



## FREEDOM OF INFORMATION REQUEST



**Request Number:** F-2011-03615

**Keyword:** Complaints/Discipline

**Subject:** Suspended Officers

### 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 1 in full;
- disclose information in response to question 2, subject to the deletion of information pursuant to the provisions of Section 40 of the Freedom of Information 2000 (the Act);

### Question 1

As of this date, (25/10/11), please list the number of police officers suspended.

### Answer

On 25<sup>th</sup> October 2011, twenty-four police officers were suspended from duty.

### Question 2

For each case, please advise how long they have been suspended and on what grounds.

### Answer

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, as well as the factors the Department considered when deciding where the public interest lies, are listed below:

Sections 40(2)(a)(b) by virtue of Section 40 (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 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 to the dates that individual officers were suspended and the reasons for their suspension and therefore constitutes their personal data. Whilst no individual may be immediately identified from the information sought, taken together there is the potential for the individual to be identified from that information and/or other information that is already in the public domain. If the information you have requested was released and cross-referenced to information currently in the public domain, there is an unacceptably high risk of personal data being revealed which would be in breach of the Data Protection Act and also Article 8 of the Human Rights Act. For example, names of currently suspended officers have been reported in the media, along with the date of their suspension or the date of incident which led to suspension. As you are no doubt aware, suspended police officers have the same rights of privacy and confidentiality as any other member of the public.

A disclosure under the Freedom of Information Act constitutes release to the public in general. Therefore, releasing such data would be unfair and unlawful and breach the First Principle of the Data Protection Act 1998. This exemption is therefore engaged.

However, in order to provide further information in relation to your request, PSNI Professional Standards Department has decided to release aggregate information relating to suspended officers without breaching data protection principles. Please see table below;

<b>Length of suspension to date (as at 25<sup>th</sup> October 2011)</b>	<b>Number of officers</b>	<b>Alleged offence leading to suspension</b>
0-6 months	12	Assault, false accounting, forgery, excess alcohol, sexual offence, neglect of duty, possession of a controlled substance, misconduct in public office, data protection offence, theft, perverting the course of justice, dangerous driving, disorderly behaviour, threats to kill
6-12 months	6	
1 – 2 years	2	
2 – 3 years	2	
3 + years	2	

In each case the officer under suspension is either awaiting termination of criminal/misconduct proceedings or the subject of a criminal/misconduct investigation.

The decision to suspend an officer is only taken in exceptional circumstances after all other options, including 'repositioning' has 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.

Whilst the PSNI takes extremely seriously any allegation of wrongdoing, the number of cases must be put into context of the overall size of the PSNI of just under 8000 officers.

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 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](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.