



December 2016

Freedom of Information Request Reference N^o: FOI 004152/16

I write in connection with your request for information received by the Norfolk Constabulary on the 15th November 2016 in which you sought access to the following information:

Under the Freedom of Information Act 2000 I seek access to documents detailing the following information about officer misconduct hearings:

- 1 In the last five years (January 2011 – present day) how many of your officers have been subject to misconduct hearings?
- 2 How many of these were found guilty of misconduct?
- 3 Of those found guilty of misconduct, how many had engaged, or tried to engage, in a sexual or otherwise inappropriate relationship with a witness, victim or offender?
- 4 For all those who were found guilty of misconduct of any nature, please provide: rank of officer, name of officer (where possible), date of their hearing, date the misconduct took place between, the punishment they received from the force and a relevant summary of the misconduct they had committed

Norfolk Constabulary holds information relevant to your request.

Response to your Request

Norfolk Constabulary has located the following information as relevant to your request.

Q1 19 officers have been subject to misconduct hearings between 1st January 2011 and 15th November 2016.

Q2 Of the above, 17 were proven.

Q3 Two officers appeared at misconduct hearings in relation to contact with persons during the course of their duties.

Q4

Year of Hearing	Officer Rank	Summary	Outcome
2011	Constable	Honesty and integrity & Discreditable conduct - Conviction for traffic offences	Final Written Warning
2011	Constable	Discreditable conduct - Conviction for driving with excess alcohol	Final Written Warning
2011	Constable	Honesty and integrity - Inappropriate relationship with colleague and acted dishonestly	Dismissed

2011	Constable	Other assault - Assaulted member of the public	Dismissed
2013	Constable	Use of force & Honesty and integrity - Excessive force used during arrest	Final Written Warning
2013	Constable	Discreditable conduct - Arrested for criminal offence of possession of indecent images	Dismissed
2013	Constable	Duties and responsibilities - Disobeyed a lawful order	Final Written Warning
2013	Special Constable	Honesty and integrity - Conviction for traffic offences	Dismissed – varied on appeal to Final Written Warning
2014	Constable	Honesty and integrity & Incivility, impoliteness and intolerance - Accessed Force systems for non-policing purpose Inappropriate comment to member of the public	Final Written Warning
2014	Constable	Honesty and integrity - Conviction for Fraud	Dismissed
2015	Constable	Discreditable conduct - Inappropriate contact with females came into contact with during course of duties	Final Written Warning
2015	Constable	Discreditable conduct - Improper sexual relationship with female came into contact with during course of duties	Dismissed
2015	Constable	Duties and responsibilities - Failure to conduct reasonable search	Written Warning
2016	Sergeant	Discreditable conduct - Conviction for driving with excess alcohol	Dismissed
2016	Constable	Discreditable conduct - Conviction for indecent images	Dismissed
2016	Constable	Honesty and integrity - Appeared at court for criminal matters	Dismissed
2016	Constable	Discreditable conduct - Conviction for child cruelty	Dismissed

The names of the officers and the full dates have not been provided due to exemptions within the Act.

Section 17 of the Freedom of Information Act 2000 requires that Norfolk Constabulary, when refusing to provide information (because the information is exempt) is to provide you, the applicant, with a refusal notice which:-

- a. States that fact;
- b. Specifies the exemption(s) in question and;
- c. States (if that would not otherwise be apparent) why the exemption(s) applies.

The information is exempt from disclosure by virtue of the following exemption:-

- Section 40(2) – Personal Information

Section 40(2) – whilst section 40 is a class based absolute exemption and there is no requirement to consider the harm or public interest, there is a requirement under sub-section 40(2), if the information requested relates to a third party, to articulate why disclosure would breach the Data Protection Act principles. The exemption at section 40(2) is relevant if the release of the personal information would be a breach of any of the 8 principles of the Data Protection Act 1998.

Personal data means data that relates to a living individual who can be identified from that data or from that data and other data that is in the possession of, or likely to come into the possession of, the data controller.

Principle 1 of the Data Protection Act states that personal data shall be processed fairly and lawfully.

The latest advice from the Information Commissioner, when applying the exemption at section 40(2), is to firstly consider fairness. Fairness relates to consideration of expectation and consequences in relation to the use of a person's personal data.

To reveal information via the Freedom of Information process, leading to the identification of an individual, would not be considered 'fair'. When it is released, the information is published by Norfolk Constabulary on the force website. Providing the information would not only identify the officer but could also lead to the identification of victims. It is reasonable to assume that individuals would not expect their details to be released under the FOIA and would expect their details to be kept confidential and in accordance with the Data Protection Act.

Whilst some of the information may be available via press articles in the media, it would not be appropriate for the Constabulary to continue to release details, which will be published on the force website for an indefinite period of time.

On the basis that personal data into the public domain, that could be linked to a living individual in a way that they would not expect, would not be fair and would be a breach of principle 1. This response letter serves as a refusal notice under section 17(1) of the Freedom of Information Act by virtue of the application of the exemption at section 40(2) of the Act, for these parts of your request.