

Our Ref: 003376/17



Freedom of Information Section
Nottinghamshire Police HQ
Sherwood Lodge, Arnold
Nottingham NG5 8PP

Tel: 101
Ext 800 2507
Fax: 0115 967 2896

03 August 2017

Dear

Request under the Freedom of Information Act 2000 (FOIA)

I write in connection with your request for information, which was received by Nottinghamshire Police on 02/05/2017.

RESPONSE

Can you please provide a result for the following as shown.

At 12.30pm on Wednesday 19 April 2017 a police officer is bound to appear before a gross misconduct hearing at Force Headquarters, Sherwood Lodge, Arnold, NG5 8PP.

The officer will answer allegations of gross misconduct with regard to breaching the standards of professional behaviour in relation to honesty and integrity and discreditable conduct

Nottinghamshire Police will provide updates as and when appropriate. I do not necessarily require the identity of the Officer.

Nottinghamshire Police can neither confirm nor deny that it holds the information you requested as the duty in Section 1(1)(a) of the Freedom of Information Act 2000 does not apply by virtue of:

Section 40(5) Personal Information;
Section 44(2) Prohibitions on Disclosure;
Section 30(3) Investigations and



Section 31(3) Law Enforcement.

Sections 40 and 44 are class based and absolute there is no requirement to provide any evidence of harm or consider the public interest with regard to the appropriateness of the NCND.

Section 30 is a class based qualified exemption. Consideration must be given with regard to whether there is a public interest in neither confirming nor denying that any other information exists is the appropriate response.

Sections 31 is a prejudice based qualified exemption and there is a requirement to articulate the harm that would be caused in confirming or nor that the information is held as well as carrying out a public interest test.

Overall Harm in Confirming or Denying that Information is held

The Police Service is charged with enforcing the law, preventing and detecting crime and protecting the communities we serve.

The prevention and detection of crime is the foundation upon which policing is built and the Police Service has a clear responsibility to prevent crime, arrest those responsible for committing crime or those that plan to commit crime. However, there is also a duty of care to the public at large and to disclose information which could assist criminals has potential to undermine the operational integrity of operations and will adversely affect public safety. To confirm or deny specific details could adversely affect on-going investigations or future investigations or prosecutions and the function of law enforcement.

Public Interest Considerations

Section 30 – Investigations

Factors favouring confirming or denying whether any other information is held for Section 30

Confirming or denying whether any other information exists relevant to this request would lead to a better informed general public identifying that Nottinghamshire Police robustly investigate offences which may encourage individuals to provide intelligence in order to assist with investigations and reduce offending. This would further promote public trust in providing transparency and demonstrating openness and accountability into where the police are currently focusing their investigations. The public are also entitled to know how public funds are spent, particularly in the current economic climate.

Officer misconduct is a highly emotive subject area often attracting high profile media. Confirming or denying that information exists could provide reassurance to the general public that Forces investigate allegations rigorously.

Factors against confirming or denying whether any other information is held for Section 30

Modern-day policing is intelligence led and Nottinghamshire Police share information with other law enforcement agencies as part of their investigative process. To confirm or not whether any other information is held could hinder the prevention and detection of crime as well as undermine the partnership approach to investigations and law enforcement. Confirming or denying whether any other information exists could bias any further investigations or future prosecutions

Section 31 – Law Enforcement

Factors favouring confirming or denying whether any other information is held for Section 31

There has been disclosures previously around Officers and misconduct hearings and to confirm or deny such information is held would reassure the public that such matters are taken very seriously and dealt with comprehensively.

Factors against confirming or denying whether any other information is held for Section 31

The College of Policing has an Authorised Professional Practice for Information Management Module which a national standard adhered to by all police forces across England and Wales. Police information refers to all information obtained, recorded or processed for a policing purpose and includes information which is processed (known as data, including personal data) and information which has been subject to a process of evaluation (known as intelligence), see below link:

<http://www.app.college.police.uk/app-content/information-management/?x>

It is a business process with an intention to provide focus to operational policing and to achieve a disproportionately greater impact from the resources applied to any problem. It is dependent on a clear framework of analysis of information and intelligence allowing a problem solving approach to law enforcement and crime prevention techniques.

To confirm information is held by citing a substantive exemption or, conversely, stating 'no information held, would undermine the effective delivery of operational law enforcement by compromising potentially on-going investigations which could lead to police officers having to be removed from their frontline duties in order to increase manpower on other investigations.

Furthermore, confirmation or denial would undermine the guidance set out to forces by the College of Policing within their APP for Information Management.

There is undoubtedly a call for openness and transparency with regard to misconduct hearings, and this can be seen from the decision to publish outcomes of some hearings following sentencing and this acts as a reassurance to members of the public that the police thorough investigation and deals with allegations gross misconduct/misconduct expetiously and thoroughly. That being said this is only ever done when deemed safe to do so from a law enforcement perspective.

Therefore, at this time, it is our opinion that for these issues the balance test for confirming, nor denying, that any other information exists relating to you request is not made out.

No inference can be taken from this refusal that any other information does or does not exist.

Complaints Rights

Your attention is drawn to the enclosed review procedure, which details your right of complaint.

Copyright

Nottinghamshire Police in complying with their statutory duty under Sections 1 and 11 of the Freedom of Information Act 2000 (FOIA) to release the enclosed information will not breach the Copyright, Designs and Patents Act 1988. However, the rights of the copyright owner of the enclosed information will continue to be protected by law. Applications for the copyright owner's written permission to reproduce any part of the attached information should be addressed to the Force Solicitor, Nottinghamshire Police, Force Headquarters, Sherwood Lodge, Arnold, Nottinghamshire, NG5 8PP.

I would like to take this opportunity to thank you for your interest in Nottinghamshire Police.

Should you have any further enquiries concerning this matter, please write or contact the Freedom of Information Officer on telephone number 0115 9672507 or e-mail freedomofinformation@Nottinghamshire.pnn.police.uk quoting the above reference number.

Yours sincerely

Disclosure Officer

Are you dissatisfied with your response?

Nottinghamshire Police has a duty to implement a complaints process in relation to Freedom of Information Act requests. If you are not content with our response, you may appeal, this process is known as an 'Internal Review'

Internal reviews are intended to be a fair and impartial means of reviewing the original request process.

You can appeal about your request if you:-

- Disagree with the Forces interpretation of your request;
- Believe the Force hold more information than has been disclosed to you;
- Disagree with the application of exemptions;

How do I appeal?

All appeals should be made in writing and sent to:-

Information Management
Nottinghamshire Police
Force Headquarters
Sherwood Lodge
Arnold
Notts
NG5 8PP

or alternatively freedomofinformation@nottinghamshire.pnn.police.uk

To deal with your appeal as quickly as possible please provide the unique identification number provided with your response and the reasons for your appeal.

Once we have received your request for appeal, your FOI response will be reviewed in full to identify any problems in the disclosure.

The review will be undertaken by someone different from, and preferably senior to, the original decision maker and this should be completed within 20 working days from receipt, in exceptional circumstances it may be extended by a further 20 working days.

What if I'm still not satisfied?

You can appeal to the Information Commissioner. You can contact the Information Commissioner Office at the following:-

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

Tel: 0303 123 1113 (local rate) or 01625 545 745 (national rate)

E-mail: casework@ico.org.uk