

**Force Disclosure Unit**

Wiltshire Police HQ

London Road

Devizes

Wiltshire

SN10 2DN

Tel 101 ext 62005

www.wiltshire.police.ukdisclosure@wiltshire.pnn.police.uk

XXXXXX – by email

Date: 3rd February 2023

Your ref: FOI

Our ref: FOI 2023 / 150

Reply contact name is: Nick Penny

Dear XXXXXX,

I write in connection with your request for information dated 28th January 2023 concerning the New Integrity Hotline re Officer and Staff Conduct.

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 I am not obliged to supply the information you have requested.

You wrote:

According to the Daily Mail, Met police chief Sir Mark Rowley commenting on the new integrity hotline disclosed that information is being passed on to other forces:

'We're passing information on as well.'

<https://gbr01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.dailymail.co.uk%2Fnews%2Farticle-11674901%2FRowley.html&data=05%7C01%7Cdisclosure%40wiltshire.police.uk%7C29b2a1b4712d4a77503b08db01337e1d%7C4e5729cf852d4510921251157ca27e3e%7C0%7C0%7C638105092898835673%7CUnknown%7CTWFpbGZsb3d8eyJWljojMC4wLjAwMDAiLCJQIjoiV2luMzliLCJBTiI6IjEhaWwiLCJXVCi6Mn0%3D%7C3000%7C%7C%7C&sdata=Zvs%2FUqpEEn0MKwi7m2oSyGeaYyiADnj0U6GtT71IhY%3D&reserved=0>

Hotline:

<https://gbr01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.whatdotheyknow.com%2Frequest%2Fnew-anti-corruption-and-abuse-hotline-incoming-2196858&data=05%7C01%7Cdisclosure%40wiltshire.police.uk%7C29b2a1b4712d4a77503b08db01337e1d%7C4e5729cf852d4510921251157ca27e3e%7C0%7C0%7C638105092898835673%7CUnknown%7CTWFpbGZsb3d8eyJWljojMC4wLjAwMDAiLCJQIjoiV2luMzliLCJBTiI6IjEhaWwiLCJXVCi6Mn0%3D%7C3000%7C%7C%7C&sdata=c9yd92pclms2j42F%2FY5jdt4GxTLGZuy3xImfiGU4vDY%3D&reserved=0>



1. Please provide the number of times the Met has contacted you with information acquired through its new hotline.
2. Please provide the number of officers/staff the information relates to.

Our response:

Wiltshire Police can neither confirm nor deny that information is held relevant to your request as the duty in Section(1)(1)(a) of the Freedom of Information Act 2000 does not apply by virtue of the following exemptions :

- Section 30(3) – Investigations
- Section 31(3) - Law Enforcement
- Section 38(2) – Health & Safety
- Section 40(5) – Personal Information

Section 30 is a class based qualified exemption and consideration must be given as to whether there is a public interest in neither confirming nor denying the information exists is the appropriate response.

Section 31 is a prejudice based qualified exemption and there is a requirement to articulate the harm that would be caused in confirming or not that the information is held as well as carrying out a public interest test.

Section 38 is a prejudice based qualified exemption and there is a requirement to articulate the harm that would be caused in confirming or not that the information is held as well as carrying out a public interest test.

Section 40 is a class based absolute exemption and there is no requirement to evidence the harm or consider the public interest.

Relevant Evidence of harm and public interest tests are as follows :-

Evidence of Harm

Domestic abuse affects people from all walks of life in many different ways and can include coercive behaviour, physical and sexual abuse. This is a very emotive subject and the Police Service strive to deal with all aspects of it which includes dealing with police officers who commit this type of offending. The College of Policing publish their Authorised Professional Practice on Domestic Abuse which provides guidance to the Police Service when dealing with this offending. Furthermore, some police forces publish their force policy on how Domestic Abuse affects police officers and police staff, which includes a section where the perpetrators of domestic abuse are police officers/staff members and what will happen in that instance.

Should an officer who is currently being investigated for allegations of domestic abuse, or any other allegations of offending, such as misconduct or potentially criminal proceedings, it would likely ensue that in some cases formal charges may be made. However, we also need to consider that not all allegations are proven and may not lead to a formal charge. To confirm or deny that information is held would highlight that officers are or are not currently subject to an investigations into offences of domestic abuse, sexual offending, abusive behaviour, etc. Such an awareness would also highlight to suspects that their victims have either reported their offending to Wiltshire Police or not which either way could lead to further offending against their victims causing physical and/or emotional trauma.

