

**Force Disclosure Unit**

Wiltshire Police HQ
London Road

Devizes

Wiltshire SN10 2DN

Telephone: 101

Extension: 62005

Website: www.wiltshire.police.uk

E-mail:

disclosure@wiltshire.pnn.police.uk



XXXXXXXXXX

By email

Date: 03 June 2021

Your ref: FOI request

Our ref: FOI 2021/278

Reply contact name is Abigail Standidge

Dear XXXXX,

I write in connection with your request for information dated the 26th March 2021, concerning sexual misconduct complaints. Please accept my apologies for the delay in responding to your request for information.

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.

Following receipt of your request, research was conducted by the Professional Standards Department at Wiltshire Police. Your request for information has now been considered and I am not obliged to supply the information you have requested.

You wrote:

I am seeking the total number of complaints of rape, sexual assault or other forms of sexual misconduct against police officers* and police staff*. I seek this in two categories which I would like to be separated in the response:

- a) where the complainant is also a member of the police service, and
- b) where the complainant is a member of the public.

Please provide figures for the past five years if possible, whether calendar or financial years [whichever way they are collated]. Please include the most recent figures available for the past 12 months, even if it is not complete.

[*For the avoidance of doubt, I request complaints made against officers, PCSOs, special constables, police staff and contractors to the force - either as direct employees or through employment agencies]

For each case please state if possible:

- The gender and rank or grade of the officer or staff member
- The nature of the alleged offence and any context if possible [whether it be harassing emails, sending inappropriate text messages, rape, indecent assault, indecent images etc].



INVESTOR IN PEOPLE

- The location where the alleged offence took place – i.e custody suite, police station etc
- Whether the alleged misconduct took place on or off duty
- The outcome of each investigation i.e. charges [please state where convicted and provide name of the officer if possible], suspension, whether referred to the IPCC, dismissed, suspended, resigned, transferred etc

In the case of a) where the complainant is a member of the police service, please state their gender and rank or grade [insofar as this is possible given identification issues]

In the case of b) where the complainant is a member of the public, please state whether the complainant was a victim of crime, witness to crime, or other category

If you wish me to reissue this as two separate FOIs please say so and I will do that. However it is a request for several identical pieces of information across two categories of complainants, I thought this was the best way forward.

Our response:

The information you are requesting is not stored in a way which permits for easy retrieval. In order to provide the level of information requested - namely the location of the alleged offence; the gender and rank / grade where the complainant is a member of the Force; the status of the victim (i.e. victim of crime, witness to a crime etc) where the complainant is a member of the public - a manual review of each sexual misconduct complaint (in full) between 2017 and 2021 would need to be conducted. Doing this would exceed the fees limit set upon this authority under the Freedom of Information Act.

Under the circumstances I am absolutely confident that to locate, retrieve and extract the information you seek would by far exceed the time obligations upon this authority to comply, and in so doing would exceed the fees limits. This is set at £450 calculated at a flat rate of £25 per hour for those work activities comprising of confirming the information is held, locating it, retrieving it and extracting it. Therefore the whole of the request should fall under the exemption of section 12 of the Freedom of Information Act 2000.

Please also note that if one part of the request engages a Section 12 response, the whole request will engage a Section 12 response. The reason being is due to the fact that locating, retrieving and extracting any further information would only add to the already exceeded time obligations.

Ordinarily under our Section 16 obligation to provide advice and assistance we would advise you of a way to refine your request to a more manageable level. Due to the difficulties in obtaining the requested information, as outlined above, I cannot think of a way in which this could be achieved. In respect of other questions within your request, I cannot think of a way in which you would be able to refine these questions, as they may incite further exemptions dependent on what information we may or may not hold.

Although excess cost removes the Forces' obligations under the Freedom of Information Act, as a gesture of goodwill I have supplied information, relative to your request, retrieved or available before it was realised that the fees limit would be exceeded. I trust this is helpful, but it does not affect our legal right to rely on the fees regulations for the remainder of your request. What I can provide you with is documented below:

a) Conduct matters related to sexual misconduct between 2017 and 2021 where complainant is a member of the police service

Between 2017 and 2021 there were 15 allegations made; 3 of these matters are currently ongoing. It would be inappropriate to release this information at this time, and therefore these have been omitted from the below.

- Sexual assault by male Police Officer against female Officer (off duty) – reported by victim, referred to CPS – not enough evidence to obtain realistic prospect of conviction (Officer dismissed for unrelated matters)
- Sexual assault by male Police Officer against member of the public (on duty) – reported by subject Officer, IOPC referral and criminal assessment made – victim did not wish to pursue criminal or conduct complaint (not upheld)
- Inappropriate comments and tactile behaviour by male Police Officer towards member of Police Staff (off duty) – reported by Police Officer colleague – victim did not wish to pursue a complaint (no further action)
- Inappropriate behaviour by male Police Officer towards another Officer (off duty) – reported by Police Officer colleague – victim did not wish to pursue a complaint (subject Officer received final written warning)
- Sexual assault by male member of Police Staff against member of the public (off duty) – referred to IOPC and CPS (no further action)
- Inappropriate contact by male member of Police Staff with female victim of crime – reported by Police Officer colleague, referred to IOPC (member of Staff was dismissed)
- Inappropriate relation between male Police Officer and member of the public (on duty) – reported by member of the public (not victim) – referred to IOPC, Officer suspended during investigation (Officer dismissed following Gross Misconduct hearing)
- Inappropriate comments made by male Police Officer towards female member of Police Staff (on duty) – reported by Police Officer colleague – victim did not wish to pursue a complaint (no further action)
- Rape by male Police Officer against female member of Police Staff (off duty) – reported by victim, referred to IOPC and CPS – evidential difficulties (no further action)
- Harassment by male member of Police Staff against female Police Officer (on and off duty) – reported by victim (no further action)
- Inappropriate behaviour by male member of Police Staff towards female members of Police Staff (on and off duty) – reported anonymously, Officer suspended and referred to IOPC (upheld, Officer resigned)
- Inappropriate behaviour by male Special Constable against female Special Constable (on duty) – reported by victim but did not support criminal prosecution – referred to IOPC, Officer suspended during the investigation (upheld, Reasonable Proportionate Review Process*)

**The following links may be of assistance in relation to the RPRP process – [IOPC guidance](#) and [Home Office guidance](#).*

b) Public complaints related to sexual misconduct between 2017 and 2021

Between 2017 and 2021 there were 3 allegations made.

- Rape by Police Officer against member of the public – reported by female victim, Officer suspended, referred to IOPC and criminal assessment made – victim did not wish to make a criminal complaint (no further action)
- Rape by male Police Officer against member of the public – reported by victim, criminal assessment made – Officer suspended throughout investigation (no further action)

- Rape by Police Officer against female member of the public – reported by victim, referred to IOPC and CPS (no further action)

Section 17 of the Freedom of Information Act 2000 requires Wiltshire Police, when refusing to provide such information (because the information is exempt) to provide you the applicant with a notice which: (a) states that fact, (b) specifies the exemption in question and (c) states (if that would not otherwise be apparent) why the exemption applies.

The exemption applicable to the information requested is:

Section 12: Exemption where cost of compliance exceeds appropriate limit

(1) Section 1(1) does not oblige a public authority to comply with a request for information if the authority estimates that the cost of complying with the request would exceed the appropriate limit.

In accordance with section 17 of the Act, this letter represents a Refusal Notice for this particular request.

Please contact me if you would like to discuss the withheld information.

Yours sincerely

Abigail Standidge
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 Fol 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 to contact them, please visit <https://ico.org.uk/global/contact-us/>