



FREEDOM OF INFORMATION REQUEST



Request Number: F-2021-01263

Keyword: Complaints/Discipline

Subject: Police Drug Offences

Request and Answer:

Your request for information has now been considered. In respect of Section 1(1)(a) of the Act I can confirm that the Police Service of Northern Ireland does hold information to which your request relates. The decision has been taken to disclose the following.

Request 1

How many police staff have been reported for drug offences for each year 2016-20?

Clarification from requester

Basically I want to clarify that by "reported for drug offences", I mean any record that exists on your files (accessible within compliance limits) detailing intelligence of a police officer and a member of police staff having taken an illegal drug. It does not have to be a formal report/summons/caution

Answer

The following number of Police Officers have been reported for alleged drugs offences:

2016 - 19
2017 - 17
2018 - 19
2019 - 31
2020 - 36

The following number of Police Staff have been reported for alleged drugs offences:

2016 - 0
2017 - 1
2018 - 1
2019 - 1
2020 - 2

Note

The above figures include both crime and intelligence reports and it is therefore possible that some officers will have been subject to more than one report, particularly in regard to intelligence.

Partial NCND

PSNI can neither confirm or deny that it holds any other information relevant to this request as the duty in Section 1(1)(a) of the Freedom Of Information Act does not apply by virtue of the following exemption:

Section 31(3) Law Enforcement – The duty to confirm or deny does not arise if, or to the extent that, compliance with section 1(1)(a) would, or would be likely to, prejudice any of the matters mentioned in subsection (1)

Section 31 is a prejudice based and qualified exemption and there is a requirement to articulate the harm that would be caused in confirming or not whether information is held as well as carryout a public interest test.

Neither Confirm nor Deny' (NCND)

There may be occasions when complying with the duty to confirm or deny under section 1(1) (a) would in itself disclose sensitive or potentially damaging information that falls under an exemption. In these circumstances, the Act allows a public authority to respond by refusing to confirm or deny whether it holds the requested information.

The decision to issue a 'neither confirm nor deny' response is not affected by whether we do or do not hold the information but relates to the consequences of confirming or denying the information is held. The starting point and main focus in most cases will be theoretical considerations about the consequences of confirming or denying that a particular type of information is held. The decision to neither confirm nor deny is separate from a decision not to disclose information and needs to be taken entirely on its own merits.

PSNI follow the Information Commissioner's Guidance in relation to 'NCND' and you may find it helpful to refer to this at the following link:

https://ico.org.uk/media/for-organisations/documents/1166/when_to_refuse_to_confirm_or_deny_section_1_foia.pdf

Section 1(1) (a) of the Act requires a public authority to confirm whether it holds the information that has been requested.

Section 31(3) provides an exemption from this duty

Harm

The PSNI is charged with enforcing the law, preventing and detecting crime and protecting the communities we serve and there is a public interest in the transparency of policing operations.

Modern-day policing is intelligence led and the PSNI share information with other law enforcement agencies as part of the intelligence gathering process. The PSNI will never confirm intelligence which could undermine the partnership approach of information sharing or any investigation.

To disclose this information could enable those with criminal intentions to change plans if it was known that the police were aware of them and their activities. It could disrupt any covert operations and ultimately lead to more crime.

Public Interest Test

Factors favouring Neither Confirming or Denying for Section 31

Confirming or denying whether or not any other information is held would provide an insight into the Police Service. It would greatly assist in the quality and accuracy of public debate, which could otherwise be steeped in rumour and speculation. Where public funds are being spent, there is a public interest in accountability and justifying the use of public money.

Factors against Confirming or Denying for Section 31

The public would not expect the PSNI to compromise law enforcement by confirming or denying if any other relevant information is held through a FOI release.

Decision

The public interest is best served by neither confirming or denying that any other information relating to Request 1 exists.

Request 2

How many police staff have been dismissed for drug offences for each year 2016-20?

Answer

The following number of Police Officers have been dismissed for drugs offences:

2016 – 1 officer
2017 – 1 officer
2018 – 0 officers
2019 – 0 officers
2020 – 0 officers

The following number of Police Staff have been dismissed for drugs offences:

2016 – 0
2017 – 0
2018 – 0
2019 – 0
2020 – 1

Request 3

How many police staff have been arrested for drug offences for each year 2016-20? As an extra - if possible within compliance limits - Can you provide any details of the outcome of that arrest?

Answer

The following number of Police Officers have been arrested for alleged drugs offences:

2016 – 0 officers
2017 – 1 officer
2018 – 0 officers
2019 – 1 officer
2020 – 0 officers

No civilian members of Police Staff were arrested for drugs offences in the time period 2016 – 2020.

Request 4

Can you provide any details that you have in place to ensure an impartial response when police staff are reported for drug offences?

Answer

All reports of drugs offences are dealt with in an impartial and professional manner in line with PSNI policies and procedures.

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 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.psni.police.uk

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