



## FREEDOM OF INFORMATION REQUEST



**Request Number:** F-2012-02986

**Keyword:** Complaints/Discipline

**Subject:** Officers Suspended and Disciplined 2009 - 2012

### 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 questions 1, 3, 4, 5, 6, 7, 9, 10 & 11 in full;
- disclose information in response to questions 2 & 8 pursuant to the provisions of Section 40 (2)(a)(b) of the Freedom of Information 2000 (the Act).

### Question 1

How many officers have been suspended from duty in the past four calendar years?  
(clarified as 2009, 2010, 2011 and 2012 to date)

### Answer

19 suspensions were effected in 2009  
19 suspensions were effected in 2010  
28 suspensions were effected in 2011  
20 suspensions were effected in 2012 (as at 1<sup>st</sup> August 2012).

### Question 2

I would like to know the reasons these officers have been suspended from duty

### Answer

Suspensions were effected in 2009 for the following range of alleged offences;

AOABH, theft, motoring offences, threats to kill, positive drugs test, breach of data protection act, criminal damage, sexual offence, attempting to pervert the course of justice, inconsistencies in police documentation, harassment, false finance claims

Suspensions were effected in 2010 for the following range of alleged offences;

Attempting to pervert the course of justice, neglect of duty, motoring offences, possession of

controlled substance, fraudulent finance claims, sexual offence, inappropriate behaviour towards colleagues, investigation failures

Suspensions were effected in 2011 for the following range of alleged offences;

Misconduct in public office, data protection breaches, sexual offence, motoring offences, alcohol, theft, attempting to pervert the course of justice, harassment, assault, Breach of Firearms (NI) Order, AOABH, criminal damage, submission of fraudulent claim, disorderly behaviour, fitness for duty.

### **Question 3**

I would like to know the rank of each of the officers suspended from duty

#### **Answer**

The ranks of the officers suspended from duty in 2009 were 1 superintending rank, 1 inspecting rank, 2 sergeants, 13 constables and 2 part-time constables

The ranks of the officers suspended from duty in 2010 were 3 sergeants, 14 constables, 1 full-time reserve constable and 1 part-time constable

The ranks of the officers suspended from duty in 2011 were 1 inspecting rank, 2 sergeants, 22 constables, 1 full-time reserve constable and 2 part-time constables.

The ranks of the officers suspended from duty in 2012 were 2 sergeants, 15 constables and 3 part-time constables.

### **Question 4**

How many of the suspended officers were allowed to return to work?

#### **Answer**

At 1<sup>st</sup> August 2012, twenty-one of the suspended officers returned to work. A number of suspension cases are still ongoing, therefore the conclusion of investigations and/or disciplinary proceedings will determine if a suspended officer returns to duty.

### **Question 5**

How many were subject to further disciplinary action?, what was the action

#### **Answer**

At 1<sup>st</sup> August 2012, twenty-six suspended officers were subject to disciplinary action. Twenty-five officers appeared before a formal misconduct hearing and one officer received local line-management discipline.

### **Question 6**

How many were permanently removed from duty? (clarified as dismissed or required to resign as an alternative to dismissal)

#### **Answer**

Nineteen suspended officers were dismissed or required to resign as an alternative to dismissal

### **Question 7**

Find out how many officers have been moved to other duties pending investigations into their behaviour in the past four calendar years (clarified as 2009, 2010, 2011 and 2012)

#### **Answer**

22 officers were repositioned in 2009

19 officers were repositioned in 2010

33 officers were repositioned in 2011

17 officers were repositioned in 2012 (at 1<sup>st</sup> August 2012)

**Question 8**

I would like to know the reasons these officers were moved to other duties pending investigations. Please tell me the nature of these investigations

**Answer**

Repositionings were effected in 2009 for the following allegations of wrongdoing;

Disorderly behaviour, inappropriate behaviour towards members of the public, theft, inappropriate use of police systems, common assault, motoring offences, misconduct in public office, discrepancies in police records, failure to comply with railway sign, offensive telecommunications.

