



FREEDOM OF INFORMATION REQUEST



Request Number: F-2018-03059

Keyword: Complaints/Discipline

Subject: Use of Force Police Misconduct

Request and Answer:

Your request for information below has now been considered. In respect of Section 1(1)(a) of the Freedom of Information Act 2000 (FOIA) I can confirm that the Police Service of Northern Ireland does hold the information you have requested however it is estimated that the cost of complying with your request for information would exceed the “appropriate costs limit” under Section 12(1) of the Freedom of Information Act 2000.

Request 1

For each of the last five full financial years (including 2017/18), on how many occasions have police officers used force, broken down by the following categories?

- a) All types of force
- b) Taser
- c) Spit hoods/ spit and bite guard
- d) Restraint
- e) Firearms
- f) Irritant spray

It's appreciated that parts b-f are only elements of the total figure for a) and will not add up to that figure.

Request 2

For each of the last five full financial years (including 2017/18), how many investigations into police misconduct concerning use of force by the police force's officers have been dealt with

- a) in total,
- b) by the IPCC or IOPC,
- c) Internally by local resolution
- d) Internally by the force's professional standards departments

Request 3

For each of the last five full financial years (including 2017/18), how many investigations into police misconduct concerning use of force by the police force's officers have been upheld by

- a) in total,
- b) by the IPCC or IOPC
- b) Internally by local resolution
- c) Internally by the force's professional standards departments

Request 4

For each of the last five full financial years (including 2017/18), how many investigations into police misconduct concerning use of force by the police force's officers, which were dealt with by the IPCC/IPOC, have led to the following sanctions:

- a) management advice
- b) written warning
- c) final written warning
- d) dismissal with notice
- e) dismissal without notice

Request 5

For each of the last five full financial years (including 2017/18), how many investigations into police misconduct concerning use of force by the police force's officers, which were dealt with internally by the force's professional standards departments, have led to the following sanctions:

- a) management advice
- b) written warning
- c) final written warning
- d) dismissal with notice
- e) dismissal without notice

Request 6

For each of the last five full financial years (including 2017/18), how many investigations into police misconduct concerning use of force by the police force's officers have been successfully appealed which were dealt with by:

- a) IPCC or IOPC
- b) Internally by local resolution
- c) Internally by the force's professional standards departments

There will clearly be a lag in investigation outcomes or sanctions against officers so the annual figures for investigations and appeals will not correspond to the offences.

Please send me the data requested in the form of an Excel spreadsheet or as a csv file using the spreadsheet template provided.

If you are able to supply some of this information more quickly than other items, please supply each item when you can rather than delay everything until it is all available.

If there are any clarifications requested or exemptions cited for certain parts of the request, please provide responses for others in the meantime, as advised by the Information Commissioner.

If you need any clarification then please email me.

Answer

Section 17(5) of the Freedom of Information Act 2000 requires the Police Service of Northern Ireland, when refusing to provide such information (because the cost of compliance exceeds the appropriate limit) to provide you the applicant with a notice which states that fact.

It is estimated that the cost of complying with your request for information would exceed the "appropriate costs limit" under Section 12(1) of the Freedom of Information Act 2000. Section 12 of FOIA allows a public authority to refuse to deal with a request where it estimates that it would exceed the appropriate limit to either comply with the request in its entirety or confirm or deny whether the requested information is held. The estimate must be reasonable in the circumstances of the case. The 'appropriate limit' is currently £600 for central government and £450 for all other public authorities including PSNI. The relevant Regulations which define the appropriate limit for section 12 purposes are The Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulation 2004 SI 2004 No 3244. These are known as the 'Fees Regulations' for brevity.

Regulation 4(3) of the Fees Regulations states that a public authority can take into account the costs it reasonably expects to incur in carrying out the following permitted activities in complying with the request:

- (i) determining whether the information is held;
- (ii) locating the information, or a document containing it;
- (iii) retrieving the information, or a document containing it; and
- (iv) extracting the information from a document containing it.

Under those regulations PSNI can calculate the time spent on each of these permitted activities at £25 per hour (thus if the activity(s) takes more than 18 hours PSNI will be in excess of the 'appropriate limit').

The record owner within the PSNI has advised to provide this data would require a manual examination of all Ombudsman complaints and internal discipline files that may fall under the definition of use of force. During 2017/18 the Ombudsman received 305 allegations of Oppressive Behaviour – Other Assault; a category which would be relevant and require checking. On a basis on 5 minutes work per file this would take 125 hours work to complete, in excess of the 18 hours limit. This does not take into regard additional work which would be required on internally investigated matters.

In accordance with the Freedom of Information Act 2000, this letter should be considered as a Refusal Notice, and the request has therefore been closed.

You may wish to submit a refined request in order that the cost of complying with your request may be facilitated within the 'appropriate limit'. In compliance with Section 16 of the Act, I have considered how your request may be refined to bring it under the appropriate limit. The record owner has advised if a new request were to be submitted it is possible to provide the number of allegations made to the Police Ombudsman relating to the use of the following categories of police equipment: AEP/Baton round, Baton, CS Spray, Handcuffs, Firearms, Taser, Other. This can be provided for the past 5 financial years.

Submission of a refined request would be treated as a new request, and considered in accordance with the Freedom of Information Act 2000, including consideration of relevant Part II exemptions.

If you have any queries regarding your request or this 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.