



Police Headquarters
London Road
DEVIZES
Wiltshire
SN10 2DN
disclosure@wiltshire.police.uk

Date 16th March 2023

Our ref **FOI 2023/279**

I write in connection with your request for information dated 2nd March concerning police misconduct cases.

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:

- How many police officers (of all ranks) employed by the service are currently under investigation following allegations of misconduct?
- Of those officers, could you please breakdown the reasoning they're under investigation? For example bullying, sexual misconduct etc.
- Of those officers, could you please breakdown how many cases are regarding internal investigations (so allegations against other police staff) or external (so allegations made by members of the public)

I would also like to know the below for past complaints:

- Of the misconduct cases brought against officers over the past five years (so the period March 1, 2018 - March 1, 2023) how many resulted in the following:
 - o Dismissal
 - o Disciplinary action (any form excluding cautions)

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- o Cautioned
- o No action taken
- Of those which resulted in any action being taken - how many led to the beginnings of criminal proceedings? Please also provide the reasons for arrest.
- Of those officers, could you please breakdown how many cases were regarding internal investigations (so allegations against other police staff) or external (so allegations made by members of the public)

You do not need to provide any information on individual cases, just the raw numbers please.

Response:

The information that you are requesting in relation to how many of the misconduct cases brought against officers over the past five years resulted in Caution is not easily retrievable. We currently do not have the capability within our systems to flag information on if these individuals were cautioned which can then be analysed quickly and easily.

The ascertaining of this information would only be possible by physically reading every misconduct case during the 5-year period you are requesting, to determine if the officer was issued a Caution.

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.

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 am able to provide you are the answers documented below:

- How many police officers (of all ranks) employed by the service are currently under investigation following allegations of misconduct?

16 officers are currently being investigated for Gross Misconduct. (Please note we are unable to search for investigations assessed as Misconduct only due to the fact that these are not recorded until the matter is finalised).

- Of those officers, could you please breakdown the reasoning they're under investigation? For example bullying, sexual misconduct etc.

These are the headings to which the above investigations would fall within.

Use of Force

Off duty conduct

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Honesty and Integrity

Discreditable Conduct

Police action following contact

Sexual Misconduct

- Of those officers, could you please breakdown how many cases are regarding internal investigations (so allegations against other police staff) or external (so allegations made by members of the public)

Internal Investigations - 13

External Investigations - 3

I would also like to know the below for past complaints:

- Of the misconduct cases brought against officers over the past five years (so the period March 1, 2018 - March 1, 2023) how many resulted in the following:

- o **Dismissal - 9 between 2018 and 2022**
- o **Disciplinary action (any form excluding cautions) 18 cases between 2018 and 2022**
- o **Cautioned – N/A as per above response**
- o **No action taken – 0**

- Of those which resulted in any action being taken - how many led to the beginnings of criminal proceedings? Please also provide the reasons for arrest.

2 cases resulted in arrests. The reasons for the arrests are not searchable within the Professional Standards database.

- Of those officers, could you please breakdown how many cases were regarding internal investigations (so allegations against other police staff) or external (so allegations made by members of the public)

6 cases – external investigation

21 cases – internal investigation

Ordinarily under our section 16 duty to provide advice and assistance, we would advise you how to refine your request in respect of question in relation to Cautions to a more manageable level. However, due to the difficulties outlined above, I cannot see how this can be achieved in this particular case.

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.

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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

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

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.

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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/>

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