



Making Northern Ireland Safer For Everyone Through Professional, Progressive Policing

## FREEDOM OF INFORMATION REQUEST



**Request Number:** F-2009-00208

**Keyword:** Complaints/Discipline

**Subject:** POLICE OFFICERS ARRESTED/CHARGED WITH DRINK DRIVING OFFENCES

### Request and 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 the located information to you in full. The information released has been obtained from records held within the Professional Standards Department of the PSNI, which has responsibility for internal discipline relating to police officers.

#### Question 1

How many serving police officers were arrested for/charged with drink driving related offences in the five week run up to Christmas 2008 in:

- 'H' District
- Coleraine ACU

#### Answer

There is no record of any serving police officer having been arrested for drink driving related offences from 20<sup>th</sup> November 2008 to 25<sup>th</sup> December 2008 in H District. Coleraine Area Command Unit is within H District.

#### Question 2

What is PSNI internal policy towards officers convicted of drink driving related offences?

#### Answer

Please find attached a copy of our policy in relation to police officers convicted of drink driving offences. The policy makes mention of the Home Office/ACPO (Association of Police Officers) guidelines regarding police officers convicted of drink driving offences. This guidance can be found at Annex N of the Home Office Guidance on Police Unsatisfactory Performance, Complaints and Misconduct Procedures. I have also attached a copy of this guidance.

Drink driving related offences include drink driving, excess alcohol, drunk in charge, failing to provide samples and driving while unfit.

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 Corporate Information Manager, 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)

Any written reply expressing dissatisfaction with the response will be treated as a complaint.

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](http://www.psni.police.uk)

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

General Order No: 26/2006

File Box: B

Date: 5 June 2006

Sub Head: (e)

Part I

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## DISCIPLINE SANCTIONS FOR POLICE OFFICERS CONVICTED OF DRINK DRIVING OFFENCES

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### 1. BACKGROUND

- (1) The Home Office and Police Service of Northern Ireland are committed to reducing incidents of drink driving, both generally and within the Service. As such, the PSNI has adopted Annex N of the Police (Conduct) Regulations 1999 Home Office/ACPO Joint Guidelines regarding police officers convicted of drink driving offences.
- (2) The damage done to the reputation of the Service by officers convicted of these offences cannot be overstated and detracts from the credibility of the Service in this crucial area of law enforcement.

### 2. DISCIPLINARY HEARING

- (1) An officer convicted by a court of a drink driving offence can expect to face a formal disciplinary hearing. **The usual sanction to be applied is either dismissal or a requirement to resign to reflect the serious view which is taken, both inside the Service and by society generally.**
- (2) A discipline panel will always treat each case on its merits but officers presiding at such hearings must apply their judgement to the facts of the case to consider whether an alternative sanction could be justified. Aggravating factors in considering the seriousness of an offence include where:
  - (a) the offence was committed on duty;
  - (b) there is an attempt to avoid arrest;
  - (c) there is an attempt to interfere with due process, particularly by leaving the scene or improperly using their position as a police officer;
  - (d) the alcohol reading is particularly high;
  - (e) the offence derives from a traffic collision or another incident involving a member of the public;
  - (f) given the nature of policing within Northern Ireland, cognisance will also be given to whether the officer is in possession of a firearm.

3. Only in cases where none of these circumstances exist and there are exceptional circumstances should a lesser sanction be imposed. When this happens the reasons should be clearly set out and recorded.

### 4. CERTIFICATION

This guidance has been drafted in accordance with the Human Rights Act, Section 75 Northern Ireland Act, the PSNI's integrity standards and the Code of Ethics.

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**5. GENERAL**

This General Order reiterates the contents of the Deputy Chief Constable's email dated 2 May 2006.

**ANNEX N**

**POLICE (CONDUCT) REGULATIONS 2004**

**HOME OFFICE/ACPO JOINT GUIDELINES**

**POLICE OFFICERS CONVICTED OF DRINK DRIVING OFFENCES**

The Home Office and Police Service are committed to reducing incidents of drink driving, both generally and within the Service.

The damage done to the reputation of the Service by officers convicted of these offences cannot be overstated and detracts from the credibility of the Service in this crucial area of law enforcement.

An officer convicted by a Court of a drink driving offence can expect to face a formal misconduct hearing. The usual sanction to be applied or, in the case of a senior officer recommended by the tribunal and applied by the police authority, is either dismissal or a requirement to resign to reflect the serious view which is taken, both inside the Service and by society generally.

A misconduct panel will always treat each case on its merits but officers or tribunals presiding at **such** hearings and thereafter, in the case of senior officers, the police authority, must apply their judgement to the facts of the case to consider whether an alternative sanction could be justified. Aggravating factors in considering the seriousness of an offence include where:

- the offence was committed on duty;
- there is an attempt to avoid arrest;
- there is an attempt to interfere with due process, particularly by leaving the scene or improperly using his position as a police officer;
- the alcohol reading is particularly high; or
- the offence derives from a traffic accident or other incident involving a member of the public.

Only in cases where none of these circumstances exist and there are exceptional circumstances should a lesser sanction be imposed. When this happens the reasons should be clearly set out and recorded.