Repositionings were effected in 2010 for the following allegations of wrongdoing;

Inappropriate use of police systems, assault, attempting to pervert the course of justice, inappropriate behaviour towards member of the public, motoring offences, theft, fitness for duty, fraud, failure to notify authorities of criminal proceedings

Repositionings were effected in 2011 for the following allegations of wrongdoing;

Theft, attempting to pervert the course of justice, failure in professional duty, inappropriate handling of police property, misappropriation of funds, assault, data protection breach, inappropriate use of police systems, failure in investigations.

**Question 9**

Please tell me the rank of each of the officers moved to other duties pending investigations

**Answer**

4 inspecting ranks, 1 sergeant and 17 constables were repositioned in 2009

1 sergeant and 18 constables were repositioned in 2010

1 superintending rank, 1 inspecting rank, 3 sergeants, 27 constables and 1 full-time reserve constable were repositioned in 2011

2 sergeants and 15 constables were repositioned in 2012

**Question 10**

I would like to know how many of the officers were allowed to return to normal duties after the investigations and how many faced further disciplinary action. What was the nature of this disciplinary action?

**Answer**

At 1<sup>st</sup> August 2012, forty-four officers returned to normal duties. Fourteen of these forty-four officers were disciplined at a formal misconduct hearing, and seventeen of these officers received local management discipline. Eleven repositioned officers faced further disciplinary action of suspension pending the conclusion of investigations. A number of cases remain ongoing.

**Question 11**

How many officers have been disciplined in the past four calendar years? (clarified as officers disciplined at a formal misconduct hearing in 2009, 2010, 2011 and 2012)

**Answer**

The table below outlines the number of officers disciplined at a formal misconduct hearing from 2009 to 1<sup>st</sup> August 2012;

<b>2009 Alleged offence</b>	<b>The outcome of the Hearing</b>	<b>The number of officers appearing at the hearing</b>	
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 ensure that accurate police records were maintained	Caution	1	
Failure to conduct thorough investigations	Fined	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	
Conviction for AOABH	Required to resign	1	
Road traffic incident in police vehicle	Fined	1	
Mislead authorities regarding the issue of a speeding ticket	Fined	1	
Breach of Service Procedure regarding career break/unpaid leave	* Required to resign	1	* sanction overturned at Northern Ireland Policing Board Police Appeals Tribunal to reduction in pay
Conviction for assault and disorderly behaviour	Required to resign	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	Required to resign	1	
Minor motoring offences	Reduced in pay	1	
Discreditable drunken off-duty behaviour	Reduced in pay x 1 * Reduced in rank x 1	2	* Sanction overturned at Northern Ireland Policing Board,

			Police Appeals Tribunal to Reduction in pay
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	* Required to Resign	1	* Sanction overturned at Northern Ireland Policing Board, Police Appeals Tribunal to Reduction in pay
On-duty motoring offences	* Required to resign x 1 Fined x 1 Fined x 1 Fined x 1	4	* Sanction overturned at Northern Ireland Policing Board, Police Appeals Tribunal to Reduction in pay
Received adult caution for common assault	Fined	1	
<b>Total number of officers</b>		<b>31</b>	

<b>2010 Alleged offence</b>	<b>The outcome of the Hearing</b>	<b>The number of officers appearing at the hearing</b>	
Minor motoring offence	Reduced in pay	1	
Failure to conduct a thorough police investigation	Reduced in pay	1	
Received adult caution for aggravated assault	Fined	1	
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	Sanction overturned at Northern Ireland Policing Board, Police Appeals Tribunal to

			reduction in pay
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 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	
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 on a police statement	Reduced in pay	1	
Off-duty disorderly behaviour	Reduced in pay	1	
Failure to conduct a thorough and prompt investigation	Reduced in pay	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	
<b>Total number of officers</b>		<b>28</b>	

