



Dear

Gloucestershire Constabulary Freedom of Information request 2023.0138

On 30/01/2023 you sent an email constituting a request under the Freedom of Information Act asking the following:

According to the Daily Mail, Met police chief Sir Mark Rowley commenting on the new integrity hotline disclosed that information is being passed on to other forces:

'We're passing information on as well.'

<https://gbr01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.dailymail.co.uk%2Fnews%2Farticle-11674901%2FRowley.html&data=05%7C01%7CFreedom.Information%40gloucestershire.police.uk%7C8716d843703e4055c5d408db015ce838%7Cd4936c562d8640769ba6ea6bfd965203%7C0%7C0%7C638105270767698443%7CUnknown%7CTWFpbGZsb3d8eyJWljiMC4wLjAwMDAiLCJQIjoiV2luMzliLCJBTiI6IjEhaWwiLCJXVCi6Mn0%3D%7C3000%7C%7C%7C&sdata=6PGapi61XSfWRo28z38r%2BaWXB6zl%2FqgbBR%2FaqLTb7TrU%3D&reserved=0>

Hotline:

https://gbr01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.whatdotheyknow.com%2Frequest%2Fnew_anti_corruption_and_abuse_hotline%23incoming-2196858&data=05%7C01%7CFreedom.Information%40gloucestershire.police.uk%7C8716d843703e4055c5d408db015ce838%7Cd4936c562d8640769ba6ea6bfd965203%7C0%7C0%7C638105270767698443%7CUnknown%7CTWFpbGZsb3d8eyJWljiMC4wLjAwMDAiLCJQIjoiV2luMzliLCJBTiI6IjEhaWwiLCJXVCi6Mn0%3D%7C3000%7C%7C%7C&sdata=DUcmmR%2FBJWx59f3oaeyi9%2BUw2Xy2419h2nlOqDo0eeM%3D&reserved=0

1. Please provide the number of times the Met has contacted you with information acquired through its new hotline.
2. Please provide the number of officers/staff the information relates to.

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. Where exemptions are relied upon s17 of FOIA requires that we provide the applicant with a notice which: a) states that fact b) specifies the exemption(s) in question and c) states (if that would not be apparent) why the exemption applies.

Gloucestershire Constabulary can neither confirm nor deny that it holds any information in relation to this request as the duty in Section 1(1)(a) of the Freedom of Information Act 2000 does not apply, by virtue of the following exemptions:

Section 30(3) – Investigations and proceedings conducted by public authorities

Section 31(3) – Law enforcement

Section 38(2) – Health and Safety

Section 40(5) – Personal Information

Section 30 is a qualified, class based exemption and therefore a public interest test is required.

With Sections 31 and 38 being prejudice based qualified exemptions there is a requirement to articulate the harm that would be caused in confirming or not whether information is held as well as considering the public interest.

Section 40 is an absolute and class based exemption and therefore there is no requirement to articulate the harm nor apply the public interest test in confirming or denying whether information is held. To give a statement of the reasons why neither confirming nor denying is appropriate in this case would itself involve disclosure of exempt information, therefore no explanation can be given by virtue of the exemption at Section 40(5) of the Act.

Please be aware that information released under the Freedom of Information Act is considered a release in the widest sense (that is, a release to the world) and the release of this information, including either confirming or denying whether or not it is held, would breach the Data Protection Principles contained within the Data Protection Act 2018, namely the first principle which states that personal data shall be processed lawfully, fairly and in a transparent manner in relation to individuals

Evidence of Harm:

Domestic abuse affects people from all walks of life in many different ways and can include coercive behaviour, physical and sexual abuse. This is a very emotive subject and the Police Service strive to deal with all aspects of it which includes dealing with police officers who commit this type of offending. The College of Policing publish their Authorised Professional Practice on Domestic Abuse which provides guidance to the Police Service when dealing with this offending. Furthermore, some police forces publish their force policy on how Domestic Abuse affects police officers and police staff, which includes a section where the perpetrators of domestic abuse are police officers/staff members and what will happen in that instance.

Should an officer who is currently being investigated for allegations of domestic abuse, or any other allegations of offending, such as misconduct or potentially criminal proceedings, it would likely ensue that in some cases formal charges may be made. However, we also need to consider that not all allegations are proven and may not lead to a formal charge. To confirm or deny that information is held would highlight that officers are, or are not, currently subject to an investigation into offences of domestic abuse, sexual offending, abusive behaviour, etc. Such an awareness would also highlight to suspects that their victims have either reported their offending to Gloucestershire Constabulary or not, which either way could lead to further offending against their victims causing physical and/or emotional trauma.

Irrespective of whether information is or isn't held, ongoing investigations would also be compromised if the offender were made aware that an investigation into their behaviour is ongoing which would enable steps to be taken by them to destroy evidence, or put more pressure on their victims through coercive abuse to ensure their allegations are dropped.

