

**Force Disclosure Unit**

Wiltshire Police HQ

London Road

Devizes

Wiltshire

SN10 2DN

Tel 101 ext. 62005

www.wiltshire.police.ukdisclosure@wiltshire.pnn.police.ukDate: 11th May 2021

Our ref: FOI 2021/ 316

I write in connection with your request for information dated 8th April concerning officers accused of sexual misconduct.

I am required by the Freedom of Information Act 2000 to handle all requests in a manner that is blind as to the identity and motives of the requestor. Any information released as a response to a request is regarded as being published and therefore in the public domain without caveat.

Your request for information has now been considered, and having consulted our professional standards team, I am happy to supply the information you have requested.

You wrote:

1. How many police officers have had allegations of sexual misconduct and/or sexual assault made against them by the general public and within their own forces in each of the following financial years:
 - a. 2016-17
 - b. 2017-18
 - c. 2018-19
 - d. 2019-20
 - e. 2020-21
2. Of these allegations how many of these cases have led to misconduct hearings or misconduct disciplinarys in each of the following financial years?
 - a. 2016-17
 - b. 2017-18
 - c. 2018-19
 - d. 2019-20
 - e. 2020-21
3. How many of these officers were dismissed in the misconduct hearings/disciplinarys with regards to the allegations in the following financial years?
 - a. 2016-17
 - b. 2017-18
 - c. 2018-19
 - d. 2019-20
 - e. 2020-21



INVESTOR IN PEOPLE

4. How many of these officers were reprimanded but were not dismissed in the financial years?
 - a. 2016-17
 - b. 2017-18
 - c. 2018-19
 - d. 2019-20
 - e. 2020-21
5. Were any of these cases progressed to the criminal court and if so how many in the financial years:
 - a. 2016-17
 - b. 2017-18
 - c. 2018-19
 - d. 2019-20
 - e. 2020-21
6. How many misconduct/disciplinary hearings involving officers accused of sexual misconduct and/or sexual assault were subject to reporting restrictions in the financial years:
 - a. 2016-17
 - b. 2017-18
 - c. 2018-19
 - d. 2019-20
 - e. 2020-21
7. What is your policy on reporting restrictions for misconduct/disciplinary hearings for your officers who are accused of sexual misconduct and/or sexual assault?
8. What is your policy for victims discussing misconduct hearings when a case is been heard
Are victims prohibited from speaking about misconduct trials to other parties after the hearing is concluded including when the officer is dismissed/suspended from their roles?

Response

1. How many police officers have had allegations of sexual misconduct and/or sexual assault made against them by the general public and within their own forces in each of the following financial years:
 - a. 2016-17 = 1
 - b. 2017-18 = 2
 - c. 2018-19 = 1
 - d. 2019-20 = 0
 - e. 2020-21 = 0
2. Of these allegations how many of these cases have led to misconduct hearings or misconduct disciplinarys in each of the following financial years?
 - a. 2016-17 = 0
 - b. 2017-18 = 0
 - c. 2018-19 = 0
 - d. 2019-20 = 0
 - e. 2020-21 = 0

3. How many of these officers were dismissed in the misconduct hearings/disciplinary with regards to the allegations in the following financial years?
- a. 2016-17 = 0
 - b. 2017-18 = 0
 - c. 2018-19 = 0
 - d. 2019-20 = 0
 - e. 2020-21 = 0
4. How many of these officers were reprimanded but were not dismissed in the financial years?
- a. 2016-17 = 0
 - b. 2017-18 = 0
 - c. 2018-19 = 0
 - d. 2019-20 = 0
 - e. 2020-21 = 0
5. Were any of these cases progressed to the criminal court and if so how many in the financial years:
- a. 2016-17 = 0
 - b. 2017-18 = 0
 - c. 2018-19 = 0
 - d. 2019-20 = 0
 - e. 2020-21 = 0
6. How many misconduct/disciplinary hearings involving officers accused of sexual misconduct and/or sexual assault were subject to reporting restrictions in the financial years:
- a. 2016-17 = 0
 - b. 2017-18 = 0
 - c. 2018-19 = 0
 - d. 2019-20 = 0
 - e. 2020-21 = 0
7. What is your policy on reporting restrictions for misconduct/disciplinary hearings for your officers who are accused of sexual misconduct and/or sexual assault?

The reporting guidelines are set out by the College of Policing Authorised Professional Practice as well as the Home Office Guidance and Police Conduct Regulations. The relevant parts of those policies have been boldened below.

College of Policing Authorised Professional Practice - Misconduct hearings

Misconduct hearings are held in public where the case to be heard applies to gross misconduct (which can lead to dismissal), in accordance with legislative changes effective from 1 May 2015.

There is a requirement that notice will be given for a hearing that is to be held wholly or partly in public in the absence of a compelling reason for not doing so.

Where notice is required, this must be published by the appropriate authority on its website at least five working days before the day on which the hearing is due to take place.

