



FREEDOM OF INFORMATION REQUEST



Request Number: F-2011-04076

Keyword: Complaints/Discipline

Subject: Officers Disciplined For Race Related Incidents

Request and Answer:

I am writing to confirm that the Police Service of Northern Ireland has now completed its search for the information.

I have today decided to:

- disclose information in response to question 3 in full;
- disclose information in response to question 1 subject to the deletion of information pursuant to the provisions of Section 40 of the Freedom of Information 2000 (the Act)

Question 1

Between 24th February 1999 and the present day how many police officers within your force have been disciplined for race related incidents?

Please provide:

- a brief description of each incident
- The rank of the officer
- The disciplinary action taken.
- The date of the incident and the date of the action taken against the officer

Answer

One officer at constable rank, has been disciplined at a misconduct hearing relating to racist behaviour. This officer received a disciplinary sanction of reduction in pay for failing to use appropriate language and behaviour in their dealings with a member of the public.

The incident occurred in 2006 and the misconduct hearing took place in 2007.

The specific dates of the incident and misconduct hearing will not be released.

Section 17(1) of the Freedom of Information Act 2000 requires the Police Service of Northern Ireland, 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 in question and
- (c) states (if not otherwise apparent) why the exemption applies.

The exemption is as follows;

Section 40(2)(a)(b) by virtue of Section 40 (3)(a)(i) – Personal Information

This is an absolute and classed based exemption. The information sought must fall within that class of information covered by the exemption, in this instance the information must be personal i.e. information from which a person can 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.

The information relates specifically to an individual officer and therefore constitutes their personal data. If the information you have requested was released and cross-referenced to information that may be in the public domain, there is an unacceptably high risk of data being revealed which would be in breach of the Data Protection Act. As a disclosure under the Freedom of Information Act constitutes release to the public in general, releasing such data would be unfair and unlawful and breach the First Principle of the Data Protection Act, therefore this exemption is engaged.

Question 2

Between 24th February 1999 and the present day how many police officers have been referred to the Independent Police Complaints Commission for race related incidents?

Please provide:

- A brief description of each incident
- The rank of the officer
- The result of the IPCC investigation.
- The date of the incident and the date of any action taken against the officer.

Answer

Following clarification you asked that this question be removed from your FOI request

Question 3

Between 24th February 1999 and the present day how many police officers have been dismissed for race related incidents?

- A brief description of each incident
- The rank of the officer
- The date of the incident and the date of the dismissal

Answer

Since 24th February 1999, no PSNI officer has been dismissed for race related incidents

The information supplied has 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. Information extracted in this manner may not be as accurate as that extracted from a single central database.

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 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.