Public interest Considerations:

Section 30 – Investigations and proceedings conducted by public authorities

Factors favouring complying with section 1(1)(a) confirming or denying information is held

Confirming or denying whether information exists relevant to this request would lead to a better informed general public by identifying that Gloucestershire Constabulary robustly investigate all aspects criminal offending, including allegations made against their own officers and staff members. This fact alone may encourage individuals to provide intelligence in order to assist with investigations and promote public trust in providing transparency and demonstrating openness and accountability into where the police are currently focusing their investigations.

Factors against complying with Section 1(1)(a)

Confirmation or denial that information is held for the questions would suggest Gloucestershire Constabulary take their responsibility to appropriately handle and manage intelligence supplied to them flippantly.

Under FOI there is a requirement to comply with s1(1)(a) and confirm what information is held. In some cases it is that confirmation, or not, which could disclose facts which would undermine the investigative process and in such cases Gloucestershire Constabulary takes advantage of its ability under FOI legislation to, where appropriate, neither confirm nor deny that information is or is not held.

Irrespective of what information is or isn't held, any information which could be used to undermine prosecutions, aid offenders to continue with their abuse, is not in the public interest.

Section 31 – Law enforcement

Factors favouring complying with section 1(1)(a) confirming or denying information is held

Disclosure would provide transparency in the way police officers are dealt with when suspected of carrying out criminal offending such as domestic/sexual abuse offences and may improve public debate into the credibility of how Gloucestershire Constabulary deals with these allegations within the force. It would also serve to demonstrate that Gloucestershire Constabulary is open and accountable.

Factors favouring not complying with section 1 (1)(a) confirming or denying information is held:

To confirm or deny that information is held would risk undermining the investigative process whilst determining whether any member of staff is responsible for improper conduct; including whether or not an allegation of this nature leading to police intervention was proportionate under the circumstances.

Gloucestershire Constabulary has a duty of care to the community at large and public safety is of paramount importance. If an FOI disclosure revealed information to the world (by citing an exemption or stating no information held) that would undermine an

investigation and place the safety of an individual at risk, this could be used to offenders' advantage which would compromise any potential victims and public safety generally. It may also encourage offenders to carry out further crimes as detailed within the harm. Gloucestershire Constabulary relies on information being supplied by the public. Irrespective of what information is or isn't held in relation to the questions, by applying substantive exemptions would indicate that information is held and there are currently ongoing investigations. Such action would act as a deterrent to the public to provide intelligence to the force which would further undermine public safety, with repercussions that could hinder the prevention or detection of crime.

Section 38(2) Health and Safety

Factors favouring complying with section 1(1)(a) confirming or denying information is held

Confirmation of whether information is or isn't held would provide reassurance to the general public that Gloucestershire Constabulary take all allegations seriously. This awareness could be used to improve any public consultations/debates in relation to this subject and also allow the public to take steps to protect themselves.

Factors favouring not complying with section 1 (1)(a) confirming or denying information is held:

Confirming or denying that information exists could lead to the loss of public confidence in Gloucestershire Constabulary's ability to protect the wellbeing of the community.

Gloucestershire Constabulary has a duty of care towards the general public and to reveal information via an FOI request which would place the safety of individuals in danger, is not in the public interest.

Balancing Test

The points above highlight the merits of confirming, or denying, whether any information pertinent to the questions exists. The Police Service is charged with enforcing the law, preventing and detecting crime and protecting the communities we serve. As part of that policing purpose, various operations may or may not be ongoing. The Police Service will never divulge whether or not information pertinent to the question does or does not exist, if to do so would place the safety of an individual(s) at risk, compromise an ongoing investigation or undermine the policing purpose in the effective delivery of operational law enforcement.

Whilst there is a public interest in the transparency of policing operations and investigations particularly in relation to Gloucestershire Constabulary's own police officers, providing reassurance that the Police Service is appropriately and effectively investigating current allegations of offending against Gloucestershire Constabulary police officers, there is a very strong public interest in safeguarding the health and safety of individuals. As much as there is a public interest in knowing that policing activity into allegations against its own police officers is appropriate and balanced, it will only be overridden in exceptional circumstances.

Therefore, at this moment in time, it is our opinion that for these issues the balance test for confirming, nor denying that information is held for the questions is appropriate.

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

If you are not satisfied with this response or any actions taken in dealing with your request, you have the right to ask that we review your case under our internal procedure. Please note that a request for an internal review must be made within 20 working days of the response to your original request.

If you decide to request that such a review is undertaken and following this process you are still unsatisfied, you then have the right to direct your complaint to the Information Commissioner for consideration.

Yours sincerely,

Disclosure Officer
Gloucestershire Constabulary