



Making Northern Ireland Safer For Everyone Through Professional, Progressive Policing

FREEDOM OF INFORMATION REQUEST



Request Number: F2010-02765

Keyword: Complaints/Discipline

Subject: Sexual Misconduct

Request and Answer:

Question

Under Freedom of Information laws please can you provide me with full details of complaints and investigations into all forms of sexual misconduct by all employees?

I am after cases from January 1, 2005 to present.

For each incident please provide:

- 1) The date when it happened and where – eg in Newtown police station custody suite, in police car in Newtown etc.
- 2) The nature of the allegations and who was the victim (including their age, gender, sexuality and whether their role within the force or say if civilian).
For example – Sexual harassment, victim was 44-year-old female, straight, police constable who was asked by male colleague “insert comments here”.
Or offences like – sexual assault, rape, looking at pornographic images on computer, having sex on duty, engaging in inappropriate relationship in the workplace. This list is not supposed to be exhaustive but simply provide some examples of possible misconduct.
Within this please include acts / words that were considered homophobic.
- 3) The position held by the employee – civilian IT worker, chief constable, police constable etc
- 4) The nature of the investigation – eg criminal, internal misconduct etc What disciplinary action was taken if any? If suspended from duties please say, and state whether the individual was suspended on full pay and how long for. If a criminal trial took place, please state outcome.
- 5) A copy of the report if one was produced (please redact names in accordance with Data Protection laws).
- 6) Have any employees been caught having sex on duty. If so please provide the genders of those involved, rank (say if member of public), where the incident happened and any disciplinary action taken. This should be covered by question two but has been added as an extra question to ensure this particular issue is explicitly addressed in the answer.
- 7) Please can you provide me with electronic copies of guidelines produced about sexual misconduct in the workplace, sexual harassment and homophobia?

Answer

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.

It is estimated that the cost of complying with your request for information would exceed the "appropriate costs limit" under Section 12(1) of the Freedom of Information Act 2000, which is currently set by the Secretary of State at £450. To retrieve the information relevant to police officers regarding questions 1 to 6 would require examining Professional Standards Department files. There were over 2600 files opened for this period. The files are categorised by the code of ethics only, so every line (i.e subject heading) on the database would need to be checked to ascertain if the file may be relevant to this request. It is estimated that this search and retrieval process would take in the region of 36 hours. Information in relation to civilian employees would be held at Department/District level within individual personnel files with each individual file having to be manually trawled to search for and extract the requested information. It is estimated that this process would by far exceed the "appropriate costs limit".

In accordance with the Freedom of Information Act 2000, this letter should be considered as a Refusal Notice, and the request 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. As required by Section 16 of the Act I can advise you that if you were to reduce the time frame of your request and restrict it to Police Officers, where the matter was reported to the Professional Standards Department, it may be possible to retrieve some information relevant to your request.

You may be interested in information contained within the Professional Standards pages of the PSNI website. Here you will find a copy of our Code of Ethics and some Discipline Statistics. To access this information please use the following link; http://www.psni.police.uk/index/about-us/departments/about_professional_standards.htm

If you have any queries regarding your request or this 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 letter.

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.psni.police.uk

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