



Making Northern Ireland Safer For Everyone Through Professional, Progressive Policing

## FREEDOM OF INFORMATION REQUEST



**Request Number:** F-2010-01082

**Keyword:** Complaints/Discipline

**Subject:** Officers with 3+ Complaints in 12 Months

### Request and Answer:

#### Question

Please disclose under the FOI Act:

- a copy of any written procedures you may hold for this or a similar process within your Professional Standards Department.
- any recorded information as to how your police force deals with officers who've had 3 or more complaints made against them in the last 12 months.
- the number of officers who have been subject to this process in the last 12 months.
- the result of the process in each case, i.e. did the officer receive further training, did they receive a warning, or no further action.
- the details of the complaints made against each officer which triggered the management process. If you cannot provide the exact details of the complaints then please disclose the recorded information which related to the nature of the complaint(s).

#### Answer

The decision has been taken not to supply the information you have requested.

Section 17 (5) of the Freedom of Information Act 2000 requires the Police Service of Northern Ireland, when refusing to provide such information (because the cost of compliance exceeds the appropriate limit) to provide you the applicant with a notice which states that fact.

Your request for information regarding the details of the complaints made against each officer would entail the examination of 1,492 complaint forms. It is estimated that it would take almost 24 hours (calculated at 1 minute per complaint form) to examine those papers in question. The cost of retrieving and extracting the information for this part of the response alone would exceed the "appropriate costs limit" under Section 12 (1) of the Freedom of Information 2000, which is currently set by the Secretary of State at £450, at the rate of £25 per hour.

In accordance with the Freedom of Information Act 2000, this letter should be considered as a Refusal Notice, and the case has therefore been closed.

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. In compliance with Section 16 of the Act, Duty to Assist, I can advise you that as a method of refinement it may be possible to supply the recorded category (i.e. 'incivility', 'oppressive behaviour') of the complaints as determined by The Police Ombudsman for Northern Ireland and made against each officer for the last four months.

Although excess cost removes the PSNI's obligations under the Freedom of Information Act, in order to assist I have supplied some information relative to your request. I trust this is helpful, but it does not affect our legal right to rely on the fees regulations for the remainder of your request.

### **PSNI written procedures where police officers have been subject to 3 or more public complaints are as follows;**

Information is supplied by The Police Ombudsman for Northern Ireland to Professional Standards Department on a monthly basis, highlighting officers / designated staff members with three or more complaints in a rolling 12-month period. Professional Standards Department will ensure that the information relating to police officers is passed to Commanders in a timely manner. The officer with the most complaints in their District/Branch will be listed first. Again it must be emphasised that each complaint may contain more than one allegation.

Having been provided with the information outlined above, the District Commander/Head of Branch may decide on a course of action in relation to officers under their command.

The District Commander/Head of Branch should take into consideration a range of other matters relating to the individual before deciding on a course of action. (For further detail, see paragraph 13.6 below).

Article 10.2 of the Code of Ethics (2008) states that supervisors shall ensure that their staff carry out their professional duties correctly. The District Commander/Head of Branch is best placed to take corrective action in relation to their own staff, and to decide whether or not an officer has an abnormally high number of complaints, bearing in mind the policing environment and the nature of duties engaged in. Action will be taken at local level, subject to the following instructions.

### **13.4 INFORMATION PROVIDED BY PONI TO PROFESSIONAL STANDARDS DEPARTMENT**

PONI provide the following information in relation to officers attracting three or more complaints in a rolling 12-month period:

- a) Service number
- b) Rank
- c) First name
- d) Surname
- e) Complaint reference number
- f) District (and Custody Suite if relevant) where complaint occurred
- g) Date complaint received
- h) Status of complaint
- i) Allegation type
- j) Allegation sub-type

All of the above will be supplied to the District Commander/Head of Branch where the officer is stationed. The officer with the most complaints will be at the top of the list.

Any District Commander/Head of Branch requiring further detail on any of the information supplied by the Police Ombudsman's office should contact the Senior Complaints Officer.

### 13.5 INFORMATION PROVIDED BY PROFESSIONAL STANDARDS DEPARTMENT TO COMMANDERS

Professional Standards Department will check records of all officers highlighted by PONI. Where anything further is known about the officer concerned, Professional Standards Department may add this information to the complaints data for use by District Commanders/Heads of Branch if relevant.

### 13.6 OPTIONS FOR DISTRICT COMMANDERS

Having been provided with the information outlined above, the District Commander/Head of Branch should consider what further information is available to them before deciding on a course of action in relation to the officers highlighted.

Research suggests that District Commanders/Heads of Branch may find it useful to consider the following in relation to each individual officer:

- Sickness absence
- Work performance
- Stop/search figures
- Road Traffic Collisions (RTC's) on duty
- Written warnings
- Civil actions pending
- Views of line-management

The District Commander/Head of Branch may have the highlighted officer spoken to by an appropriate officer, usually an Inspector. This is not a disciplinary interview, but a management interview where the number of complaints is drawn to the officer's attention and comment is invited.

Individual complaints must not be discussed in detail, as this could prejudice any ongoing investigation.

Interviewing officers will report to the District Commander/Head of Branch, who will consider their course of action. Options may include:

- Welfare referral;
- Monitoring by supervisors;
- Guidance or advice on the Code of Ethics and standards expected by the PSNI in dealing with members of the public;
- Training;
- No further action.

District Commanders/Heads of Branch should ensure that the officer concerned is informed of the course of action taken.

District Commanders/Heads of Branch must inform Professional Standards Department of the action taken in relation to each highlighted officer. This information is anonymised and sent to the Policing Board on a 6-monthly basis as part of the PSNI Human Rights Compliance Report.

This information is an extract from PSNI Policy PD 04/09 'Policies and Procedures relating to The Police Ombudsman for Northern Ireland' and can be viewed at;

[http://www.psni.police.uk/index/about-us/publications/publications-by-category/our\\_policies\\_and\\_procedures/policies.htm](http://www.psni.police.uk/index/about-us/publications/publications-by-category/our_policies_and_procedures/policies.htm)

**The number of police officers who were subject to 3 or more complaints in the last financial year i.e 1<sup>st</sup> April 2009 to 31<sup>st</sup> March 2010 is 376.**

It is worthy of note that according to The Police Ombudsman's for Northern Ireland Annual Report 2008/2009 that just over 20% of complaints investigated by their office were substantiated. The Police Service expects its staff to act professionally, ethically and with the utmost integrity at all times. Whilst the Service takes extremely seriously any allegation of wrongdoing, the number of complaints must also be put into context of the overall strength of the PSNI of just under 8000 officers.

Further information relating to public complaints against police officers can be viewed at The Police Ombudsman for Northern Ireland's website <http://www.policeombudsman.org>. The Northern Ireland Policing Board has published information relating to public complaints against police officers. This is recorded in chapter 6 of the NIPB Human Rights Annual Report, [http://www.nipolicingboard.org.uk/23392\\_nipb\\_human\\_rights\\_annual\\_report\\_mk1pdf.pdf](http://www.nipolicingboard.org.uk/23392_nipb_human_rights_annual_report_mk1pdf.pdf)

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