



## **Freedom of Information Request Reference N<sup>o</sup>: FOI 003311-18**

I write in connection with your request for information received by Suffolk Constabulary and Norfolk Constabularies on 12 September 2018 in which you sought access to the following information:

1. "The number of complaints of sexual misconduct against police officers serving at your force per year for the last five years.
2. This includes where recorded:
  - the gender and rank of the subject of the complaint
  - where relevant to the complaint, the gender and rank of the complainant or position as police support staff
  - the date it was recorded
  - a summary of the allegation
  - the location of the incident,
  - if it occurred on or off duty
  - the date and outcome of any investigation.
3. The total number of active police officers serving at your police force per year for the last three years."

### **Response to your Request**

The response provided below is correct as of 3 October 2018

Suffolk and Norfolk Constabulary has considered your request for information and the response is below.

1. A review of public complaints and internal conduct matters recorded against police officers has been conducted for the period 1 September 2013 to 31 August 2018. Members of the Special Constabulary are not included in the response. The following cases relate to allegations of sexual misconduct, which includes sexual harassment, sexual assault and abuse of position for sexual gain.

Some public complaints have been made against unknown officers or members of police staff. The data has been included, however as the person subject of the complaint has not been identified, it cannot be determined that these are definitely police officers.

Please note that one Suffolk complaint has not been included as the investigation is ongoing and is of a sensitive nature.

Section 1 of the Freedom of Information Act 2000 (FOIA) places two duties on public authorities. Unless exemptions apply, the first duty at s1(1)(a) is to confirm or deny whether the information specified in a request is held. The second duty at s1 (1)(b) is to disclose information that has been confirmed as being held.

Section 17 of the Freedom of Information Act 2000 requires that Norfolk and Suffolk Constabularies, when refusing to provide such information (because the information is exempt) is to provide you the applicant with a notice in 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 exemptions;

**Section 31(g) – Law Enforcement, by virtue of Section 31(2)(b)**

Section 31 is a qualified and prejudice based exemption and I am therefore obliged to consider the harm in disclosing information concerning this live investigation and conduct a public interest test.

- 2. As above
- 3. The total number of police officers serving in Suffolk and Norfolk Constabularies is provided in the table below. The data is correct as of 31 March for each respective year and relates to officer headcount figures.

| <b>Year</b>       | <b>Norfolk</b> | <b>Suffolk</b> |
|-------------------|----------------|----------------|
| <b>31.03.2016</b> | 1552           | 1109           |
| <b>31.03.2017</b> | 1516           | 1087           |
| <b>31.03.2018</b> | 1516           | 1099           |

## NORFOLK

| Date       | Gender  | Rank               | Summary  | Complainant                              | On/off duty | Outcome  |
|------------|---------|--------------------|--|--|-------------|--|
| Dec 2013   | Unknown | Unknown            | Public compliant – Allegation that whilst in custody an employee rubbed the complainant’s leg in a sexual manner         | Female -MOP                              | On          | Investigation showed that the incident did not take place – not upheld and no further action taken |
| Feb 2014   | Male    | Constable          | Inappropriate relationship with victim of crime  | Female – MOP                             | On and off  | Management action  |
| March 2014 | Male    | Constable          | Inappropriately touched female colleague   | Female - Constable                       | On          | Management action  |
| May 2014   | Female  | Constable          | Sexually harassed and indecently assaulted colleague and made sexual comments to another                                 | 2 Males – Constable & Inspector or above | Off         | Resigned prior to misconduct hearing   |
| July 2014  | Male    | Constable          | Inappropriate contact with females the officer came into contact with in course of duties to pursue sexual relationship  | Female – MOP                             | On and off  | Misconduct hearing – Final Written Warning   |
| Oct 2014   | Male    | Sergeant           | Inappropriate behaviour and comments towards female colleagues   | Females - Constables                     | On          | Resigned during investigation  |
| April 2014 | Male    | Constable          | Public complaint - Allegation the officer inappropriately touched member of the public whilst taking a witness statement | Female - MOP                             | On          | Misconduct meeting – not proven  |
| Feb 2015   | Male    | Constable          | Pursued improper relationship with member of the public came into contact with in course of duties                       | Female – MOP                             | On and off  | Misconduct hearing – Dismissed   |
| March 2015 | Male    | Inspector or above | Engaged in sexual activity on Constabulary premises  | Female – police staff                    | On          | Misconduct meeting – Written Warning   |
| April 2015 | Male    | Constable          | Inappropriately touched female colleague   | Female – Police Staff                    | On          | Misconduct meeting – Management action   |
| Sept 2015  | Male    | Constable          | Inappropriate behaviour and comments to a female colleague   | Female – Special Constable               | On          | Resigned   |
| Nov 2015   | Male    | Constable          | Improper relationship with member of public met through duties   | Female – MOP                             | Off         | Misconduct meeting – Management advice   |