<b>2011 Alleged offence</b>	<b>The outcome of the Hearing</b>	<b>The number of officers appearing at the hearing</b>	
Inappropriate language/behaviour towards colleagues	Reduced in pay	1	
Inappropriate access of police systems	Reduced in pay	1	
Discreditable off-duty behaviour	Reduced in pay	1	
Alleged assault of colleague	Fined	1	
Sent inappropriate text messages	Fined	1	
Unfit for duty	* Required to resign	1	* Sanction overturned at Northern Ireland Policing Board, Police Appeals Tribunal to reduction in pay
Failure in investigations	Fined	1	
Traffic offence	Reduced in pay	1	
Inappropriate comments on social networking site	Fined	1	
Allegation of sexual offence	Dismissed	1	
Motoring Offence	* Required to resign	1	* Sanction overturned at Northern Ireland Policing Board, Police Appeals Tribunal to reduction in pay
Breach of Data Protection	Reduced in pay	1	
Failure in investigations	Reprimand	1	
Drunk in Charge of vehicle	Required to resign	1	
Failure to support colleagues in the execution of their duty	Reduced in pay Reprimand	2	
Discreditable off-duty behaviour	Fined	1	
Drunk in charge of vehicle	Required to resign	1	
Failure to comply with Service policy governing contact with the media	Reduced in pay	1	
Failure in investigations	Reduced in pay	1	
Failure in duty	Caution	1	
Motoring offences	Reprimand	1	
Allegation of perverting the course of justice	Required to resign	1	
Inappropriate use of	Fined	1	

police systems		
<b>Total number of officers</b>		<b>24</b>

<b>2012 Alleged offence</b>	<b>The outcome of the Hearing</b>	<b>The number of officers appearing at the hearing</b>
Failure to properly maintain police property	Fined	1
Discreditable drunken off-duty behaviour	Reduced in pay	1
Discreditable off-duty behaviour	Reprimand	1
Motoring offence and dishonest behaviour	Required to resign	1
Misfeasance in public office	Required to resign	1
Allegation of indecent behaviour	Dismissed	1
Failure in investigations	Reduced in pay	1
Motoring offence	Reduced in pay	1
Failure to support colleagues in the execution of their duty (off-duty)	Reprimand	1
Adult caution for harassment by telecommunication	Reduced in pay	1
<b>Total number of officers</b>		<b>10</b>

Information requested in questions two and eight relating to 2012 will not be released.

Section 17 of the Freedom of Information Act 2009 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 exemptions(s) in question
- c) states ( if not otherwise apparent) why the exemption applies

The exemption is as follows

#### **Sections 40(2)(a)(b) Personal Information**

Section 40 is an absolute exemption and does not require the public interest or harm to be evidenced to an applicant.

Public Authorities are in general, exempt from the Act's duty to provide access to 'personal data' (as



defined in the Data Protection Act 1998). Where an application for information is made by someone other than the 'data subject' disclosure of that information will often constitute a breach of the Data Protection Act and consequently the public authority will usually be exempt from its duties under the FOI Act as a result of Section 40 (2).

Personal Data is regulated under the principles of the Data Protection Act 1998 and when information contains personal data about a third party it can only be refused if disclosure would breach any of the data protection principles.

I have examined whether the information you requested is personal data as defined within the provisions of the Data Protection Act, particularly the following;

- Does the data relate to or focus on or is it about a living individual(s)?
- Could someone be identified from the data?
- As an incidental consequence could you learn something about an identifiable individual?
- Does the data impact on their privacy either in their work or family life?

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. Suspended and repositioned police officers have the same rights of privacy and confidentiality as any other member of the public.

For instance, a very recent freedom of information release relating to PSNI officers suspended in the last twelve months (please see document at the end of this correspondence) received widespread media coverage. The links below outline recent press releases regarding suspended officers and investigations by PSNI anti-corruption unit regarding officers attached to Cookstown.

<http://www.bbc.co.uk/news/uk-northern-ireland-19030047>

<http://www.midulstermail.co.uk/news/local/cookstown-inspector-speaks-on-alleged-corruption-of-psni-officers-1-4117410>

Releasing information on reasons why officers are suspended or moved to other duties in 2012, together with the information that is already in the public domain would therefore reveal personal data of a small number of officers attached to Cookstown. The officers involved would be known to their colleagues in Cookstown and F District, across the Organisation, and known to members of the public. Providing information on reasons why officers were suspended or repositioned in 2012 would therefore breach the data protection principles of the Data Protection Act 1998 and as a result is withheld under S40(2).

The Police Service for Northern Ireland expects its staff to behave professionally, ethically and with the utmost integrity at all times. Any conduct, whether on or off duty, which brings or is likely to bring discredit on the Police Service will be investigated robustly. Consistent with the seriousness of an allegation, the circumstances surrounding its commission and its potential impact, an officer may be suspended or repositioned to other duties pending the outcome of both a criminal or misconduct investigation.

