



Making Northern Ireland Safer For Everyone Through Professional, Progressive Policing

FREEDOM OF INFORMATION REQUEST



Request Number: F-2011-00071

Keyword: Complaints/Discipline

Subject: Misconduct Hearings

Request and Answer:

I write in connection with your request for information concerning police officers who have been the subject of misconduct hearings.

This is to inform you that the Police Service of Northern Ireland has now completed its search for the information you requested. The decision has been taken to disclose the located information regarding questions 1, 3, 4 and 5 and to exempt the information for question 2 for reasons outlined below.

Questions 1, 3, 4 and 5

1. I would like to know how many misconduct hearings have been held by the force in each of the last three years.

For each hearing please detail :

3. The alleged offence of the officer(s).
4. The outcome of the hearing.
5. The number of officers appearing for alleged misconduct at each hearing.

Answer

The table below outlines the hearings held in the last 3 years as follows;

2008 Alleged offence	The outcome of the Hearing	Number of officers appearing at the hearing
Failure to investigate, failure to keep accurate records	Reduced in pay	1
Off-duty domestic incident	Reduced in rank	1
Failure to complete police records, failure to report for duty	Fined	1
Misuse of police information	Reduced in pay	1
Failure to attend work promptly,	Reduced in pay	1

non attendance at court		
Minor motoring offence	Reprimand	1
Making inaccurate entries in police documents	Reduced in pay	1
Driving with excess alcohol	Dismissed	1
Unauthorised access of police systems	Required to resign	1
Off-duty domestic incident	Dismissed	1
Inappropriate handling of police equipment	Reduced in pay	1
Failure to avail of Service approved accommodation	Fined x 2	2
Alleged use of excessive force when dealing with members of the public	Case dismissed	2
Failure to protect the safety and welfare of a member of the public	Reprimand x1 Caution x 1	2
Misuse of police information	Reprimand	1
Use of inappropriate language and behaviour towards members of the public	Caution x 1 Fined x 1	2
Conviction of theft	Dismissed	1
Making false or misleading entries in a selection process application form	Reduced in pay x 2	2
Failure to complete a fair and thorough investigation	Reduced in pay	1
Inappropriate use of the internet	Reduced in pay	1
Inappropriate and unacceptable behaviour towards a police colleague	Fined	1
Accessed police systems for non police purposes	Case dismissed	1
Involved in a disturbance whilst off-duty	Caution	1
Conviction for driving with excess alcohol	Required to resign	1
Conviction for driving with excess alcohol	Required to resign	1
Failings in a number of police investigations	Required to resign	1
Failure to thoroughly investigate	Caution	1
Motoring convictions	Required to resign	1
Failure to support colleagues in the execution of their duties	Caution	1
Making false and misleading entries in a police notebook	Reprimand	1
Misuse of police information	Caution	1
Failure to ensure the health & safety of a training environment	Reduced in pay	1
Failure to ensure that property required as part of police investigation was handled and maintained as required by law	Charges dismissed	2
Unfit for duty	Fined	1

Failure to ensure proper records were obtained regarding police property	Reduced in rank	1
Unlawful possession of excess ammunition	Fined	1
Conviction for theft	Required to resign	1
Failure to keep accurate records in police notebook	Fined x 2	2
Failure to register business interest	Reduced in pay	1
Conviction for sexual offences	Dismissed	1
Possession of Class A drug	Required to resign	1
Accessed police systems for non police purposes	Fined	1
Failure to act upon the immigration status of a foreign national	Fined	1
Failure to act with tolerance and self control when dealing with a member of the public	Fined	1
Conviction for driving with excess alcohol	Required to resign	1
Inappropriate behaviour towards colleague	Case dismissed	1
Driving with excess alcohol, possession of a loaded firearm whilst drunk	Dismissed	1
Failure to declare business interest whilst on a career break	Reduced in pay	1
Misuse of police information	Caution	1
Possession of Class C drug	Required to resign	1
Total Hearings 2008		50
2009 Alleged offence	The outcome of the Hearing	The number of officers appearing at the hearing
Failure to act with honesty during a selection process interview	Fined	1
Failure to keep and maintain police notebook	Fined	1
Inappropriate off-duty behaviour	Fined	1
Produced inaccurate account of events to supervisor	Fined	1
Failure to act with integrity during the process of bringing an offender to justice	Case dismissed	1
Failure to ensure that accurate police records were maintained	Caution	1
Failure to conduct thorough investigations	Fined	1
Failure to exercise restraint with member of the public	Charge dismissed	1
Unacceptable use of the internet	Reduced in pay	1
Unfit for duty	Reduced in pay	1

Fraudulently making finance applications	Required to resign	1
Bound over to keep the peace	Fined	1
Allegations of domestic violence	Charge withdrawn	1
Allegation of unnecessary force towards a member of the public	No case to enter	1
Allegations of inappropriate firearm discharge	Charge dismissed	1
Conviction for AOABH	Required to resign	1
Failure to inform authorities of minor road traffic incident in police vehicle	Fined	1
Mislead authorities regarding the issue of a speeding ticket	Fined	1
Inappropriate off-duty behaviour	Reduced in pay	1
Conviction for assault and disorderly behaviour	Required to resign	1
Allegation of using unauthorised non police issue limb restraints	Not guilty	1
Failure to conduct a prompt and thorough investigation	Required to resign	1
Inappropriate use of Police systems	Caution	1
Drunk in possession of a firearm and domestic incident	Required to resign	1
Minor motoring offences	Reduced in pay	1
Inappropriate off-duty behaviour involving alcohol	Reduced in pay x 1 Reduced in rank x 1	2
Failure to complete police investigations in a fair and objective manner	Fined	1
Inaccurate information submitted on police form	Fined	1
Minor motoring offence	Fined	1
Allegation of theft	Fined	1
Possession of class c drug	Reduced in pay	1
On-duty motoring offences	Required to resign x 1 Fined x 1 Fined x 1 Fined x 1	4
Received adult caution for common assault	Fined	1
Total Hearings 2009		33
2010 Alleged offence	The outcome of the Hearing	The number of officers appearing at the hearing
Minor motoring offence	Reduced in pay	1
Failure to conduct a thorough investigation	Reduced in pay	1
Failure to conduct a thorough police investigation	Superintendent's Written Warning	1
Received adult caution for	Fined	1

