



Making Northern Ireland Safer For Everyone Through Professional, Progressive Policing

FREEDOM OF INFORMATION REQUEST



Request Number: F-2013-06280

Keyword: Complaints/Discipline

Subject: Officers Disciplined and Investigated - 2011 to 2013

Request and Answer:

Question

I would be most grateful if you could be more specific regarding the nature of the misconduct of both closed and open cases

Clarification requested - Can this be understood to mean officers who were found guilty at a formal misconduct hearing since 1st January 2011 and the nature of misconduct, and the number of ongoing misconduct investigations and the nature of the alleged misconduct?.

Clarification received - The answer to the question is yes.

Answer

This is to inform you that the Police Service of Northern Ireland has now completed its search for the information requested and I have decided to release some of the information requested and exempt the remainder by virtue of the exemption mentioned below.

The table below outlines the number of officers who were found guilty at a formal misconduct hearing since 1st January 2011 and the nature of misconduct.

2011 Nature of Misconduct	Sanction	The number of officers appearing at the hearing
Inappropriate language/behaviour towards colleagues	Reduced in pay	1
Inappropriate access of police systems	Reduced in pay	1
Inappropriate off-duty behaviour	Reduced in pay	1
Alleged assault of colleague	Fined	1
Sent inappropriate text	Fined	1

messages		
Unfit for duty	Required to resign	1
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
Drunk in charge	Required to resign	1
Breach of Data Protection	Reduced in pay	1
Failure in investigations	Reprimand	1
Drunk in Charge	Required to resign	1
Failure to support colleagues in the execution of their duty	Reduced in pay Reprimand	2
Inappropriate off-duty behaviour	Fined	1
Drunk in charge	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 police systems	Fined	1
Total number of officers		24
2012 Nature of Misconduct	Sanction	The number of officers appearing at the hearing
Failure to secure police property	Fined	1
Off-duty behaviour likely to bring discredit to the PSNI	Reduced in pay	1
Motoring offence	Reduced in pay	1
Motoring offence and failure to act with integrity towards supervisors	Required to resign	1
Alleged sexual offence	Dismissed	1
Failure to conduct prompt and thorough investigations	Required to resign	1
Failure to conduct prompt and thorough investigations	Reduced in pay	1
Involved in a fracas off-duty	Reprimand	1
Off-duty behaviour likely to cause breach of the peace	Reprimand	1
Misfeasance in public	Required to resign	1

office		
Harassment	Reduced in pay	1
Accessed police systems for non-police purposes	Reduced in pay	1
Adult caution for criminal damage	Reduced in pay	1
Motoring offence	Fined	1
Failure to conduct prompt and thorough investigations, failure to maintain accurate police records	Required to resign	1
Accessed police systems for non-police purposes	Required to resign	1
Failure to obey lawful order and adhere to Service procedure	Reprimand	1
Adult Caution for Breach of Children and Young Persons Act (NI) 1968	Reprimand	1
Failure to maintain accurate police records and to adhere to Service policy	Reduced in pay	1
Inappropriate handling of police property, failure to conduct prompt and thorough investigations, failure to maintain accurate police records	Reduced in pay	1
Drunk in charge of a firearm	Dismissed	1
Total number of officers		21

2013 Nature of Misconduct	Sanction	The number of officers appearing at the hearing
Failure to keep accurate police records and adhere to Service policy	Fined	1
Motoring offence	Fined	1
Failure to conduct prompt and thorough investigations	Fined	1
Common assault	Caution	1
Motoring Offence	Fined	1
Failure to conduct prompt and thorough investigations and ensure accurate records kept	Reduced in pay	1
Recorded false information on police forms	Dismissed	1
Inappropriate text messages	Reduced in pay	6

Recorded inaccurate information on a police document	Fined	1
Accessed police systems for non-police purposes	caution	1
Discreditable conduct whilst on police premises	Reduced in pay	1
Failure to conduct prompt and thorough investigations	Fined	1
Failure to conduct prompt and thorough investigations	Reduced in pay	1
Motoring offence	Reprimand	1
Theft	Required to resign as an alternative to dismissal	1
Failed to conduct an investigation in an impartial manner	Reprimand	1
Failure to discharge duties in bringing offender to justice	Reduction in pay	1
Discreditable off-duty association	Dismissed	1
Breach of Data Protection Act	Fined	1
Failure to support colleagues in the execution of their duties	Reduced in pay	1
Breach of Data Protection Act	Reduced in pay	1
Misconduct in public office	reprimand	1
Failure to keep accurate police records and adhere to service procedure	Fined	1
Unfit for duty	Fined	1
Failure to act with integrity towards member of the public, misuse of police property, failure to adhere to service procedure	Required to resign as an alternative to dismissal	1
Total number of officers		30

The PSNI is governed by the Police Service of Northern Ireland (Conduct) Regulations 2000 ([PSNI \(Conduct\) Regulations 2000](#)). The standards set out in these regulations are replicated into the PSNI Code of Ethical Standards and can be viewed at www.psni.police.uk/code_of_ethics_2008. Every disciplinary case is examined on an individual basis to determine the level and the extent to which the PSNI's Code of Ethics has been breached. The seriousness of the offence and the circumstances surrounding its commission will dictate the level of sanction ultimately imposed. Whilst the PSNI expect its officers to behave with the highest standards of integrity and professionalism at all times, the number of officers formally disciplined should be placed into context

with the average strength of the PSNI in this time-frame, i.e. around 7500 officers.

At the date of your request there are 90 ongoing internal investigations. Information regarding the nature of the alleged misconduct will not be released.

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

The exemption is as follows

Section 30(1)(a) - Investigations and proceedings conducted by public authorities

This is a qualified and class based exemption.

The information must fall into the class of information provided by this exemption. The information sought is contained within 90 investigation files to determine whether police officers have committed criminal or misconduct offences.

The information sought therefore clearly falls within this exemption. In a class based exemption the legislators have assumed that harm will be caused if the information is released. Because this is a qualified exemption this assertion must be challenged by the application of a public interest test.

Public Interest Test

Factors favouring release

There is a general public interest in the way that police work and for public bodies to be accountable for their actions. Information which enables the efficiency and effectiveness of the Service to be scrutinised, will be of benefit to the community. The behaviour of police officers is always high on the public agenda. Release will reassure the public that police officers do not receive special treatment and that errant officers are suitably dealt with.

The public have a right to know how the PSNI deals with police officers suspected of wrongdoings. Releasing the information sought may better inform the public and even encourage others to come forward to report offences involving police officers if they know that positive action will be taken.

Factors favouring retention

Should a prosecution fail as a consequence of a premature disclosure of information, the public may lose confidence in the ability of the PSNI to bring offenders to justice. This will have a negative impact on the prosecution process.

This could result in a reduction in the flow of information and evidence, as persons will be reluctant to provide information if there is a risk of that information being released or identity compromised resulting in a negative impact on the PSNI's ability to carry out its core functions.

Releasing details that are not already in the public domain may compromise the officers' right to a fair trial and more importantly the rights of any victim(s).

Decision

There is always a strong public interest in the accountability of the Police and how they operate. This is the most compelling argument for release. The strongest argument for non-release is the potential harm to the prosecution process. There can be no public interest in compromising this

process. People must have confidence that information they provide to police is treated sensitively and appropriately. A lack of confidence will result in a reduced flow of information to the police as persons will be reluctant to provide information if there is a risk of that information being released or identity compromised. The public interest for retention therefore outweighs the public interest for release and this exemption is engaged.

The information supplied has been compiled by Discipline Branch Service Improvement Department, which has responsibility for internal discipline relating to police officers.

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.