The information supplied has been compiled by the PSNI's Professional Standards Department which has responsibility for internal discipline relating to police officers.

Whilst the PSNI takes seriously any wrongdoing by a police officer, the number of officers disciplined, repositioned and suspended must be put into context of the average strength of the PSNI in this time-frame, i.e. around 8000 officers.

The data retrieved is not recorded centrally and was 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.

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



## FREEDOM OF INFORMATION REQUEST



**Request Number:** F-2012-02738

**Keyword:** Complaints/Discipline

**Subject:** Suspensions

### Request and Answer:

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 to you in full.

### Question 1

How many PSNI officers including student officers have been suspended or dismissed from the PSNI in the past twelve months?

### Answer

From 1<sup>st</sup> July 2011 to 1<sup>st</sup> July 2012, thirty-three PSNI officers were suspended. Two officers were dismissed and four officers were required to resign as an alternative to dismissal in this time-frame.

No student officers were suspended or dismissed.

### Question 2

How long have these officers been on suspension for?

### Answer

The table below outlines the length in days of these thirty-three suspensions as at 1<sup>st</sup> July 2012:

Length of suspension in days
68
282
274
262
114
223
220
216
200
49

185
171
163
29
129
123
115
114
100
88
88
88
88
80
74
47
30
19
17
31
31
28
143

### Question 3

Are the suspended officers still receiving pay? If so could you please supply how much they have been paid since their suspension?

### Answer

Pay and allowances of suspended officers is governed by Regulations 23(4), 36 and Schedule 3 of the Police Service of Northern Ireland Regulations 2005. In summary a suspended officer receives full salary and allowance entitlement while suspended unless detained, in pursuance of a sentence of a court, in a prison or other institution to which the Prison Act (Northern Ireland) 1953) applies or is in custody (whether in prison or elsewhere) between conviction by a court and sentence, or has absented himself/herself from duty and whose whereabouts are unknown to the Chief Constable. Full details of the Regulations may be viewed by visiting website [www.opsi.gov.uk](http://www.opsi.gov.uk).

Although officers are normally suspended on full pay and allowance entitlement, there are occasions when officers do not receive full entitlement. For example an officer may be suspended but is reduced to half pay/no pay because of sickness absence or in the case of part-time officers who receive no salary while suspended. Five of the thirty-three officers are part-time constables and therefore would not be paid a salary.

As at 1<sup>st</sup> July 2012, the salary paid to the suspended officers was £264,777.31.

### Question 4

Without identifying individuals, what have these officers been dismissed / suspended for?

### Answer

Two officers were dismissed for discreditable conduct, two officers were required to resign as an alternative to dismissal for excess alcohol, one officer was required to resign for failures in investigations and one officer was required to resign for a motoring offence.

Thirty-three officers were suspended for the following alleged offences;

Inappropriate use of police systems, failure to investigate, sexual offence, misfeasance in public

office, drunk in charge of a loaded firearm, inappropriate text messages, mishandling of police property, AOABH, misconduct in public office, criminal damage, threats to kill, motoring offence, perverting the course of justice, perjury, theft, disorderly behaviour, irregularities with police records, excess alcohol, and inappropriate use of firearm.

An officer under suspension is either awaiting termination of criminal/misconduct proceedings or the subject of a criminal/misconduct investigation (apart from cases where an officer is required to resign at a misconduct hearing, when their last month of service will be on suspension). Not all investigations result in criminal /misconduct proceedings and not all criminal/misconduct proceedings result in findings of guilt.

The Police Service expects its staff to behave professionally, ethically and with the utmost integrity at all times. Any conduct, whether on or off duty, which brings or is likely to bring discredit on the Police Service will be investigated in order to establish whether or not a breach of the Code of Ethics has occurred. The decision to suspend an officer is only taken in exceptional circumstances after all other options, including '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.

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 sanction ultimately imposed.

It should be further noted that in the normal course of events and in cases involving the allegation of criminal offences, the misconduct process cannot be initiated until the termination of the criminal proceedings/receipt of no prosecution direction from the Public Prosecution 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.psnj.police.uk](http://www.psnj.police.uk)

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