



FREEDOM OF INFORMATION REQUEST



Request Number: F-2023-00715

Keyword: Organisational Information Police/Staff Misconduct and Complaints

Subject: Police Misconduct and Domestic Abuse Allegations

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 (PSNI) 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

Request 1

How many allegations of police misconduct against police officers and all other police staff (including PCSOs and Special constables) employed by your force, that have been made either by members of the public or that are internal complaints within your force, have there been in the last three calendar years 2020, 2021, 2022.

- Please include allegations recorded ONLY since your force started recording allegations in line with February 2020 IOPC statutory guidelines for the recording of complaints -

https://www.policeconduct.gov.uk/sites/default/files/Documents/statutoryguidance/2020_statutory_guidance_english.pdf and

https://www.policeconduct.gov.uk/sites/default/files/Documents/statutoryguidance/Guidance_on_capturing_data_about_police_complaints_Jan2021.pdf.

- Please include ONLY the following categories of allegations below:

G2 - Abuse of position for sexual purpose.

J1 - Sexual assault.

J2 - Sexual harassment.

J3 - Other sexual conduct.

- Please include all allegations of police misconduct in the categories outlined above, including those that have been referred by your force for investigation to the IOPC, Police Ombudsman for Northern Ireland or the Police Investigations and Review Commissioner for Scotland.

Request 1A

Please breakdown this number by type of misconduct allegations and year.

As far as possible, please answer as set out in the table below.

Allegation Type	Number of allegations in the calendar year 2020.	Number of allegations in the calendar year 2021.	Number of allegations 2022 in the calendar year.
G2 - Abuse of Power for Sexual Purpose			
J1 – Sexual assault			
J2 – Sexual harassment			
J3 – Other sexual conduct			

Request 1B

For allegations made against police officers only, please breakdown the number of allegations made, by the rank of the police officer that the allegation was made against.

As far as possible, please answer as set out in the table below.

Number of allegations made in the calendar year 2020, 2021 and 2022.	Rank of the Police Officer involved

Request 1C

For allegations made against police officers only, please disclose the outcome and any action taken against the officer that the allegation was made against (i.e. Dismissal, Written Warning, No Action). Please break this down by allegation type.

As far as possible, please answer as set out in the table below.

	Number of recorded types of outcome or action taken against officer, broken down by allegation category.			
Types of outcome or any action taken against officer following the allegation.	G2 - Abuse of Power for Sexual Purpose	J1 – Sexual assault	J2 – Sexual harassment	J3 – Other sexual conduct
(e.g. No case to answer)	(e.g.) 10			
(e.g. Written warning)				

Request 1D

For allegations made against police staff employed by your force only (including PCSOs and Special constables) and who are not police officers, please disclose the outcome and any action taken against the member of police staff that the allegation was made against. Please break this down by allegation type.

As far as possible, please answer as set out in the table below.

Types of outcome or any action taken against staff following the allegation.	Number of recorded types of outcome or action taken against staff, broken down by allegation category.			
	G2 - Abuse of Power for Sexual Purpose	J1 – Sexual assault	J2 – Sexual harassment	J3 – Other sexual conduct
(e.g. No case to answer)				
(e.g. Dismissed)				

Request 2

How many reports of domestic abuse alleged to have been perpetrated by a police officer or any member of police staff (including PCSO and Special constable) employed by your force, have been made in the last three calendar years 2020**, 2021 and 2022.

- *By 'reports of domestic abuse' I mean reports that have been recorded in-line with the 'National Standard for Incident Recording Rules' and where 'Domestic Abuse' has been recorded as a qualifier. Please use the definition of 'Domestic Abuse' as set out in the 'National Incident Category List' in this document on page 32 -

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/116658/count-nsir11.pdf

- ** Please only include reports from February 2020 onwards (so exclude January for the calendar year 2020).

- Please include all reports of this type that have been made, including those that may have been referred by your force for investigation to the IOPC, Police Ombudsman for Northern Ireland or the Police Investigations and Review Commissioner for Scotland.

Request 2A

Please break down the number of reports of domestic abuse by calendar year.

As far as possible, please answer as set out in the table below.

Number of reports in the calendar year 2020 from February onwards.	Number of reports in the calendar year 2021.	Number of reports in the calendar year 2022.

Request 2B

For reports where the alleged perpetrator was a police officer only, please disclose the outcome and any action taken against the officer that the allegation was made against (i.e. Dismissal, Written Warning, No Action).

As far as possible, please answer as set out in the table below.

Types of outcome or any action taken against officer following the report.	Number of recorded types of outcome or action taken against officer.
(e.g. No case to answer)	
(e.g. Written warning)	

Request 2C

For reports where the alleged perpetrator was a member of police staff only (including PCSOs and Special constable) and who are not police officers, please disclose the outcome and any action taken against the member of police staff that the allegation was made against.

As far as possible, please answer as set out in the table below.

Types of outcome or any action taken against staff following the report.	Number of recorded types of outcome or action taken against staff.
(e.g. No case to answer)	
(e.g. Written warning)	

If you need any further information from me in order to deal with my request, please call me on 07557 760 146.

If you are encountering practical difficulties with complying with this request, please contact me as soon as possible (in line with your section 16 duty to advise and assist requesters) so that we can discuss the matter and if necessary I can modify the request.

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

If it is necessary for any reason to redact any information, please redact the minimum necessary and send me the rest of the material, explaining the legal grounds for each redaction.

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').

When a public authority is estimating whether the appropriate limit is likely to be exceeded, it can include the costs of complying with two or more requests if the conditions laid out in Regulation 5 of the Fees Regulations can be satisfied. Those conditions require the requests to be:

- made by one person, or by different persons who appear to the public authority to be acting in concert or in pursuance of a campaign;
- made for the same or similar information; and
- received by the public authority within any period of 60 consecutive working days.

Regulation 5(2) of the Fees Regulations requires that the requests which are to be aggregated relate *"to any extent"* to the same or similar information. This is quite a wide test but public authorities should still ensure that the requests meet this requirement.

Enquiries made in relation to your request has identified that retrieval of information to respond to your request would exceed the FOI legislative cost of 18 hours as set by the Secretary of State. Your request is overcost by virtue of Request 1 including public complaints made via the Police Ombudsman. Professional Standards Department (PSD) have advised that from 2020 to 2022, the PSNI received approximately 13650 allegations of police misconduct. To extract the detail requested would require the manual examination of individual allegations to identify which ones were relevant. Although some allegations could be easily disregarded, a check of half the above allegations, 6825, at an estimate of 1 minute per allegation, would require approximately 113 hours work.

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, I have considered how your request may be refined to bring it under the appropriate limit. Professional Standards Department have advised it should be possible to provide the following:

- Requests 1 and 2 limited to internal matters dealt with by Professional Standards Department.

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 Corporate Information Manager, Corporate Information Branch, PSNI Headquarters, 65 Knock Road, Belfast, BT5 6LE or by emailing foi@psni.police.uk.

If, following an Internal Review carried out by an independent decision maker, you remain unhappy about how your request has been handled you have the right to apply in writing to the Information Commissioner, under Section 50 of the Freedom of Information Act, at 'Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF. There are a number of other platforms you can use to contact the ICO and these can be found on the ICO's website at the following link: [Make a complaint | ICO \(https://ico.org.uk/make-a-complaint/\)](https://ico.org.uk/make-a-complaint/).

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.