



July 2019

## Freedom of Information Request Reference N°: FOI 002172/19

I write in connection with your request for information received by the Norfolk and Suffolk Constabularies on the 11<sup>th</sup> June 2019 in which you sought access to the following information:

- 1 How many people does your force have in each of the following roles:
  - A Police Officer (Detective or Constable, including Specials)
  - B PCSO
  - C Other Police staff
  
- 2 How many staff have criminal convictions?
  - A How many are Police Officers (Detective or Constable, including Specials)?
  - B How many are PCSOs?
  - C How many are other Police staff?
  
- 3 Please provide the following information for each conviction:
  - A The person's role and/or rank
  - B The offence
  - C Whether the person received a custodial sentence (suspended or otherwise)
  - D Whether the person was convicted before they joined the police

## Response to your Request

The response provided below is correct as of 3<sup>rd</sup> July 2019.

Norfolk and Suffolk Constabularies have located the following information as relevant to your request.

Q1

Employee Type	Number	
<b>NORFOLK</b>		
	Headcount	Strength
Police Officer	1599	1547.4
Special Constabulary	198	-
Police Staff	1231	1094.8
PCSO	0	0
<b>SUFFOLK</b>		
Police Officer	1151	1121.3
Special Constabulary	146	-
Police Staff	906	796.4

PCSO	42	39.7
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Q2

Employee Type	Number with a Criminal Conviction
<b>NORFOLK</b>	
Police Officer	2
Special Constabulary	0
Police Staff	1
PCSO	N/A
<b>SUFFOLK</b>	
Police Officer	4
Special Constabulary	0
Police Staff	2
PCSO	0

Q3

Role	Offence	Custodial sentence (suspended or otherwise)	Convicted before joined the force?
<b>NORFOLK</b>			
Police Constable	Fraudulent Vehicle Excise Licence	No	Yes
Police Constable	Driving with Excess Alcohol	No	No
Police Staff	Death by Careless Driving	No	No
<b>SUFFOLK</b>			
Police Constable	Common Assault	No	No
Police Constable	Data Protection Act offence	No	No
Police Constable	Careless Driving	No	No
Police Constable	Dangerous Driving	No	No
Police Staff	Driving with excess alcohol	No	Yes
Police Staff	Possession of Cannabis	No	Yes

All decisions regarding applicants (Police officers or Staff) are considered on a case by case basis, taking in to account the following from the College of Policing National Vetting COP/APP as per the paragraphs detailed below:

7.5 Rehabilitation of offenders

7.5.1 The **Rehabilitation of Offenders Act 1974** (ROA) provides that certain convictions will become spent after a specified period of time. Thereafter, the applicant is considered rehabilitated. The rehabilitation period depends on the sentence imposed.

7.5.2 This means that, once the rehabilitation period has passed:

- the applicant must be treated 'for all purposes in law' as though they had never committed the offence

- the applicant is not required to disclose spent convictions when answering questions relating to their conviction history
- the applicant cannot be penalised for not disclosing a spent conviction
- a spent conviction, or failing to disclose one, cannot be used to dismiss or exclude a person from any office or employment.

7.5.3 By virtue of the **Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975**, the ROA does not apply to individuals applying to become police officers. Therefore they can be asked about all convictions and cautions, whether spent or unspent, and all can be considered in the vetting process.

7.5.4 The situation regarding police staff and non-police personnel is more complicated. In general terms the ROA does not apply to “Persons employed for the purposes of, or to assist the constables of, a police force established under any enactment” and individuals can be asked about spent convictions and they can be considered in the vetting process. However this does not apply to protected cautions or convictions, and people applying to become police staff and those “assisting” a constable should not be asked about protected cautions or convictions and they should not be considered in the vetting process.

## 7.6 CPS Disclosure Manual

7.6.1 Guidance to forces on the impact of disclosure of convictions and cautions is provided in **Chapter 18** of the CPS Disclosure Manual. The document ensures compliance with the **Criminal Procedure and Investigations Act 1996** (CPIA) and provides guidance on all information that will be revealed to the prosecutor. This process is commonly referred to as taint.

7.6.2 The impact of appointing an individual who would be required to disclose convictions and cautions in accordance with **Chapter 18** of the CPS Disclosure Manual and CPIA cannot be underestimated. It can heavily affect the deployment of such an individual on appointment, and in some cases throughout their career. Generally, the impact will lessen as the time since the ‘finding’ recedes. Thus, when allowing an individual subject of the disclosure requirements to be appointed, they must be aware of the impact that such a requirement will have on their career.

7.6.3 Particular care must, therefore, be taken when clearing a candidate who will have to disclose:

- criminal convictions, criminal cautions and penalty notices for disorder
- criminal proceedings which have not been completed
- adverse judicial findings
- police disciplinary findings of guilt at a misconduct hearing
- relevant formal written warnings and disciplinary cautions
- disciplinary proceedings which have not been completed.

7.6.4 Further information on spent convictions, cautions, reprimands and final warnings can be found on the **NACRO website** (please note that this is for guidance only and is not a definitive assessment of the ROA).