aggravated assault		
Motoring offences	Reduced in pay	1
Failure to complete/ progress investigations	Fined	1
Contravention of non-molestation order	Reprimand	1
Off-duty disorderly behaviour	Reduced in pay	1
Behaved in a drunken and disorderly manner off-duty	Reduced in rank	1
Failure to complete/progress investigations	Reduced in pay	1
Fraudulent mileage/overtime claims	Required to resign	1
Failure to conduct an objective fair and thorough investigation	Required to resign	1
Inappropriate use of police information	Reduced in pay	1
Failure to supervise and ensure officer carried out his professional duties	Reduced in pay	1
Committed acts of dishonesty	Required to resign	1
Used police computer systems for non police purposes	Fined	1
Failure to complete/progress investigations	Reduced in pay	1
Allegation of theft	Dismissed	1
Inappropriate disclosure of police information	Reduced in rank	1
Threatening behaviour towards police colleagues	Charge dismissed	1
Failure to conduct a prompt and thorough investigation	Fined	1
Disorderly behaviour off-duty	Reduced in pay	1
Disorderly behaviour off-duty	Reduced in pay	1
Failure to conduct a thorough and prompt investigation	Reduced in pay	1
Motoring offences	Dismissed	1
Recorded inaccurate information in a police statement	Reduced in pay	1
Inappropriate language and behaviour towards member of the public	Proceedings stayed	1
Off-duty disorderly behaviour	Reduced in pay	1
Failure to conduct a thorough and prompt investigation	Reduced in pay	1
Alleged excessive use of force	Charge dismissed	1
Allegation of misconduct in a Public Office	Required to resign	1
Made false entries on police forms, accessed police computer for non police purposes	Required to resign	1
Total hearings for 2010		32

Question 2

The dates of the hearings.

Answer

The information will not be released by virtue of the exemption mentioned below.

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 the fact
- (b) specifies the exemption(s) in question
- (c) states (if not otherwise apparent) why the exemption applies

The exemption is as follows:

Section 40(2)(a)(b) and 3(a)(i) – Personal Information

This is an absolute and class based exemption. The information sought must fall within the class of information covered by the exemption. In this instance the information must be personal i.e. information from which a person could be identified. Releasing that information must breach at least one of the data protection principles. As this is an absolute exemption the legislators have assumed that harm will be caused should the information be released. Information on Misconduct Hearings is data belonging to particular individuals and is considered to be sensitive. Whilst no individual officer will be immediately identified from the information sought, there is the potential for an officer to be identified from that information, particularly if taken together with information which may already be in the public domain or which may appear in the public domain at some time in the future. As the information requested includes the dates of the misconduct panels, the potential exists for an officer to be identified. The outcomes of misconduct panels are published on a weekly bulletin (weekly order) outlining wastage, recruitment, transfers and promotions. By providing the dates of the misconduct panels, together with the information on the weekly order the potential is high that an officer could be identified. The exemption is engaged.

It should be noted that each case is examined on an individual basis to determine the level and nature of misconduct of the officer and the extent to which the PSNI's Code of Ethics has been breached. The seriousness of the offence, the circumstances surrounding its commission and its potential impact will dictate the level of action to be pursued and the misconduct sanction ultimately imposed. Whilst the service takes extremely seriously any allegation of wrongdoing, the number of cases must be put into context of the overall number of PSNI officers i.e. an average of 8000 officers between 2008 and 2010.

Question 6 and 7:

If you are able to do so within the time limits in the Act, please also detail:

The status of the officers within the force at the time of hearing i.e. – Normal employment, restricted duties, suspended on full pay, suspended on no pay etc.

Please also state how long they have been on restricted/suspended duties prior to the start of the hearing.

Answer:

It is estimated that it would take around 11 hours to retrieve the status of the 125 officers at time of hearing, as the information for suspensions or repositioned officers is held within 72 documents (36 months x 2 documents per month). Four documents containing 1049 pages were summarised in response to questions 1, 3, 4 and 5 and the time taken to collate this information was 14 hours. Therefore it is not possible to answer questions 6 and 7 within the time limits stipulated in the act.

Section 12 of the Freedom of Information Act 2000 provides an exemption where the cost of compliance exceeds the appropriate limit. Section 12(4) provides that the Secretary of State may make regulations with regard to this exemption. The Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004 were made in pursuance of this (and other) sub section(s) of the Act. Regulation 5 of the Regulations provides that where two or more requests for information are made by one person, (or by different persons who appear to be working in concert), and where the requests relate, to any extent, to the same or similar information, and the requests are received within 60 working days of each other, that the requests may be aggregated for the purpose of calculating costs. In other words the estimated cost of complying with any of the requests may be added together and if the total exceeds the appropriate limit, then the requests may be refused in pursuance of Section 12.

If you were to resubmit a new request for questions 6 and 7, as the subject of the request would be the same as this request, both would be aggregated for the purpose of calculating fees under the Regulations.

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 across a number of different categories 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.

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 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.

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.