|            |         |                    |   |              |            |  |
|------------|---------|--------------------|---|--------------|------------|--|
| July 2016  | Male    | Inspector or above | Engaged in a sexual relationship with vulnerable member of the public met in course of duties | Female – MOP | On and off | Misconduct hearing – Proceedings discontinued  |
| Oct 2016   | Male    | Constable          | Allegation of rape made   | Female - MOP | On         | No further action criminally and no case to answer   |
| Oct 2016   | Male    | Constable          | Public complaint – Allegation the officer sexually touched a member of the public             | Female - MOP | On         | Not upheld   |
| Nov 2016   | Unknown | Unknown            | Public complaint – Allegation the member of public was raped whilst in custody                | Female - MOP | On         | Complaint withdrawn  |
| April 2017 | Unknown | Unknown            | Public complaint – Allegation the member of public was sexually assaulted during detention    | Female - MOP | On         | Investigation showed that the incident did not take place – not upheld and no further action taken |
| May 2017   | Male    | Constable          | Engaged in an improper relationship with a member of the public met in course of duties       | Female – MOP | On and off | Officer resigned. Misconduct hearing – would have been dismissed                                   |
| March 2018 | Male    | Constable          | Pursued an improper relationship with a victim of crime                                       | Female – MOP | On and off | Live investigation   |
| June 2018  | Male    | Constable x 2      | Public complaint – Allegation of an inappropriate comment made to a member of the public      | Female - MOP | On         | Live investigation   |

## SUFFOLK

| Date      | Gender   | Rank      | Summary  | Complainant                       | On/off duty | Outcome  |
|-----------|----------|-----------|--|-----------------------------------|-------------|--|
| Oct 2013  | Female   | Constable | Public complaint – Allegation of sexual activity in a public place   | Male – MOP                        | Off         | Not upheld   |
| Nov 2013  | Male     | Constable | Two allegations of sexual assault of female colleagues   | 2 x Female Police staff Constable | On          | Individual received criminal caution and resigned during investigation |
| Dec 2013  | Male     | Constable | Inappropriate comments of a sexual nature in the hearing of members of the public  | Unknown                           | Off         | Management action  |
| Jan 2014  | Male     | Constable | Abused position to attend home address of member of the public and gain access under false pretences                     | Female – MOP                      | On          | Resigned   |
| May 2014  | Male     | Constable | Engaged in a sexual relationship with victim of crime  | Female – MOP                      | On and off  | Resigned   |
| Aug 2014  | Male     | Constable | Established improper sexual relationship with vulnerable member of the public came into contact with in course of duties | Female – MOP                      | On and off  | Resigned   |
| Oct 2014  | Male x 2 | Constable | Public complaint – Allegation of sexual assault whilst being strip searched in custody                                   | Male - MOP                        | On          | Not upheld   |
| June 2015 | Female   | Constable | Pursued improper sexual relationship with member of the public came into contact with in course of duties                | Male – MOP                        | On and off  | Misconduct hearing – Dismissed   |
| Nov 2015  | Male     | Constable | Engaged in a sexual relationship with vulnerable member of the public  | Female – MOP                      | On and off  | Misconduct hearing – Dismissed   |
| Jun 2016  | Male     | Constable | Attempted to engage in inappropriate sexual relationship with victim of crime  | Female – MOP                      | On and off  | No case to answer  |
| Sept 2016 | Male     | Constable | Sexually touched female colleague  | Female – Police Staff             | On          | Misconduct hearing – Final Written Warning                             |
| Sept 2016 | Male     | Constable | Engaging in sexual contact whilst on duty  | Female – Police Staff             | On          | Misconduct meeting – Final Written Warning                             |

|           |         |                               |   |                              |            |  |
|-----------|---------|-------------------------------|---|------------------------------|------------|--|
| Dec 2016  | Male    | 3 x Constable<br>2 x Sergeant | Public complaint – Allegation of sexual assault whilst being searched in custody                                      | Male MOP                     | On         | Discontinued by IOPC                             |
| Feb 2017  | Male    | Sergeant                      | Inappropriately touched female colleague  | Female – Constable           | Off        | Misconduct meeting – Final Written Warning       |
| Jan 2017  | Male    | Constable                     | Public complaint – Allegation the officer inappropriately touched the member of public                                | Male - MOP                   | On         | Complaint withdrawn                              |
| May 2017  | Male    | Constable                     | Sought to engage in an improper relationship with member of the public came into contact with during course of duties | Female – MOP                 | On and off | Misconduct hearing – Dismissed                   |
| June 2017 | Unknown | Unknown                       | Public complaint – Allegation that whilst in custody an officer inappropriately touched the member of public          | Male - MOP                   | On         | Disapplication                                   |
| Aug 2017  | Male    | Constable                     | Allegation that the officer inappropriately touched the member of public at their home address                        | Female - MOP                 | On         | Not upheld                                       |
| July 2017 | Male    | Constable                     | Allegation of rape  | Female - MOP                 | Off        | No further action criminally<br>Officer resigned |
| Sept 2017 | Male    | Sergeant                      | Public complaint – Allegation of sexual assault whilst in custody   | Male – MOP                   | On         | Not upheld                                       |
| Sept 2017 | Male    | Sergeant                      | Made inappropriate comments towards colleagues  | Female – Constables          | On         | Management Action                                |
| Dec 2017  | Male    | Sergeant                      | Inappropriate comments and behaviour towards colleagues and about members of the public                               | Male and Female - Constables | On         | Management Action                                |

