

13th April 2021

Freedom of Information Request - Reference No: 20210623

REQUEST

Under the Freedom of Information Act I would be grateful if you could please provide:

1. The number of reports of sexual offences, allegedly perpetrated by police officers, community support officers, or staff members employed by your force, received by your force for each calendar year for 2017, 2018, 2019 and 2020.

For each report please

2. A brief description of the alleged wrongdoing i.e. nature of the offence

3. The outcomes of any criminal investigation and misconduct investigation

4. Whether the report was referred to IPOC

CLARIFICATION

Please could you clarify the following point(s): -

Details of this type can be found on our website at :

<https://www.southyorkshire.police.uk/about-us/our-standards/misconduct-findings/>

Any referrals by our Force can be found on:

<https://www.policeconduct.gov.uk/>

REQUESTER

thanks for sending this. This only answers the second half of question 3 - the outcome of any misconduct hearing - and 4. Whether it has been referred to the IOPC.

This does not satisfy the majority of the FOI which is about allegations made, particularly criminal ones. Please therefore answer questions 1-3.

RESPONSE

South Yorkshire Police holds the information you have requested however I am unable to supply that information in full.

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 following exemption applies to the disclosure of the information:

Section 40(2) Personal Information.

This is an absolute exemption and therefore a Public Interest Test is not relevant.

However, for clarity records held that contain the personal information requested, if released to a third party (i.e not the person involved) without permission of the individuals concerned would be a breach of the Data Protection Act 2018.

Section 31 (1) (a)(b)(g) - Law Enforcement

31(1) Information which is not exempt information by virtue of section 30 is exempt information if its disclosure under this Act would, or would be likely to prejudice-

(a) the prevention or detection of crime

(b) the apprehension or prosecution of offenders

(g) the exercise by any public authority of its functions for any of the purposes specified in subsection (2).

(2)(b) the purpose of ascertaining whether any person is responsible for any conduct which is improper

HARM

It would be harmful for the release of full information into the public domain of cases relating to alleged misconduct or indeed, criminality, of employees. Cases may still be ongoing and the release of details at this stage may be likely to compromise such investigations and the right for a fair and transparent hearing. It is unclear what such a disclosure through a Freedom of Information request would have on any such proceedings.

PUBLIC INTEREST TEST

Section 31 – Favouring Disclosure

- The public would have a better understanding of the circumstances surrounding police complaints and the use of public funds to investigate such allegations.
- Some investigations may be closed and all proceeding around the allegations will have been completed.

Section 31 – Favouring non- disclosure

- Misconduct allegations are still currently open and ongoing, and the disclosure of allegations into the public domain may mean an investigation is prejudiced.
- Any disclosure of information relating to an ongoing investigation would compromise the right for an individual to have a fair hearing and more importantly the rights of a complainant

Balance

I am of the opinion that the strongest reason for withholding information is that any ongoing investigations could be compromised by releasing all information pertinent to your request. This has to be set against the strongest reason for the disclosure of information which in my opinion, is that specific cases have already been closed

Therefore, at this time, the public interest favours withholding the information.

I am however prepared to release some anonymised data of the closed cases to a level that will not trigger the above exemptions.

I contacted our Complaints & Discipline Unit for assistance with your request, please see the attached spreadsheet.