

WILTSHIRE POLICE



Via Email



Police Headquarters

London Road
DEVIZES
Wiltshire
SN10 2DN

Date 16/08/2024

Our ref **FOI 2024/ 681**

Reply contact name is:

Dear *****,

I write in connection with your request for information, dated 23/07/2024, concerning officers and staff being investigated for VAWG related misconduct & gross 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 Professional Standards of Wiltshire Police.

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

You wrote:

How many police officers and staff are currently being investigated for VAWG*-related misconduct and gross misconduct?

NOTE: By VAWG-related misconduct or gross misconduct we mean as measured in the NPCC Violence Against Women and Girls Benchmark as some form of inappropriate sexual conduct (rape, sexual assault, abuse of position for sexual purpose and other sexual conduct) and discreditable conduct, which is a defined standards of professional behaviour which would include inappropriate sexual behaviours or domestic abuse.

NOTE: By misconduct and gross misconduct, we mean as defined under Regulation 2(1) The Police (Conduct) Regulations 2020, misconduct means a breach of Standards of Professional Behaviour that is so serious as to justify disciplinary action and gross misconduct means a breach of Standards of Professional Behaviour that is so serious as to justify dismissal.

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Response:

There are 9 allegations.

In addition to the figures above, Wiltshire Police can neither confirm nor deny that it holds any other information relevant to this 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 and proceedings conducted by the public authority

Section 31(3) – Law enforcement

Section 40(5) – Personal information

When citing s40(5), there is a requirement to consider whether disclosure would be fair. In this case released would not be fair and therefore section 40(5) is classed as absolute and there is no requirement to consider the public interest.

Evidence of Harm

Should officers currently be subject to investigations for allegations of misconduct, 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 any other information is held, would highlight that officers are or are not currently subject to an investigation. Irrespective of whether any other 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 alter their behaviour and/or destroy evidence.

Public Interest Considerations

Section 30 – Factors favouring complying with Section 1(1)(a) confirming or denying information is held:

Confirming or denying whether any other information exists relevant to this request, would lead to a better-informed general public by identifying that Wiltshire Police robustly investigate all aspects of offending, including allegations made against their own officers. 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.

Section 30 - Factors against complying with Section 1(1)(a) neither confirming nor denying information is held:

Confirmation or denial that any other information is held for this request, would suggest Wiltshire Police take their responsibility to appropriately handle and manage intelligence supplied to them flippantly. Under the Freedom of Information (FOI) Act, there is a requirement to comply with Section 1(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

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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 or 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 are dealt with when suspected of inappropriate conduct and illegal actions 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 are open and accountable.

Section 31 - Factors against complying with Section 1(1)(a) neither confirming nor denying information is held:

To confirm or deny that any other information is held, would risk undermining the investigative process whilst determining whether any officer is responsible for improper conduct; 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, 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 above.

Wiltshire Police relies on information being supplied by the public. Irrespective of what further information is or isn't held in relation to this request, by applying substantive exemptions would indicate that other information is held and there are currently other 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.

Balance Test

The factors above highlight the merits of confirming, or denying, whether any other 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 pertinent to a request does or does not exist, if to do so would 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 our own officers, it will be overridden in exceptional circumstances. Therefore, at this moment in time, it is my opinion that for these factors, the balance test for neither confirming nor denying that any other information is held is appropriate. No inference can be taken from this refusal that further 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.

Exemption applied:

Section 30(3) – Investigations and proceedings conducted by the public authority

Section 31(3) – Law enforcement

Section 40(5) – Personal information

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.

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
Keeping Wiltshire Safe

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/>