## **Harm and Public Interest test concerning the application of Section 31**

### Harm

Where a disclosure is made that will provide information and evidence as to the way in which the Constabulary conducts its investigation, there is a clear risk that harm may be caused by disclosing the capabilities and strengths/weaknesses of the Constabulary with regards Law Enforcement.

Provision of information at this stage in the investigations will allow individuals, to decipher an individual's involvement with the investigation.

### Factors Favouring Disclosure – Section 31

The provision of the information will ensure the Constabularies are maintaining openness and transparency, with respect to any PSD investigation.

Provision of information concerning PSD investigations reassures the public that independent, full and robust investigations are carried out when complaints are made concerning police officers and staff.

Investigations are expensive and provision of the data will ensure the public can identify where and how public funds are being allocated.

### Factors favouring non-disclosure – Section 31

A large amount of information is published regarding PSD investigations, however there must still be allowances made for the protection of those that are incomplete and complex, which require more unimpeded investigative work, prior to any formal disclosure under FOI.

Any information disclosed that could have repercussion on the live investigation could have wider implications for future policing operations, potentially resulting in a lack of confidence in people approaching the Constabulary in the future, for any professional concerns. This would impact negatively on the role of PSD and their ability to effectively complete thorough investigations.

Professional Standard Investigations are reported in detail to the Police and Crime Commissioner and ensure that they are scrutinised at the highest level to ensure investigations are appropriately and thoroughly carried out. Therefore, the public interest has been met by the acknowledgment that the investigation exists, and the assurance that the investigation is being effectively managed.

### Balancing Test

Information exempt under Section 31(1)(g) is done so to ensure public authorities can effectively conduct internal investigations without prejudice or compromise. It can undoubtedly be argued the public has a right to know whether the Constabulary appropriately managed allegations and whether as a result there are any concerns of misconduct. However, there is still a requirement to

balance this argument with the effects of disclosure and whether investigations could resultantly be undermined by the disclosure.

There is no question of the public interest surrounding the provision of this information ensuring the public is reassured that investigations are actively being completed where applicable. However, the public interest will be answered by confirming that the investigation exists and will be provided on its completion. It would not be beneficial to that aim, if disclosure was made before the investigation has considered all circumstances of the case.

I therefore conclude that the balance of the public interest lays in non-disclosure of information concerning this live investigation, at this time.

Should you have any further queries concerning this request, please contact Clair Pack, FOI Decision Maker, quoting the reference number shown above.

A full copy of the Freedom of Information Act (2000) can be viewed on the 'Office of Public Sector Information' web-site;  
<http://www.opsi.gov.uk/>

Norfolk and Suffolk Constabularies are not responsible for the content, or the reliability, of the website referenced. The Constabulary cannot guarantee that this link will work all of the time, and we have no control over the availability of the linked pages.



Your Right to Request a Review of Decisions Made Under the Terms of the  
Freedom of Information Act (2000).

If you are unhappy with how your request has been handled, or if you think the decision is incorrect, you have the right to ask the Norfolk and Suffolk Constabulary to review their decision.

Ask Norfolk and Suffolk Constabularies to look at the decision again.

If you are dissatisfied with the decision made by Norfolk and Suffolk Constabularies under the Freedom of Information Act (2000), regarding access to information, you must notify the Norfolk and Suffolk Constabulary that you are requesting a review within 20 days of the date of its response to your Freedom of Information request. Requests for a review should be made in writing and addressed to:

*Freedom of Information Decision Maker  
Information Management Department  
Suffolk Constabulary  
Police Headquarters  
Martlesham Heath  
Ipswich  
Suffolk  
IP5 3QS  
OR  
Email: [information@suffolk.pnn.police.uk](mailto:information@suffolk.pnn.police.uk)*

In all possible circumstances Norfolk and Suffolk Constabulary will aim to respond to your request for us to look at our decision again within 40 working days of receipt of your request for an internal review.

The Information Commissioner.

After lodging a request for a review with Norfolk and Suffolk Constabulary, if you are still dissatisfied with the decision, you can apply to the Information Commissioner for a decision on whether the request for information has been dealt with in accordance with the requirements of the Act.

For information on how to make application to the Information Commissioner please visit their website at [www.ico.org.uk](http://www.ico.org.uk) or contact them at the address shown below:

The Information Commissioner's Office  
Wycliffe House  
Water Lane  
Wilmslow  
Cheshire  
SK9 5AF  
Telephone: 01625 545 700