



Making Northern Ireland Safer For Everyone Through Professional, Progressive Policing

## FREEDOM OF INFORMATION REQUEST



**Request Number:** F-2009-00153

**Keyword:** Complaints/Discipline

**Subject:** CASES REFERRED TO POLICE OMBUDSMAN BY THE CHIEF CONSTABLE

### Request and Answer:

**Question 1.** Has the Chief Constable referred any cases to the Ombudsman's Office, not within their remit, where it was of a nature that he did not wish it to be investigated within the PSNI i.e. the complaint came from within the PSNI, not from a member of the public?

**Question 2.** Has the Ombudsman ever refused this or any other request of a similar nature?

**Answer.** The information you seek is not recorded centrally and will have to be extracted manually from within the covers of files. The Police Ombudsman for Northern Ireland assumed responsibility for investigating complaints against the police from members of the public on 6.11.2000. It is estimated that to comply with your request would entail the examination in excess of 3200 files. The cost of doing so including determining whether the information is held, locating it and retrieving and extracting it would exceed the "appropriate limit" as stated in the Freedom of Information Regulations 2004, which is currently set by the Secretary of State at £450.

It is estimated that it would take in excess of 700 hours to examine the papers in question. The rate of £25 per hour has been set by Regulation.

In accordance with the Freedom of Information Act 2000, this letter should be considered as a Refusal Notice. However, I am able to disclose that, from corporate knowledge within the Professional Standards Department of the PSNI, there is a record of at least one case where the PSNI referred such a complaint to the Police Ombudsman. In another case a complaint by a serving officer was made direct to the Ombudsman by the officer. The Ombudsman did not conduct an investigation in either case.

You may wish to submit a refined request in order that the cost of complying with your request may be facilitated within the 'appropriate limit'. Submission of a refined request would be treated as a new request, and considered in accordance with the Freedom of Information Act 2000, including consideration of relevant Part II exemptions.

If you have any queries regarding your request or this 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 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 PSNI replies under Freedom of Information may be released into the public domain via our website @ [www.psni.police.uk](http://www.psni.police.uk)

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