

22 November 2016

Freedom of Information Request - Reference No: 20161287

REQUEST

Please provide details of all complaints/allegations of all forms of sexual misconduct lodged against all employees of South Yorkshire police (both internally and externally), and subsequent investigations from 2011-present, broken down by year. For each incident please also specify: - The nature of the offence or possible misconduct e.g. sexual assault, inappropriate touching, rape - The gender of the accused employee and their position e.g. a male police constable, a female IT worker - The gender of the accuser (if possible) - The nature of the investigation (internal, criminal) and what if any disciplinary action was taken against the employee and whether they were discharged or resigned Please also note if any of the investigations following allegations of sexual misconduct are currently ongoing. Whether the alleged misconduct took place on or off duty

The outcome of each investigation i.e. charges [pls state where convicted and provide name of the officer if possible], suspension, whether referred to the IPCC, dismissed, suspended, resigned, transferred etc

RESPONSE

Section 17 of the Freedom of Information Act 2000 requires South Yorkshire Police, when refusing to provide such 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).

The exemption applicable to your request falls under section **31(1)(g) & (2)(b) – Law Enforcement.**

HARM

It would be harmful to release detailed information of all cases relating to alleged misconduct or indeed, criminality, of Staff/Officers. Specific cases are ongoing and full disclosure of information at this stage may be likely to compromise such enquiries and ultimately the right for a fair investigation

PUBLIC INTEREST TEST

Section 31 – Favouring non- Disclosure

- The public would have a better understanding of the circumstances surrounding police complaints.
- Investigations will be closed and all proceeding around the allegations will have been completed.

Section 31 – Favouring disclosure

- As cases are still currently being investigated, the disclosure of such information into the public domain may mean the investigation is prejudiced.
- Any disclosure of information relating to an ongoing investigation would compromise the right for an individual to fair process.

Balance

The principle of the Freedom of Information Act 2000 is to make public bodies more open and accountable and to help people to understand how public authorities carry out their duties.

Although I am fully aware of the need for Public Authorities to demonstrate a level of openness and transparency, I am of the opinion that protecting information relating ongoing investigations and proceedings is a more compelling argument. Therefore, at this time, the public interest favours withholding of the information in full.

I am prepared to release the information held, that relates to cases where proceedings are complete. However, disclosure on a 'line by line' basis would make it possible to identify individuals from that data, and/or other information in the possession of a data controller. It is not therefore available in this format as it would be exempt from release under Section 40(2) *Personal Information* of the FOI Act, Nevertheless, I believe giving the data in a tabled format will mitigate this concern.

Please see the attached document.