

FOI 2021-424

I write in connection with your request for information dated 9 May 2021 concerning PC & PCC's criminal records.

I am required by the Freedom of Information Act 2000 to handle all requests in a manner that is blind as to the identity and motives of the requester. Any information released as a response to a request is regarded as being published and therefore in the public domain without caveat.

Following receipt of your request, searches were conducted within the Office of the Police and Crime Commissioner (OPCC). I can confirm that the information you have requested is held by the Police and Crime Commissioner.

**You wrote:**

With reference to the alarming news report below:

<https://www.bbc.co.uk/news/uk-england-wiltshire-57048309.amp>

I have overheard public conversation in this matter where it was also highlighted that up to 18% of PC's, etc have Criminal Records.

It was also raised that drunk drivers put other road users and pedestrians lives at risk and that typically they are serial offenders before they get caught. Furthermore criminals typically commit a range of offences akin to being cultural.

Hence under the Freedom of Information Act and given my Criminology research, please could you advise if other PCC's have Criminal Records and clarify the percentage of PC's, etc that have Criminal Records?

I recall during my training to become a Magistrate but decided not to proceed after I was informed about flawed Laws and Legislation.

As you may be aware, Magistrates are Volunteers but given the prevailing Crime Pandemic it is likely that they will work practically full time. Ironically my Crown Court Jury service in Salisbury was recently cancelled due to Coronavirus.

**Response:**

The information you are requesting is held in the individuals vetting application (if existing) or on their PNC/PND, and in order to determine if an PC's have criminal convictions/criminal record we would be required to conduct a manual search of every single officers record within Wiltshire Police. Wiltshire Police do not have the capacity to instantly extract the information you require, simply due to the programmes used (HR/Vetting software).

I can confirm I have spoken with our Head of Professional Standards how has stated the following:

In relation to Police Constables (the situation is the same as police staff)

Wiltshire Police follows the College of Policing Vetting Authorised Professional Practice (APP). This APP provides guidance to ensure both new joiners and existing staff (police officers, staff, volunteers and contractors) are vetted. This vetting includes a PNC/PND check which would identify criminal prosecutions, arrest etc. Not all offences would preclude someone from working within the police service, as an example someone arrested for a minor offence in 1980 as a teenager is unlikely to fail vetting in 2021 if they have been otherwise of good character.

Individuals are then reviewed at set periods as per the APP Vetting and the Vetting Code of Practice. This would identify any subsequent arrests/convictions if we were not made aware by the applicant/new joiner.

There are internal processes in place whereby staff/officers must notify of arrests/convictions/speeding offences etc, in fact if they fail to do inform us, they would be subject to a misconduct investigation for honesty and integrity, as well as the likely discreditable conduct. There is also an annual Integrity Health Check at the point of annual performance reviews (ePDRs). The ePDR is completed for all officers and staff by the end of the financial year and allows for an opportunity to review the individual's personal circumstances.

What we do not hold is a list of officers/staff that do hold a prior conviction, it will be on PNC/PND still and it would be referred to within the Vetting report within our vetting database. If officers or staff become the suspect in a criminal investigation, there would be a parallel misconduct investigation and that would therefore hold the details of the crime. In most cases, officers or staff subject to a criminal investigation are suspended from the Force whilst that investigation takes place. Following the criminal matter being dealt, in most cases a misconduct investigation will follow.

Under the circumstances I am absolutely confident that to locate, retrieve and extract the information you seek would by far exceed the time obligations upon this authority to comply, and in so doing would exceed the fees limits. This is set at £450 calculated at a flat rate of £25 per hour for those work activities comprising of confirming the information is held, locating it, retrieving it and extracting it.

Ordinarily under our Section 16 obligation to provide advice and assistance we would advise you of a way to refine your request to a more manageable level. Due to the difficulties in obtaining the requested information, as outlined above, I cannot think of a way in which this could be achieved. **In respect of your question regarding PCC's within your request, I cannot think of a way in which you would be able to refine these questions, as they may incite further exemptions dependent on what information we may or may not hold.**

Section 17 of the Freedom of Information Act 2000 requires Wiltshire Police, when refusing to provide 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. In accordance with the Freedom of Information Act 2000 this letter acts as a Refusal Notice for those aspects of your request.

Exemptions applied:

Section 12: Exemption where cost of compliance exceeds appropriate limit

(1) Section 1(1) does not oblige a public authority to comply with a request for information if the authority estimates that the cost of complying with the request would exceed the appropriate limit.