



Force Disclosure Unit
Wiltshire Police HQ
London Road
Devizes
Wiltshire
SN10 2DN
Tel 101 ext. 62005
www.wiltshire.police.uk
disclosure@wiltshire.police.uk

Date: 25 June 2021

Your ref:

Our ref: FOI 2021/475

Reply contact name is: Lloyd Tilbury

Dear,

I write in connection with your request for information, dated 26th May 2021, concerning 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.

Following receipt of your request, searches were conducted with the Professional Standards Department of Wiltshire Police.

Your request for information has now been considered and it is not possible to meet your requirements in full.

You wrote:

- 1) Please provide the number of police officers, PCSOs and special constables who have been accused of sexual misconduct within your force for the financial years 2017-18 to 2020-21. Please provide this data broken down by financial year.
- 2) Of those cases, please provide:
 - a. The type of sexual misconduct reported, i.e. having sex on duty, sexual assault, sexual harassment, rape.
 - b. The number of cases referred to the IOPC
 - c. The number of cases where the officer had previously been reported for misconduct.
- 3) Of those cases not referred to the IOPC, please provide the outcome, i.e. dismissed, resigned, written warning etc.



INVESTOR IN PEOPLE

I am asking for cases where the officer had been reported for any misconduct, if you are able to break down which, if any, of those were previous sexual misconduct cases then please do so.

Response:

Question One

2017 – 4

2018 – 4

2019 – 3

2020 – 4

2021 – 0

Question Two

A.

Inappropriate Behaviour x 3

Inappropriate Comments x 2

Inappropriate Relations

Rape x 4

Sexual Assault x 3

B.

Nine

C.

Ten

Question Three

Not enough evidence to obtain a realistic prospect of conviction

Matter not upheld

Closed No Further Action x 7

Final Written Warning

Officer was dismissed

Officer resigned

Dealt with via the Reasonable Proportionate Review Process

Please note that some of the above information has been redacted in accordance with the following exemptions of the Freedom of Information Act 2000:

Section 30(1) – Investigations

Section 40(2) – Personal Information

Section 30 is a prejudice based and qualified exemption, therefore the harm (prejudice) in disclosure should be evidenced and the public interest given.

Section 40 is a class based absolute exemption, for that reason there is no requirement to articulate the harm in disclosure or a requirement for the public interest test. However, disclosing this information in full would breach the Data Protection Act 2018, specifically Principle One (Fairness).

Section 30(1) – Investigations

Overall Harm

Although every effort should be made to release information under the Freedom of Information Act, to disclose this type of information in full would prejudice current investigations into misconduct.

Although there is public interest in the transparency of policing, especially in regards to officer misconduct, which would provide assurance to the public that Wiltshire Police is appropriately and effectively engaging in the investigations of police officers and staff, this is countered by the need to protect any ongoing investigations into misconduct.

Furthermore, there is a very strong public interest in safeguarding the integrity of police investigations, especially in relation to potential offences carried out by police officers and staff. This, in turn, would reassure the public that the police are highly secure and would not disclose any information to the world, not just the requester, which may jeopardise current investigations.

Public Interest Considerations

Factors Favouring Disclosure

The disclosure of this information in full would lead to a better-informed public and promote trust by demonstrating openness, transparency and accountability. This is especially important in relation to potential offences carried out by police officers and staff which have a large public interest.

Factors Against Disclosure

Disclosing this information in full would provide to the world, not just the requester, information which may prejudice current investigations into officer and staff misconduct and potentially anything further. This would place Wiltshire Police's investigative ability into jeopardy.

To disclose specific information surrounding current live investigations would highlight that Wiltshire Police does not take the security and integrity of its misconduct and general investigations seriously, which would cause a large drop in public confidence. This, potentially, would lead to people not wanting to report incidents, which would lead to criminals not being detected and victims being repeatedly targeted.

Balance Test

The above points highlight both the merits and issues with disclosing in full the requested information in relation to your Freedom of Information request. Overall the police service is charged with enforcing the law, preventing and detecting crime and protecting the communities we serve. Because of this, Wiltshire Police will not divulge any information if to do so would prejudice our investigative capabilities and in turn lead to more victims of crime and offenders not being brought to justice. The public interest is very largely in favour of non-disclosure in full to ensure the capability of investigations carried out by Wiltshire Police.

This would only be overridden in exceptional circumstances, which this Freedom of Information request is not.

Section 17 of the Freedom of Information Act 2000 requires Wiltshire Police, when refusing to provide 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. In accordance with the Freedom of Information Act 2000 this letter acts as a Refusal Notice for those aspects of your request.

Exemptions applied:

Section 30(1) – Investigations

Section 40(2) – Personal Information

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

Yours sincerely,

Lloyd Tilbury
Principal 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.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 you contact them, please visit <https://ico.org.uk/global/contact-us/>