



Our Ref: 001077/21

Your Ref:

Address Correspondence to: Information Management

Date 29 April 2021

Freedom of Information Act 2000

I write further to your request for information received 29/03/2021.

I note you seek access to the following information:

I am seeking the total number of complaints of rape, sexual assault or other forms of sexual misconduct against police officers and police staff*. I seek this in two categories which I would like to be separated in the response:*

- a) where the complainant is also a member of the police service, and*
- b) where the complainant is a member of the public.*

Please provide figures for the past five years if possible, whether calendar or financial years [whichever way they are collated]. Please include the most recent figures available for the past 12 months, even if it is not complete.

*[*For the avoidance of doubt, I request complaints made against officers, PCSOs, special constables, police staff and contractors to the force - either as direct employees or through employment agencies]*

For each case please state if possible:

- The gender and rank or grade of the officer or staff member*
- The nature of the alleged offence and any context if possible [whether it be harassing emails, sending inappropriate text messages, rape, indecent assault, indecent images etc].*
- The location where the alleged offence took place – i.e custody suite, police station etc*
- Whether the alleged misconduct took place on or off duty*
- The outcome of each investigation i.e. charges [please state where convicted and provide name of the officer if possible], suspension, whether referred to the IPCC, dismissed, suspended, resigned, transferred etc*

In the case of a) where the complainant is a member of the police service, please state their gender and rank or grade [insofar as this is possible given identification issues]

In the case of b) where the complainant is a member of the public, please state whether the complainant was a victim of crime, witness to crime, or other category

If you wish me to reissue this as two separate FOIs please say so and I will do that. However it is a request for several identical pieces of information across two categories of complainants, I thought this was the best way forward.

Following receipt of your request, searches were conducted within Leicestershire Police to locate information relevant to your request.

Your request for information has now been considered and the information asked for is as follows: -

Please see the attachment to the Email.

Any further information is considered exempt by virtue of Section 30.

Section 17 of the Freedom of Information Act 2000 requires Leicestershire Constabulary, 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(s) applicable relate to your request are as follows:

Section 30 – Investigations and proceedings conducted by Public Authorities

Application of Section 30 – Investigations

Section 30 is a class based exemption which means that I am not required to demonstrate the harm that disclosure would cause. However, I am still required to conduct a public interest test which highlights the factors for and against disclosure.

Considerations favouring disclosure

There is already a public knowledge that investigations are conducted into these types of offence by Leicestershire Police. Therefore the public would have a genuine interest in being informed of the information you have requested. It would also enable the public to see how public funds are spent in the course of operational policing.

Considerations favouring non-disclosure

The information requested relates to recent months, as a result cases included in this may still be under investigation. Disclosure of information relating to live investigations may alert those committing crimes as to whether their offence is under investigation or not and may severely impact any current investigations.

I see no tangible benefit to the community at large if this information was released on this occasion.

And with reference to the nature of the allegation this information is exempt by virtue of Section 40 (2) Personal Information

Section 40 (2) – Personal Information

Section 40(2) is a class based absolute exemption and as such legislators have identified that there would be harm in disclosure and there is no requirement to evidence this or consider the public interest test. However, as Section 40(2) is engaged and in order to make the exemption absolute we need to evidence that a data protection principle would be breached by disclosure. In this case it would not be fair to process confidential information which could lead to the identification of an individual, therefore the first principle of the Data Protection Act would be breached.

You should consider this to be a refusal under section 17 of the Act for this part of your request.

Leicestershire Police provides you the right to ask for a re-examination of your request under its review procedure. Letters should be addressed to Information

Manager, Corporate Services Department at the above address. If you decide to request such a review and having followed the Force's full process you are still dissatisfied, then you have the right to direct your comments to the Information Commissioner who will give it consideration.

Freedom of Information Officer
Leicestershire Police

Leicestershire Police in complying with their statutory duty under sections 1 and 11 of the Freedom of Information Act 2000 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 Information Manager, Leicestershire Police Headquarters, St. Johns, Enderby, Leicester LE19 2BX.