Irrespective of whether information is or isn't held, ongoing investigations would also be compromised if the offender were made aware an investigation into their behaviour is ongoing which would enable steps to be taken by them to destroy evidence, or put more pressure on their victims through coercive abuse to ensure their allegations are dropped.

Public interest Considerations:

Section 30 – Investigations

Factors favouring complying with section 1(1)(a) confirming or denying information is held

Confirming or denying whether information exists relevant to this request would lead to a better informed general public by identifying that Wiltshire Police robustly investigate all aspects criminal offending, including allegations made against their own officers and staff members. This fact alone may encourage individuals to provide intelligence in order to assist with investigations and promote public trust in providing transparency and demonstrating openness and accountability into where the police are currently focusing their investigations.

Factors against complying with Section 1(1)(a)

Confirmation or denial that information is held for the questions would suggest Wiltshire Police take their responsibility to appropriately handle and manage intelligence supplied to them flippantly.

Under FOI there is a requirement to comply with s1(1)(a) and confirm what information is held. In some cases it is that confirmation, or not, which could disclose facts which would undermine the investigative process and in such cases Wiltshire Police takes advantage of its ability under FOI legislation to, where appropriate, neither confirm nor deny that information is or is not held.

Irrespective of what information is or isn't held, any information which could be used to undermine prosecutions, aid offenders to continue with their abuse, is not in the public interest.

Section 31 – Law Enforcement

Factors favouring complying with section 1(1)(a) confirming or denying information is held

Disclosure would provide transparency in the way police officers are dealt with when suspected of carrying out criminal offending such as domestic/sexual abuse offences and may improve public debate into the credibility of how Wiltshire Police deals with these allegations within the force. It would also serve to demonstrate that Wiltshire Police is open and accountable.

Factors favouring not complying with section 1 (1)(a) confirming or denying information is held:

To confirm or deny that information is held would risk undermining the investigative process whilst determining whether any member of staff is responsible for improper conduct; including whether or not an allegation of this nature leading to police intervention was proportionate under the circumstances.

Wiltshire Police has a duty of care to the community at large and public safety is of paramount importance. If an FOI disclosure revealed information to the world (by citing an exemption or stating no information held) that would undermine an investigation and place the safety of an individual at risk, this could be used to offenders' advantage which would compromise any potential victims and public safety generally. It may also encourage offenders to carry out further crimes as detailed within the harm.

Wiltshire Police relies on information being supplied by the public. Irrespective of what information is or isn't held in relation to the questions, by applying substantive exemptions would indicate that information is held and there are currently ongoing investigations. Such action would act as a deterrent to the public to provide intelligence to the force which would further undermine public safety, with repercussions that could hinder the prevention or detection of crime.

Section 38(2) - Health and Safety

Factors favouring complying with s1(1)(a) confirming information is held

Confirmation of whether information is or isn't held would provide reassurance to the general public that Wiltshire Police take all allegations seriously. This awareness could be used to improve any public consultations/debates in relation to this subject and also allow the public to take steps to protect themselves.

Factors against complying with s1(1)(a) confirming or denying that information is held

Confirming or denying that information exists could lead to the loss of public confidence in Wiltshire Police's ability to protect the wellbeing of the community.

Wiltshire Police has a duty of care towards the general public per se and to reveal information via an FOI request which would place the safety of individuals in danger, is not in the public interest.

Balancing Test

The points above highlight the merits of confirming, or denying, whether any information pertinent to the questions exists. The Police Service is charged with enforcing the law, preventing and detecting crime and protecting the communities we serve. As part of that policing purpose, various operations may or may not be ongoing. The Police Service will never divulge whether or not information pertinent to the question does or does not exist, if to do so would place the safety of an individual(s) at risk, compromise an ongoing investigation or undermine the policing purpose in the effective delivery of operational law enforcement.

Whilst there is a public interest in the transparency of policing operations and investigations particularly in relation to Wiltshire Police's own police officers, providing reassurance that the Police Service is appropriately and effectively investigating current allegations of offending against Wiltshire Police's police officers, there is a very strong public interest in safeguarding the health and safety of individuals. As much as there is a public interest in knowing that policing activity into allegations against its own police officers is appropriate and balanced it will only be overridden in exceptional circumstances.

Therefore, at this moment in time, it is our opinion that for these issues the balance test for confirming, nor denying that information is held for the questions is appropriate.

No inference can be taken from this refusal that information does or does not exist.

Section 17 of the Freedom of Information Act 2000 requires the 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 exemptions applicable to the information requested are :

Section 30(3) Investigations

Section 31(3) Law Enforcement

Section 38(2) Health and Safety

Section 40(5) Personal Information.

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

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,

Nick Penny
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