

Keeping People Safe



FREEDOM OF INFORMATION REQUEST



Request Number: F-2022-00417

Keyword: Complaints/Discipline

Subject: Complaints Against Police Officers

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) we 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.

We have explained to you below that when PSNI estimates whether the appropriate limit is likely to be exceeded, it can include the costs of complying with two or more requests if certain conditions are met. In this case those conditions are met and complying with all of your requests would in our estimation exceed that appropriate limit set out in Regulation. We have explained this further below but also we followed the Information Commissioner’s Office guidance ‘*Requests where the cost of compliance exceeds the appropriate limit*’ in relation to this request, which also provides further detail on the application of Section 12 (1) of the FOIA. This guidance is available on the ICO website at the following link:

https://ico.org.uk/media/for-organisations/documents/1199/costs_of_compliance_exceeds_appropriate_limit.pdf

You requested the following information from PSNI:

Request 1

The number of complaints your force received from members of the public against officers employed by your force, from the 1st of January 2011 to the 31st of December 2020, where the identity of the officer was known.

Request 2

The number of officers employed by your force who were complained about by members of the public, from the 1st of January 2011 to the 31st of December 2020, where the identity of the officer was known

Request 3

Please state how many officers received each number of complaints detailed in the first column of the table below. Please avoid any grouping such as '1 to 5 complaints', '6 to 10 complaints' etc.

Number of complaints	Number of officers to receive this many complaints
1	
2	
3	
4	
5	
6	
7	
8	
9	
10	
11	
12	
13	
14	
15	
16	
17	
18	
19	
etc (please go up to the maximum number of complaints an officer received)	

Request 4

For each of the officers* who received 10 or more complaints:

- a) Are they still employed by your force? (please just say 'yes' or 'no')
- b) Are they currently under investigation for any of the complaints they received (please say 'yes' or 'no')

*I am not looking for personal information, please just call each of these 'officer 1, 2, 3 etc' or similar. If it is possible to detail which amount of complaints each officer received please do (e.g. Officer 1 | Number of complaints: 10 | Still employed: No | Currently under investigation: No)

Clarification from Requester:

Essentially the purpose of my FOI is to find out for each officer complained about, how many separate complaints each of those officers received.

In all questions, by 'complaint' I am referring to separate complaint cases, not each individual allegation within a case.

I am not asking for any of the data broken down yearly, just the total numbers for the period.

By police officer I mean any police officer, PCSO, voluntary special constable or detention officer that has contact with the public. I understand some of these are technically staff roles but they are all in uniform and have contact with the public.

If you need to leave out any questions for cost limit, Q1 on the total number of complaints is the least important and can be omitted.

By 'where the identity of the officer was known' I mean I am interested only in complaints that were linked to a specific officer, as I know sometimes members of the public complain but don't identify the officer. If the identity was at first unknown but the force later identified the officer, please do include these complaints in the data. Please do not include those complaints where the officer was never identified.

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').

Enquiries made in relation to your request have identified that retrieval of this information would exceed the 18 hour cost limit set under the FOI Act by the Secretary of State.

This information is not held in a retrievable format that provides the information without manual intervention and a comprehensive search would need to be conducted to retrieve this information. This request relates to public complaints and therefore requires the examination of all complaints made to the Police Ombudsman of Northern Ireland during the requested period. The data which is requested is held across multiple spreadsheets and databases, requiring significant research and cross-referencing. There are an average of 2500 complaints made per year and at an estimate of two minutes research for each complaint would require approximately 84 hours research for one year of complaints, grossly exceeding the legislative timescale of 18 hours.

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

Advice and Assistance

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, we have considered how your request may be refined to bring it under the appropriate limit.

Offer of Refinement

It is possible to provide the answer to Request 1, not restricted to complaints where the officer was known.

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 Corporate Information Branch, 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 Corporate Information Branch, 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 remain dissatisfied with the handling of your request, you may make a complaint to the Information Commissioner's Office, under Section 50 of the Freedom of Information Act, 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', or use the ICO self-service portal available at www.ico.org.uk/make-a-complaint/officialinformation-concerns-report/official-information-concern/

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 their 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

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