



FREEDOM OF INFORMATION REQUEST



Request Number: FOI-2022-01519

Keyword: Organisational Information Police/Staff Misconduct and Complaints

Subject: Allegations Against Police

Request and Answer:

Your request for information 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 to which your request relates and this is being provided to you. We further consider that some information you seek in relation to request number 1 is exempt by virtue of Section 40 of FOIA and have detailed our rationale as to why this exemption applies. We have also provided you with links to guidance issued by the Information Commissioner's Office which we have followed in responding to your request.

Clarification to you the Requester

Do you wish for allegations made to the Police Ombudsman (NI) to be included in your request or are you seeking just allegations made directly to the PSNI?

Please note by including the Police Ombudsman allegations you increase the chance of your request being deemed an over cost.

However, alternatively you can ask for the Ombudsman allegations to be included unless it would result in an over cost response and in that event just to include the allegations made directly to PSNI.

Clarification from you the Requester

Could you include the Police Ombudsman allegations, unless it takes the request over cost.

Request Number 1

Please provide the current number of allegations against a police officer or member of police staff employed by the force in the following categories:

1. Domestic Abuse as described by the CPS: "physical or sexual abuse, violent or threatening behaviour, controlling or coercive behaviour, economic abuse and psychological, emotional, or other abuse."
2. Sexual offences including rape, sexual assault, any form of child sexual abuse.
3. Abusive behaviour, either sexual or domestic which falls short of potential criminality, but can be considered misconduct according to The Police (Conduct) Regulations 2020 Schedule 2, Standards of Professional Behaviour.

Answer

There are currently 50 police officers and 3 police staff members that are subject to investigations for the categories of allegations described above.

With regards to the police officers currently subject to investigations for the categories described above the total number of allegations can be broken down in the above categories as follows:

1. Domestic Abuse – 20 Police Officers
2. Sexual Offences – 25 Police Officers
3. Non-Criminal Domestic or Sexual Abuse – 5 Police Officers

With regards to the police staff members we are unable to disclose what categories these 3 mentioned cases fall into due to the total number of allegations being so low. To break these down into the categories that you have specified would increase the chances of these individuals being identified.

Therefore, PSNI have made the decision to exempt this particular piece of information based on the fact that the information is low level and identifiable information and if it were released into the public domain it would greatly increase chances of identification. PSNI, have made this decision in accordance with S. 40 of the FOIA and further details on how this exemption applies is articulated further below as follows:

Section 40(2)(a)(b) by virtue of Section 40(3)(a)(i) – Personal Information

Information constitutes personal data and disclosure would contravene any of the Data Protection principles.

The full text of exemptions can be found at www.legislation.gov.uk and further guidance on how they operate can be located on the Information Commissioners Office website www.ico.org.uk.

Section 40 (2) of the FOIA is an absolute exemption which means there is no requirement on PSNI to consider whether there is a public interest in disclosure. It is an interface exemption and we must consider whether release of the information would breach the General Data Protection Regulations ('GDPR') or the Data Protection Act 2018 ('DPA') Third party personal information constitutes 'personal data' under the GDPR (Article 4) and DPA (Part 1 s.3).

Under the Freedom of Information Act, PSNI must consider if information can be released into the public domain. We have therefore considered whether the disclosure of this personal data is subject to the exemption at Section 40(2) of the Freedom of Information Act 2000 by virtue of s40 (3)(A)(a). As information is 'personal data', PSNI considered whether disclosure would contravene any of the six data protection principles contained within the GDPR or DPA.

The six data protection principles are good information handling standards which PSNI must comply with in relation to how it handles personal information, including deciding whether to disclose it or not. In particular, the first principle requires personal data to be processed in a lawful and fair manner. In considering whether it is 'fair' to any individual to release information about them, PSNI considered the likely expectations of those individuals and the nature of the information involved and the material you have requested as well as the potential for identification. PSNI consider release of this information would be unfair to those individuals and not within their reasonable expectations. PSNI therefore consider the exemption at Section 40 (2) to be engaged in relation to the requested information.

Request Number 2

Please provide the following historical information

1. The numbers of allegations as set out above made in the period May 2019 to May 2022
2. The number of allegations resolved during this period

Answer

There were 108 allegations made against police officers and 15 allegations made against police staff members in the above categories during the time period May 2019 to May 2022.

During the time period May 2019 to May 2022 58 allegations against police officers and 10 allegations against police staff members in the above categories were resolved.

Request Number 3

For the period May 2019 to May 2022 provide the number of officers or staff:

1. Prosecuted
2. Dismissed
3. Retired During Investigation
4. Subjected to Disciplinary Action of Another Type

Answer

During the 3 year time period May 2019 to May 2022 the number of allegations against police officers and police staff members in the above mentioned categories that were resolved with the above mentioned outcomes are as follows:

1. Recommended for Prosecution – 6 Police Officers and 2 Police Staff Members
2. Dismissed – 6 Police Officers and 1 Police Staff Member
3. Retired During Investigation – 5 Police Officers and 1 Police Staff Member
4. Subjected to Disciplinary Action of Another Type – 9 Police Officers and 4 Police Staff Members

Please note investigations into misconduct or criminal matters through the time period of your request may still be ongoing. Decisions during the lifecycle of an investigation to include whether to suspend an officer will be made in line with the requirements of the Police (Conduct) Regulations (Northern Ireland) 2016. This Statutory Rule makes provision for the maintenance of discipline procedures for members of the PSNI to include where conduct may amount to misconduct or gross misconduct.

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.