There may be certain circumstances where it would not be appropriate for an officer to be named. For example, a firearms officer where a court has made an anonymity order, an undercover officer whose identity should be protected, or where the naming of an officer or notice of the subject matter of an investigation could risk the identification of a vulnerable victim or complainant against their wishes. Hearings are usually overseen by an independent legally qualified chair.

Notices given to the public should also contain information relating to any conditions that the person chairing or conducting the proceedings has decided to impose on attendance.

Where a decision is taken in advance to hold all of the hearing in private, then, in the interests of transparency, the person chairing or conducting the hearing may consider it appropriate to ask the relevant authority to publish a notice on its website explaining the decision.

Before a misconduct hearing takes place, only basic information about the issue involved and the subsequent allegations should be made available so as to avoid the force being seen to prejudge a case. Further details would only be released if the media have inaccurate information regarding a case that needs to be corrected or if such information may lessen community concern or tension. Otherwise, details will be proactively provided of the allegations faced and the date of proceedings, along with an explanation of how misconduct hearings generally work.

The panel is constituted of one legally qualified chair, one independent member and one officer of superintending rank or above.

At the conclusion of a misconduct hearing, there is a requirement that the outcome of a case is published within a predetermined timeframe. **The legally qualified chair may determine what will be published in this outcome notice.**

Once the outcome of a misconduct hearing is known, the Corporate Communications Department in consultation with the force professional standards department, may also choose to issue a statement to inform the media and the public of the result and comment on the officer's actions.

Officers can appeal the findings and sanctions of a misconduct hearing to a Police Appeals Tribunal. If such an appeal is successful and leads to a decision being made to reinstate an officer after a previous sanction of dismissal, this should be reflected in updated media lines. If the result of the misconduct hearing had previously been offered to the media or the matter resulted in publicity, then the result of the appeal should also be proactively released.

Home Office Guidance – Reporting /publishing guidance

11.153 Under Regulation 43 of the Conduct Regulations, the chair of the misconduct hearing is responsible for compiling a report of the hearing within 5 working days of the hearing, beginning with the first working day after the completion of the hearing, and submitting it to the appropriate authority. The report should contain:

a) the findings of the misconduct hearing (i.e. whether the conduct amounted to misconduct, gross misconduct or neither), b) the reasons for those findings, c) any disciplinary action imposed and the reasons why that disciplinary action was made, d) any direction that the matter be dealt with under the Reflective Practice Review Process.

11.154 The appropriate authority must, as soon as practicable following receipt of this report, copy the report to the officer, notifying them of their right to appeal and the person to whom an appeal should be sent. The appropriate authority must also copy this report to the Director General, where the Director General has presented or was entitled to make representations at the hearing, and to any complainant or interested person, where relevant, including the fact and outcome of any appeal against the outcome.

11.155 The chair of the misconduct hearing is also responsible for providing the appropriate authority with information that they consider ought to be included in the police barred list (as under Regulation 42(16) of the Conduct Regulations). This information should relate to whether there are any justifiable exemptions to publish the details of the officer.

11.156 Unless the chair determines that publication is not appropriate for any of the reasons set out in Regulation 43(9)(a) of the Conduct Regulations, broadly speaking the harm test except that disproportionate effort is excluded, or in line with any restrictions imposed on the disclosure of information during the course of proceedings, they must

require the appropriate authority to publish the full determination of the misconduct hearing. This must be done as soon as practicable following the officer being informed of the outcome and the report must remain on their website for at least 28 calendar days. This should be subject to permissible redactions that relate to currently agreed exceptions and the reason for those exceptions should be clearly explained by the appropriate authority. Redactions are set out in Regulation 43(9) of the Conduct Regulations.

11.157 The appropriate authority should use the report on the outcome of the hearing and comments made by the chair in consideration of any useful organisational learning which can be identified from the process.

Police Conduct Regulations - Notification of outcome

43.—(1) The person conducting or chairing the misconduct proceedings must, before the end of a period of 5 working days beginning with the first working day after the completion of the misconduct hearing or misconduct meeting, submit a report to the appropriate authority or, where functions have been delegated under regulation 26(1), to the originating authority setting out—

- (a) the finding of the person or persons conducting the misconduct proceedings;
- (b) the reasons for that finding;
- (c) any disciplinary action imposed;
- (d) any direction that the matter be dealt with under the reflective practice review process.

(2) The appropriate authority or, as the case may be, the originating authority, must, as soon as practicable after receiving the report under paragraph (1), notify the officer concerned of the outcome by sending the officer a copy of—

- (a) the report submitted under paragraph (1), and
- (b) where there was a finding of misconduct or gross misconduct, a notice of the right of appeal in accordance with paragraph (3).

(3) A notice of the right of appeal under paragraph (2) is a notice—

- (a) where the officer concerned is an officer other than a senior officer—
 - (i) if the case was decided at a misconduct meeting, of the right of appeal under regulation 45, or
 - (ii) if the case was decided at a misconduct hearing, of the right of appeal to a police appeals tribunal **F1**;
- (b) where the officer concerned is a senior officer, of the right of appeal to a police appeals tribunal.

