



Making Northern Ireland Safer For Everyone Through Professional, Progressive Policing

FREEDOM OF INFORMATION REQUEST



Request Number: F-2010-01014

Keyword: Complaints/Discipline

Subject: Police Officers Currently Under Investigation for Crime

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 some of the located information and exempt the remainder pursuant to certain exemptions.

Question 1

How many police are currently under investigation for suspected crimes?

Answer

On the date your request was received by the PSNI, a total of forty officers were under investigation for suspected crimes

Question 2

Please list suspected crime for example drink driving, attempted murder etc

Answer

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 exemption is as follows:

Section 30 (1)(a) - investigations and proceedings conducted by public bodies

Section 30(1)(a) - 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 forty investigation files to determine whether police officers have committed criminal offences. Under the Police (NI) Act 2000 the PSNI has a responsibility to investigate crime.

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. Because this is a qualified exemption 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 public bodies to be accountable for their actions. Information, which enables the efficiency and effectiveness of the Service 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.

Releasing the information sought would be the right thing to do.

The public have a right to know how the PSNI deals with Police Officers suspected of wrongdoings.

Concerns over the behaviour of police officers is quite rightly high on the public agenda and disclosure of information surrounding these issues could assist individuals in making decisions about their own activities. Releasing the information sought may better inform the public and even encourage others to come forward to report criminal offences involving Police Officers if they know that positive action will be taken

Releasing details may allay public concerns that police officers are not above the law and are suspended in appropriate circumstances thus reducing the fear of crime.

Favouring retention

Should a prosecution fail as a consequence of a premature disclosure of information, the public may lose confidence in the ability of the PSNI to bring offenders to justice. This will have a negative impact on the prosecution process.

This could result in a reduction in the flow of information and evidence, which would have a negative impact on the PSNI's ability to carry out its core functions.

Releasing details that are not already in the public domain may compromise the officer's right to a fair trial and more importantly the rights of the victim, if a prosecution were to fail due to disclosure at this stage.

BALANCING TEST AND DECISION

There is always a strong public interest in the accountability of the Police and how they operate. This is the most compelling argument for release. The strongest argument for non-release is the potential harm to the prosecution process. There can be no public interest in compromising this process. The public interest for retention therefore outweighs the public interest for release. This exemption is engaged.

In order to provide you with information relating to question 2, details on the range of the types of criminal offences can be supplied. These are as follows;

Driving offences, theft, Offences against the Person Act 1861, Breach of the Data Protection Act, perverting the course of justice, misconduct in public office and breach of the Firearms (NI) Order 2004.

Question 3

Please state how many officers have been suspended pending outcome of investigation and alleged offence

Answer

Eighteen officers have been suspended pending outcome of investigation.

The specific offences for which suspended will not be supplied by virtue of the relevant exemption mentioned above.

The range of the types of offences are Driving offences, theft, Offences against the Person Act 1861, Breach of the Data Protection Act, perverting the course of justice, misconduct in public office and breach of the Firearms (NI) Order 2004.

It should be noted that the decision to suspend an officer is only taken in exceptional circumstances after all other options, including repositioning to 'alternative duties', have been considered.

Considerations include:

- (i) The nature and seriousness of the alleged action of the individual(s), including any apparent aggravating or mitigating factors;
- (ii) The strength of evidence or nature of the investigation;
- (iii) The public interest and that of the Police Service;
- (iv) The reputation of the PSNI and the effect on public confidence;
- (v) Whether effective investigation of the allegation may be compromised if the officer remains in post;
- (vi) The nature of the current post held, and alternative posts, and the potential risk to the individual, public, colleagues or operations if the officer is not suspended;
- (vii) The likely outcome of a conviction in court or of a finding against the officer at a disciplinary hearing;
- (viii) The impact on organisational efficiency.

Question 4

Please state rank of officer if possible

Answer

The ranks of the police officers are superintending rank, inspecting rank, sergeant, constable, full-time Reserve officer and part-time constable.

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. 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 act 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 number of police service i.e. just under 8000 officers at the date of your request.

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 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

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.psnj.police.uk

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