 329  
Reserve Constables (Full Time) x 10

In 29 cases no officer was identified.

Of the 359 officers not formally disciplined or dealt with under other regulations, no further action was directed against 33 officers as the allegations were not proven and 12 officers are still currently under investigation. The remaining officers received either a written warning, advice and guidance, managerial discussion or papers were returned for action at the discretion of local management.

The cases refer to allegations made since 1.1.2004 and do not necessarily reflect the year of the investigation which prompted the allegation.

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 number of allegations must be put in context of the overall number of incidents responded to by police from 1.1.05 to the date of your request i.e. 2,033,799 recorded incidents.**

**Answer 4** - From 1.1.04 to the date of your request a total of 13 officers involving 14 allegations (2 allegations made against one officer) have been referred to the Professional Standards of the PSNI. The cases relate to allegations of perverting/attempting to pervert the course of justice, which have either originated from within the PSNI or referred to the PSNI from the Police Ombudsman's Office.

Two officers faced prosecution through the criminal courts. One officer was convicted and was subsequently dismissed from the PSNI after being formally disciplined i.e. appeared before a misconduct panel. In the other case the court ordered a stay in proceedings and a formal misconduct hearing is pending.

The PPS directed a prosecution against a third officer, who left the service prior to the conclusion of criminal proceedings.

Of the remaining officers against whom allegations were made, 3 are still currently under investigation, 6 await directions from the Public Prosecution Service (PPS) and the PPS directed no prosecution against the 2 remaining officers. Of the latter two cases one officer faced formal disciplinary proceedings where a sanction other than dismissal was imposed and in the other case no further action was taken as the allegation was not proven.

It should be noted that disciplinary proceedings cannot, in the main, be concluded until the expiry of criminal proceedings. It should also be noted that in criminal proceedings the case must be proved beyond reasonable doubt while the standard of proof at misconduct hearings is based on the balance of probabilities.

The ranks of the officers against whom the allegations were made are as follows:

Inspecting rank x 2  
Sergeant rank x 1  
Constable rank x 9  
Reserve Constable (Full Time) X 1

The cases refer to allegations made since 1.1.2004 and do not necessarily reflect the year in which the alleged offences were committed.

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 in a variety of categories. Information extracted in this manner may not be as accurate as that extracted from a single central database.

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 size of the PSNI i.e. around 9000 officers at the time of your request.

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

**Answer 5** - The Police Service of Northern Ireland is unable to provide the information requested in question 5 as it exceeds the appropriate level of £450 as stated in the Freedom of Information (Fees and Appropriate Limit) Regulations 2004 as determined by the Secretary of State. The PSNI do not hold the information requested centrally for acting up ranks, which is agreed at local level, and to locate, retrieve and summarise the information would require the 8 District Command Units and all Headquarters Departments to task a member of staff to examine all personal files of each officer within their DCU / Department to identify the officer concerned and whether or not the officer holds any part of a promotion examination, etc. As there are over 7,000 officers, excluding student officers, within the PSNI, and allowing 10 minutes per file, it would take in excess of 1000 hours to obtain the information requested. However, the PSNI is able to provide you with the number of officers who are as of October 2008 claiming 'Temporary Salary'. This salary is payment for officers who are acting up in the ranks Sergeant to Assistant Chief Constable, and have completed the document stating the number of hours he/she spent during the month in the higher rank. Currently, there are 114 officers in receipt of temporary salary. The PSNI have also considered whether we can be of any assistance in terms of helping you refine your request to bring it under the cost limit. It may be possible to provide the number of officers who have been temporarily promoted to the higher rank. This is usually for ranks of Chief Inspector and above who are gazetted as being temporarily promoted to the higher rank with a specified timescale.

**Answer 6** - There are currently 19 grievances being investigated.

**Answer 7** - 3 cases relate to Breach of Employment Contract / Termination  
13 cases relate to Detriment in employment  
4 Type not recorded

**Answer 8**- As this relates to current cases, it is not possible to calculate the time taken to resolve the matter until the case is closed.

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](mailto: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 all PSNI replies under Freedom of Information will be released simultaneously into the public domain via our website @ <http://www.psnipolice.uk>

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