(4) In all cases referred to in paragraph (3) the notice of the right of appeal must be in writing and include the name of the person to whom an appeal should be sent.

(5) The appropriate authority or, as the case may be, the originating authority, must send a copy of any report under this regulation to—

- (a) the Director General, in any case where the Director General—
 - (i) presented the case, or
 - (ii) was entitled to attend to make representations under regulation 38(1), and
- (b) the complainant and any interested person, in any case to which regulation 40 applies.

(6) Subject to the harm test and to paragraph (10), the person chairing a misconduct hearing must require the appropriate authority or, as the case may be, the originating authority, to publish the report submitted under paragraph (1).

(7) Where the appropriate authority or, as the case may be, the originating authority is required to publish the report in accordance with paragraph (6), it must do so as soon as

practicable after the officer has been notified of the outcome of the proceedings under paragraph (2).

(8) Where the appropriate authority or the originating authority publishes a report in accordance with paragraph (6), it must publish the report on its website for a period of not less than 28 days.

(9) Prior to publication of a report under paragraph (6) the appropriate authority or, as the case may be, the originating authority may, subject to paragraph (12), redact the document—

(a) in so far as the authority considers redaction is—

(i) necessary for the purpose of preventing the premature or inappropriate disclosure of information that is relevant to, or may be used in, any criminal proceedings;

(ii) necessary in the interests of national security;

(iii) necessary for the purpose of the prevention or detection of crime, or the apprehension or prosecution of offenders;

(iv) necessary for the purpose of the prevention or detection of misconduct by other police officers or police staff members or their apprehension for such matters;

(v) necessary and proportionate for the protection of the welfare and safety of any informant or witness;

(vi) otherwise in the public interest, and

(b) in line with any restrictions imposed on the disclosure of information during the course of the proceedings.

(10) The person chairing the misconduct hearing may dispense with the requirement under paragraph (6) to publish the report if in the particular circumstances of the case the person considers it is appropriate to do so on any of the grounds set out in paragraph (9)(a) or (b).

(11) In making a decision under paragraph (10), the person chairing the misconduct hearing may have regard to any representations—

(a) provided under regulation 36(3) or (5), or

(b) made at the misconduct hearing.

(12) Information that has already been published during the course of the proceedings may not be redacted under paragraph (9).

8. What is your policy for victims discussing misconduct hearings when a case is heard Are victims prohibited from speaking about misconduct trials to other parties after the hearing is concluded including when the officer is dismissed/suspended from their roles?

Not unless it falls within a direction set by the Legally Qualified Chair as discussed in the previous question.

I am satisfied that all the relevant information has been passed to me and been considered in the light of your request within the time constraints applicable under the legislation.

Wiltshire Police would like to thank you for the interest that you have shown in the Force.

Yours sincerely,

Force Disclosure Decision Maker

Wiltshire Police offers a re-examination of your case under its review procedure.



Force Disclosure Unit

Wiltshire Police HQ, London Road, Devizes, Wiltshire SN10 2DN
Telephone 101 ext 62005

Freedom of Information Request Appeals Procedure

1. Who Can Ask for a Review

Any person who has requested information from Wiltshire Police, which has been dealt with under the Freedom of Information Act, is entitled to complain and request an internal review, if they are dissatisfied with the response they received.

2. How to Request a Review

Requests for review of a Freedom of Information request must be made in writing to the:

Force Disclosure Unit
Wiltshire Police Headquarters,
London Road, Devizes,
Wiltshire,
SN10 2DN

Email at disclosure@wiltshire.pnn.police.uk.

The reference number, date of the request and details of why the review is being requested must be included. Requests for review should be brought to the attention of the Force Disclosure Unit within 20 working days of the Force's response to the original FoI request.

3. Review Procedure

Receipt of a request for review will be acknowledged in writing to include confirmation of the reasons for the review. The review will be conducted by another Decision Maker, who is independent from the original Decision Maker. The Force Disclosure Unit will set a target date for a response. The response will be made as soon as is practicable with the intention to complete the review within twenty working days. In more complex cases the review may take up to 40 working days.

The Independent Decision Maker will conduct a review of the handling of the request for information and of decisions taken, including decisions taken about where the public interest lies in respect of exempt information where applicable. The review enables a re-evaluation of the case, taking into account the matters raised by the complaint.

4. Conclusion of the Appeal

On completion of the review the Independent Decision Maker will reply to the complainant with the result of the review. If the complainant is still dissatisfied following the review they should contact the Information Commissioner to make an appeal. The Information Commissioner can be contacted via the following details:

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF
Tel: 01625 545 700
Fax: 01625 524 510
Email: mail@ico.gsi.gov.uk

Please note that the ICO's offices will be closed for the foreseeable future and are therefore unable to receive correspondence via post.

If you should wish you contact them, please visit <https://ico.org.uk/global/contact-us/>