



## FREEDOM OF INFORMATION REQUEST



**Request Number:** F-2014-00411

**Keyword:** Organisational Information/Governance

**Subject:** Guidance on Investigations into alleged Criminal Offences by SID

### Request and Answer:

#### Question

Do the Police Service have in place any guidance or advice as to how a criminal allegation against a member of the formerly PSD now \*SIB departments should be dealt with in any format whatsoever?

\*understood to mean Service Improvement Department (SID)

#### 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.

The Police Ombudsman for Northern Ireland has responsibility for the recording and investigation of complaints by members of the public made against police officers (such as criminal allegations against SID officers) and designated staff members.

Whilst the majority of matters investigated by PONI relate to on-duty matters, some off-duty matters can also be investigated if the individual's status as a police officer is relevant, (e.g. if an officer identifies themselves as such, makes an arrest, or uses police powers whilst off duty). PONI does not investigate complaints against police / designated staff made by serving police officers / designated staff. PSNI guidance in relation to the Police Ombudsman is contained in PSNI Service Procedure SP/4/2013 'Handling Public Complaints and the Role of the Police Ombudsman'.

Northern Ireland Office Guidance on Police Unsatisfactory Performance Complaints and Misconduct Procedures provides as its title suggests "Guidance" on how complaints which can include criminal complaints should be actioned. For instance Paragraph 3.19 of the Guidance deals with Investigating Officers and says "The Investigating Officer should be of a rank not lower than Inspector and of at least the same rank as the member concerned and his or her line management. He or she should have had no previous involvement in the case or close connection with the individuals associated with the case such as might give rise to doubts about his or her impartiality. An investigating officer from another force may be appointed where the circumstances of the case indicate that this would be appropriate... The Investigating Officer's task will be to collect evidence, and he or she will be responsible for ensuring that the investigation is carried out impartially and confidentially."

In accordance with these NIO Guidance provisions, there is a framework in place to deal with the

uncommon situation where a criminal allegation is made against a member of Anti-Corruption Branch or Discipline Branch Service Improvement Department, and it is outwith the remit of PONI to investigate. In such situations, an officer independent of Anti-Corruption Branch and Discipline Branch would be appointed to progress the criminal investigation.

Furthermore, an officer independent of Anti-Corruption Branch or Discipline Branch would be appointed to perform the Supervising Member role, i.e. the Decision making role, when decisions are made consistent with the outcome of any criminal investigation for misconduct purposes. Therefore, effectively all the investigation and decision making is conducted independently of the Department to ensure complete transparency and impartiality.

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.psnipolice.uk](http://www.psnipolice.uk)

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