



Via email



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

Date: 15 February 2023

Your ref: **FOI**

Our ref: FOI 2023/140

Reply contact name is

Dear ,

I write in connection with your request for information dated 11/08/2022 concerning staff and officers working in professional standards and / or anti-corruption units subject of complaints regarding sexual harassment or sexual assault.

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:

1. Between 1st January 2020 and 31st December 2022, how many staff or officers working for a) professional standards and b) anti-corruption units (if the force has one) have been subject of complaints for

a. Sexual harassment b. Sexual assault

Please could this be broken down by year as well as the type of allegations (eg sexual harassment, indecent exposure, rape).

If possible please state whether the complainant was from the force or external in each case.

2. Please could I have details of the outcomes of these allegations e.g, management advice, written warning, misconduct, criminal investigation.

3. Between 1st January 2020 and 31st December 2022, how many staff or officers working for a) professional standards and b) anti-corruption units (if the force has one) have been arrested for criminal offences.



INVESTOR IN PEOPLE

Please could this be broken down by year as well as the type of offences.

4. Please could I have details of the outcomes of these allegations e.g, management advice, written warning, misconduct, criminal investigation.

Response:

Your request for information has been considered and I am not obliged to supply the information you have requested as it is exempt by virtue of Section 31(1)(a)(b) – Law Enforcement.

Section 31 is a prejudice based, qualified exemption and therefore requires a harm test and public interest test to be conducted.

Evidence of Harm:

Sexual offending carried out by police officers and staff members who hold a position of trust within the community is completely unacceptable and demands the highest accountability when dealing with such offending. Professional Standards Departments are in place to carry out an important role in the maintenance of trust and confidence the public have in the Police Service. This topic is a very emotive subject and the Police Service strive to deal with all aspects of it which includes dealing with police officers and police staff members who commit these types of offences. The College of Policing publish their Authorised Professional Practice on Professional Standards which provides an insight into the responsibilities of PSDs. Should an officer/police staff member be party to allegations of this nature, misconduct or potentially criminal proceedings would likely ensue should formal charges 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/staff based within PSDs/ACUs are or are not currently subject to investigation of sexual harassment and assault. 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, interfere with witnesses, or put more pressure on their victims through coercive abuse to ensure the investigation is dropped.

Public interest Considerations:

Section 30 – 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 the Wiltshire Police Service robustly investigate all aspects of sexual harassment; sexual assault and criminal offending, including allegations made against their own officers and staff members with their PSD/ACU departments. 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 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 regarding in this case, any information which could be used to undermine prosecutions and aid offenders to continue with their abuse, is not in the public interest.

Section 31 – Factors favouring complying with section 1(1)(a) confirming or denying information is held

Disclosure would provide transparency in the way police officers and staff members are dealt with when suspected of carrying out sexual harassment, sexual assault and criminal offences and may improve public debate into the credibility of how Wiltshire police deal with these allegations within the force. It would also serve to demonstrate that Wiltshire police are 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 operation 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, 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.

Balancing Test

The points above highlight the merits of confirming, or denying, whether any information pertinent to this request 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 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 the Wiltshire police's own police officers and staff members based within their PSDs/ACUs, providing reassurance that the Police Service is appropriately and effectively investigating current allegations as detailed within the request, 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 and staff 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 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 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 31(1)(a)(b) – Law Enforcement.

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

Yours sincerely

Force Disclosure Decision Maker

The 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 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/>