



Making Northern Ireland Safer For Everyone Through Professional, Progressive Policing

## FREEDOM OF INFORMATION REQUEST



**Request Number:** F-2010-02457

**Keyword:** Operational Policing

**Subject:** Failing to Answer Bail

### Request and Answer:

Regulation 5 of the Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004 provides that where two or more requests for information are made by one person, (or by different persons who appear to be working in concert) and where the requests relate to the same or similar information, and the requests are received within 60 working days of each other, that the requests may be aggregated for the purpose of calculating costs.

This request has therefore been aggregated with request numbered F-2010-02454 in accordance with the above regulations.

### Question 1

How many suspects are currently being sought after failing to answer bail in your force area?

### Question 2

Please could you list the types of charges involved, or if that is too large a task, could you say how many of those are facing charges of:

Murder  
Attempted murder  
Rape  
Attempted rape  
Armed robbery  
Attempted armed robbery  
Sexual offences against a child  
Making indecent images of children

### Question 3

Please could you tell me how long is the longest outstanding warrant in relation to the above?

How many people have been charged with the following offences in your force area, while on bail, in years:

2005

2006  
2007  
2008  
2009  
2010

With the offences of:

Murder/Attempted Murder  
Rape/Attempted rape  
Armed robbery

Please, if possible, can you present the figures year by year, with the age and gender of the suspect, as well as the date, location and nature of the charge.

You also provided clarification; "that by "bail" I meant only court bail, ie. post-charge bail, not any other kind."

### **Answer**

Section 17(5) of the Freedom of Information Act 2000 requires the Police Service of Northern Ireland, when refusing to provide such information (because the cost of compliance exceeds the appropriate limit) to provide you the applicant with a notice which states that fact.

It is estimated that the cost of complying with your request for information would exceed the "appropriate costs limit" under Section 12(1) of the Freedom of Information Act 2000, which is currently set by the Secretary of State at £450.

There are two different ways in which a person may be released on bail to appear at Court. Where a person has been arrested by police for a crime/offence and subsequently charged with offences arising, police must then either (a) release the person on bail to appear at Court within 28 days, or (b) detain the person to appear at the next available Court.

If option (a) is taken and the individual subsequently fails to attend Court at the prearranged date and time he will have failed to answer bail as per the latter part of question 1, "after failing to answer bail"

If option (b) is taken, the person will be brought before the first available Court. The Court will then either (i) remand the person in custody until the case is prepared and a hearing is arranged, or (ii) release the person on bail until the case is prepared and a hearing is arranged. Again, if bail is granted and the individual subsequently fails to attend Court at the prearranged date and time he will have failed to answer bail as per the latter part of question 1, "after failing to answer bail".

Where a person fails to answer bail in either of these circumstances then the Court **may** issue a warrant for his arrest and in practice, in the vast majority of cases a warrant would be issued. (A typical exception may be where a solicitor acting on behalf of the individual produces evidence to the Court that the individual has a genuine, substantiated reason for not attending, the Court may exercise discretion to adjourn the case to another date). If a warrant is not issued however then the individual would not be "**sought**" by police as per the former part of question 1, "How many suspects are currently being sought".

As a best means of attempting to retrieve the relevant information I have therefore interpreted this request as asking for the number of Bench Warrants issued by the Courts to the PSNI when a person has failed to answer bail, as; if a person is being sought by police for failing to answer bail to appear at Court then a Bench Warrant will be in force.

The relevant database records a 'flag' when a warrant is held. It does not however distinguish the type of warrant, of which there are various types. There are details totalling over 20, 000 warrants

which would have to be manually trawled to collate details of warrant type and the offence(s) for which the warrant was issued. In many instances the record will be likely to state only “see paper warrant”, requiring additional work at district level. To retrieve this information therefore, it would take approximately 1666 hours based on 5 minutes per warrant, with additional work required at district level.

In accordance with the Freedom of Information Act 2000, this letter should be considered as a Refusal Notice, and the request has therefore been closed.

I have also considered whether I can be of any assistance in terms of helping you refine your request to bring it under the cost limit however the nature and structure of the information unfortunately makes this impossible.

You may be interested in the following two responses to previous requests to the PSNI on the subject of offences committed whilst on bail; [http://www.psni.police.uk/crimes\\_committed\\_on\\_bail.pdf](http://www.psni.police.uk/crimes_committed_on_bail.pdf) and [http://www.psni.police.uk/individuals\\_charged\\_crime\\_bail.pdf](http://www.psni.police.uk/individuals_charged_crime_bail.pdf)

If you have any queries regarding your request or this decision please do not hesitate to contact me on 028 9070 0164. When contacting the Freedom of Information Team, please quote the reference number listed at the beginning of this letter.

If you are dissatisfied in any way with the handling of your request, you have the right to request a review. You should do this as soon as possible, or in any case within two months of the date of issue of this letter. In the event that you require a review to be undertaken, you can do so by writing to the Head of Freedom of Information, PSNI Headquarters, 65 Knock Road, Belfast, BT5 6LE or by emailing [foi@psni.pnn.police.uk](mailto:foi@psni.pnn.police.uk).

If following an internal review, carried out by an independent decision maker, you were to remain dissatisfied in any way with the handling of the request you may make a complaint, under Section 50 of the Freedom of Information Act, to the Information Commissioner's Office and ask that they investigate whether the PSNI has complied with the terms of the Freedom of Information Act. You can write to the Information Commissioner at Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF. In most circumstances the Information Commissioner will not investigate a complaint unless an internal review procedure has been carried out, however the Commissioner has the option to investigate the matter at his discretion.

Please be advised that PSNI replies under Freedom of Information may be released into the public domain via our website @ [www.psni.police.uk](http://www.psni.police.uk)

Personal details in respect of your request have, where applicable, been removed to protect confidentiality.