



Our Ref: 002874/21

Your Ref:

Address Correspondence to: Information Management

Date 06 October 2021

### **Freedom of Information Act 2000**

I write further to your request for information received 26/08/2021.

I note you seek access to the following information:

*Please could you provide case details of special constables dismissed from the force, or who have resigned while under investigation, between January 1, 2015 and August 1, 2021?*

*Could you provide the reason given for their dismissal, or for what they were being investigated, and the year in which the special constable was dismissed or resigned?*

*Where the disciplinary case involved or led to a criminal conviction, which was registered by the force, please could the listed offence information be provided?*

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: -**

2 SPC's in 2016  
2 SPC's in 2017  
3 SPC's in 2018  
1 SPC in 2018  
1 SPC in 2021

9 in total during the times specified

#### Details

Special Constable breached the standards of professional behaviour by dishonestly providing incorrect information to an insurance company when applying for car insurance to obtain cheaper cover. The officer was subsequently convicted at court. Would have been dismissed without notice had he not resigned prior.

Special Constable was convicted of theft and fraud offences resulting in a 2-year custodial sentence.

Special Constable breached the standards of professional behaviour when off duty. Attempted to photograph females in a closed changing cubicle

Special Constable received a conditional caution for an offence involving malicious communications.

Special Constable received a community order for an offence of assault by beating.

Special Constable breached the standards of professional behaviour by taking CAPTOR spray home.

Special Constable submitted mileage claims to the Force which are intentionally false with a view to receiving increased payment / benefit.

Special Constable used racist language in WhatsApp videos and during conversations with the complainant.

Special Constable accepted a community resolution for a breach of S4 of the Public Order Act

#### Criminal Offences

1 x Public Order

1 x Possession of Section 5 firearm

1 x Assault by beating

1 x Malicious Communications

1 x Voyeurism

1 x Dishonestly make a false representation to make a gain for self/other or cause loss to other/expose to risk. Theft

1 x Fraud by False Representation

2 x N/A

#### Internal Outcomes

6 x Dismissed without notice

2 x Would have been dismissed without notice if the SPC had not resigned

1 x Not proceeded with – SPC resigned whilst under investigation

Undoubtedly, some information may have been placed into the public domain following conviction. In addition, misconduct hearing outcomes are also placed in the public domain, and at times officers are named following disciplinary action during a short window of opportunity.

Once a window of opportunity has passed, the first principle of GDPR, namely whether it is lawful or fair to disclose information relating to an individual's misconduct or criminal history where the individual can be identified, must be the primary consideration, therefore section 40 personal information has been

assessed in order not to identify anyone and the information is not provided in a correlated form..

### **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.

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

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