

WILTSHIRE POLICE



Police Headquarters

London Road
DEVIZES
Wiltshire
SN10 2DN

disclosure@wiltshire.police.uk

Date: June 12, 2023

Your ref:

Our ref: FOI 2023/268

Reply contact name is:

Dear,

I write in connection with your request for information, dated 28th February 2023 concerning police 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, research was conducted by the Professional Standards Department of Wiltshire Police.

Your request for information has now been considered and I am not obliged to supply the information you have requested.

You Wrote:

1. How many allegations of police misconduct against police officers and all other police staff (including PCSOs and Special constables) employed by your force, that have been made either by members of the public or that are internal complaints within your force, have there been in the last three calendar years 2020, 2021, 2022.

- Please include allegations recorded **ONLY** since your force started recording allegations in line with

February 2020 IOPC statutory guidelines for the recording of complaints

- https://www.policeconduct.gov.uk/sites/default/files/Documents/statutoryguidance/2020_statutory_guidance_english.pdf and

https://www.policeconduct.gov.uk/sites/default/files/Documents/statutoryguidance/Guidance_on_capturing_data_about_police_complaints_Jan2021.pdf.

- Please include **ONLY** the following categories of allegations below:

G2 - Abuse of position for sexual purpose.

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J1 - Sexual assault.
J2 - Sexual harassment.
J3 - Other sexual conduct.

- Please include all allegations of police misconduct in the categories outlined above, including those that have been referred by your force for investigation to the IOPC, Police Ombudsman for Northern Ireland or the Police Investigations and Review Commissioner for Scotland.

a) Please breakdown this number by type of misconduct allegations and year.

As far as possible, please answer as set out in the table below.

Allegation Type	Number of allegations in the calendar year 2020.	Number of allegations in the calendar year 2021.	Number of allegations 2022 in the calendar year.
G2 - Abuse of Power for Sexual Purpose			
J1 – Sexual assault			
J2 – Sexual harassment			
J3 – Other sexual conduct			

b) For allegations made against police officers **only**, please breakdown the number of allegations made, by the rank of the police officer that the allegation was made against. As far as possible, please answer as set out in the table below.

Number of allegations made in the calendar year 2020, 2021 and 2022.	Rank of the Police Officer involved

c) For allegations made against **police officers only**, please disclose the outcome and any action taken against the officer that the allegation was made against (i.e. Dismissal, Written Warning, No Action). Please break this down by allegation type. As far as possible, please answer as set out in the table below.

	Number of recorded types of outcome or action taken against officer, broken down by allegation category.			
Types of outcome or any action taken against officer following the allegation.	G2 - Abuse of Power for Sexual Purpose	J1 – Sexual assault	J2 – Sexual harassment	J3 – Other sexual conduct
(e.g. No case to answer)	(e.g.) 10			
(e.g. Written warning)				

d) For allegations made against **police staff employed by your force only** (including PCSOs and Special constables) and who are not police officers, please disclose the outcome and any action taken against the member of police staff that the allegation was made against. Please break this down by allegation type.

As far as possible, please answer as set out in the table below.

	Number of recorded types of outcome or action taken against staff, broken down by allegation category.			
Types of outcome or any action taken against staff following the allegation.	G2 - Abuse of Power for Sexual Purpose	J1 – Sexual assault	J2 – Sexual harassment	J3 – Other sexual conduct
(e.g. No case to answer)				
(e.g. Dismissed)				

2. How many reports of domestic abuse alleged to have been perpetrated by a police officer or any member of police staff (including PCSO and Special constable) employed by your force, have been made in the last three calendar years 2020**, 2021 and 2022.

- *By 'reports of domestic abuse' I mean reports that have been recorded in-line with the 'National Standard for Incident Recording Rules' and where 'Domestic Abuse' has been recorded as a qualifier. Please use the definition of 'Domestic Abuse' as set out in the 'National Incident Category List' in this document on page 32

- https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/116658/count-nsir11.pdf

- ** Please only include reports from February 2020 onwards (so exclude January for the calendar year 2020).

- Please include all reports of this type that have been made, including those that may have been referred by your force for investigation to the IOPC, Police Ombudsman for Northern Ireland or the Police Investigations and Review Commissioner for Scotland.

a) Please break down the number of reports of domestic abuse by calendar year.

As far as possible, please answer as set out in the table below.

Number of reports in the calendar year 2020 from February onwards.	Number of reports in the calendar year 2021.	Number of reports in the calendar year 2022.

b) For reports where the alleged perpetrator was a **police officer only**, please disclose the outcome and any action taken against the officer that the allegation was made against (i.e. Dismissal, Written Warning, No Action).

As far as possible, please answer as set out in the table below.

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Types of outcome or any action taken against officer following the report.	Number of recorded types of outcome or action taken against officer.
(e.g. No case to answer)	
(e.g. Written warning)	

c) For reports where the alleged perpetrator **was a member of police staff only** (including PCSOs and Special constable) and who are not police officers, please disclose the outcome and any action taken against the member of police staff that the allegation was made against.

As far as possible, please answer as set out in the table below.

Types of outcome or any action taken against staff following the report.	Number of recorded types of outcome or action taken against staff.
(e.g. No case to answer)	
(e.g. Written warning)	

Throughout the request I referred to Special Constables as police staff. This is incorrect. Special Constables, for all intents and purposes, are Police Officers in as far as they fall under the same conduct regulations and they have the same powers as police officers.

Therefore, please include Special Constables in your answers to 1.a) 1.b) 1.c) 2.a) and 2.b). And please exclude Special Constables when I asked about police staff only, in your answers 1.d) and 2.c)

Response:

The information that you are requesting for Question Two is not stored in a way which allows for easy retrieval. To confirm, Wiltshire Police do not have the search facility to automatically gather this type of data (domestic incidents being perpetrated by a police officer/staff) and the only way to gather this information would be to manually search and review each and every domestic incident individually for the requested time periods (2020, 2021 and 2022).

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.

However, under our Section 16 obligation to provide advice and assistance, I would advise that you could re-submit your request without Question Two, however please note that exemption(s) may still be applicable.

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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 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.

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,



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

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.

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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/>