

Your Reference:
Our Reference: 1002017

Derek Canning
By e-mail to:
request-28566-fec84479@whatdotheyknow.com

07 July 2010

IPCC Contact:
Philip Johnston
Tel: 020 7166 3000

Dear Mr Canning,

YOUR REQUEST FOR INFORMATION

I am sorry about the delay in replying to your e-mail request of 8th February 2010 entitled 'Police corruption and being above the law'.

Your request is as follows:

Please supply all the information that you hold on the matter highlighted in the newspaper article especially in relation to the police being above the law and how this relates to Northumbria police and Yorkshire police.

The newspaper article included in your e-mail is dated 10th July 1997 and entitled 'Corrupt Police can't be touched'.

As may be expected from an article that was written 13 years ago, the information contained in 'Corrupt Police can't be touched' is out of date. For example, the article states '*to sack a police officer evidence that proves "beyond reasonable doubt" that they are guilty is needed...*'. Since 1999, the standard of proof applied in police misconduct hearings has been and remains 'on the balance of probabilities'. The article draws attention to how the legal rules that existed at the time made it especially difficult to dismiss officers who were suspected of misconduct. While some police forces are named in the article, it does not claim that the problems it identifies were specific to certain forces and I note there is no mention of the police forces you have singled out, namely Northumbria and the Yorkshire forces.

As to your question how these issues relate to Northumbria and Yorkshire police, I have considered whether the IPCC is obliged to identify and disclose information from relevant corruption cases from 1997 and before (the period to which the article applies) that were dealt with by the Police Complaints Authority (PCA), the predecessor body to the IPCC.

I find that you are not entitled to see this information for two reasons. First, given that it would be necessary to carry out a manual search of the PCA archive to identify the relevant files, it is highly likely that the task of identifying, locating and retrieving the relevant cases would exceed the cost limit of £450 or 18 hours work at £25 per hour.

Second, as this information was received by the IPCC in accordance with its functions under the Police Act 1996, it falls within the terms of the absolute exemption under section 44(1) of the Freedom of Information Act (FOIA). Section 80 of the Police Act 1996 carries a criminal penalty if contravened by an officer of the IPCC and its practical effect is that the IPCC cannot disclose information which has been received from the police under the 1996 Act, except in the limited circumstances specified in section 80(1) (a), (b) and (c). Section 44(1)(a) FOIA exempts

information the disclosure of which is prohibited by or under any enactment. The effect of section 80, therefore, is to make information received by the PCA under the 1996 Act, in the hands of the IPCC, exempt information for the purposes of section 44.

As to the issue of police corruption more generally, a significant amount of information is available on the IPCC web-site concerning police corruption cases involving the IPCC and the Commission's powers and duties in relation to allegations of corruption.

For example, the 2009-10 IPCC Corporate Plan identifies 'building on our investigative expertise' as one of the Commission's strategic priorities over the next three years. Specifically, this involves building capacity to manage counter-corruption referrals with a view to independent investigation and ensuring the proper and effective use of our covert surveillance powers.

Under the Police Reform Act 2002, Chief Officers of police are mandatorily required to refer corruption matters to the IPCC to consider how they should be investigated. The IPCC Referrals Manual contains information about the IPCC procedure for dealing with corruption referrals and referrals more generally.

Data broken down by individual police force concerning allegations of police corruption and how they have been concluded is available on the IPCC web site via the following links:
http://www.ipcc.gov.uk/index/resources/research/stats/headline_figures09.htm
<http://www.ipcc.gov.uk/index/resources/research/stats.htm>

More information concerning the IPCC and police corruption can be accessed by entering the word 'corruption' as a search term into the search facility on the IPCC web site.

By virtue of the exemption contained in section 21 of the Act, the Commission is under no obligation to comply with your request insofar as it relates to information which is reasonably accessible to you by other means.

I recognise that this response is many weeks outside of the statutory 20 working day time limit for dealing with FOI requests.

If you are not satisfied with this response you may request an independent internal review by our FOI appeals officer, who has had no involvement in dealing with your request. If you wish to complain about any aspect of this decision, please contact:

Amanda Kelly
Director of Corporate and Legal Services
IPCC
90 High Holborn
London
WC1V 6BH

E mails should be clearly marked 'Complaint against FOI decision' and sent to: foi@ipcc.gsi.gov.uk.

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Should you remain dissatisfied after this internal review, you will have a right of complaint to the Information Commissioner; however, I should point out that under section 50(2)(a) of the Freedom of Information Act, you are normally obliged to exhaust the IPCC's own internal complaint mechanism before complaining to the Information Commissioner.

Yours sincerely

Philip Johnston
Independent Police Complaints Commission