

FOI 16368 Police Officer Pension Forfeiture

Request:

1. List the police officers dismissed or who have resigned from the local force since 01/01/2018 following conviction of a crime that the PCC has been made aware of for the purposes of pension forfeiture consideration?
2. For each officer listed in your answer to Q1, itemise them to show if they were dismissed or resigned, gender, offence(s), year of conviction, pension worth at time of leaving and if their pension has been forfeited (if so, include % forfeited).

Schedule of Response Information:

Following receipt of your request, we have undertaken a detailed search of our records and can confirm that we hold some information pertinent to your request. However, we have decided not to release this information to you as it falls under the following Freedom of Information Act exemption: Section 36(2)(c) Prejudice to the effective conduct of public affairs. This exemption applies to the following parts of your request:

- The list of police officers dismissed or who have resigned from the local force since 01/01/2018 following conviction of a crime that the PCC has been made aware of for the purposes of pension forfeiture consideration.
- For each officer listed:
 - Whether they were dismissed or resigned
 - Their gender
 - The offence(s)
 - Year of conviction

In regard to the pension worth at the time of leaving, this is not information that the Office of the Police and Crime Commissioner holds. I can also confirm that the Police and Crime Commissioner has not forfeited any pensions of officers convicted of a criminal offence since 01/01/2018.

Section 36(2)(c) of the FOIA 2000 states information is exempt if in the reasonable opinion of a qualified person, disclosure of the information under this Act would, or would be likely to, otherwise prejudice the effective conduct of public affairs.

Section 36 is a qualified, prejudiced-based exemption and requires the application of a Prejudice Test and a Public Interest Test before it can be claimed. The Public Interest Test is separate from the qualified person's opinion. The Prejudice Test and Public Interest Test have been applied as follows:

Prejudice Test

We consider that disclosure of some information pertinent to this request would be likely to otherwise prejudice the effective conduct of public affairs within the Office of



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the Police and Crime Commissioner (OPCC).

The OPCC must have an internal thinking space to be able to consider sensitive matters, especially when considering how we deliver a statutory duty of the Police and Crime Commissioner.

Release of the requested information would be premature, and the requested information relates to matters still under consideration by the Police and Crime Commissioner.

The disclosure of such information would therefore likely otherwise prejudice the effective conduct of public affairs.

Public Interest Test

Factors favouring disclosure:

The Freedom of Information Act encourages transparency and honesty from all public authorities and the OPCC for Devon and Cornwall is no exception to this. By releasing information held by the OPCC, we are encouraging public trust and belief in our work.

Factors favouring non-disclosure:

There is a public interest in the OPCC being able to have an internal thinking space to consider whether former officers who have been convicted of a crime fall under the criteria for the Police and Crime Commissioner to consider pension forfeiture. Exempting this information would prevent premature disclosure of matters that are still under consideration. Releasing this information prematurely could put the Police and Crime Commissioner at risk of an appeal and could cause great prejudice to the Commissioner's proceedings within the pension forfeiture process. Furthermore, premature release of this information could lead to false hope for victims involved, therefore harming victims' confidence and trust in the OPCC, the Police and Crime Commissioner and Devon and Cornwall Police.

Balancing test:

Having weighed up the competing interests of the test above, I have come to the decision in favour of non-disclosure of the requested information. The detrimental impacts of releasing this information is far greater than the potential benefits, and therefore there is a greater public interest in withholding this information than in releasing it.



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