



Making Northern Ireland Safer For Everyone Through Professional, Progressive Policing

FREEDOM OF INFORMATION REQUEST



Request Number: F-2010-01037

Keyword: Operational Policing

Subject: People Over The Age of 70 Arrested For Crime in Northern Ireland

Request and Answer:

I am writing to confirm that the Police Service of Northern Ireland has now completed its search for the information.

I have today decided to:

- Disclose some records in full; and
- fully exempt other records pursuant to the provisions of section 40 of the Act.

Question 1

In the years 2008 and 2009 how many people over the age of 70 were arrested for committing a criminal offence in Northern Ireland and who was the oldest?

Answer

90 arrests of persons over 70 years of age were made in 2008 and 2009; the oldest person arrested was 86 years. The name of the oldest person arrested for committing a criminal offence in Northern Ireland is refused by virtue of Section 40(2) of the Act. Please see below for full details of the exemption and why it applies.

Question 2

A break down of what these offences were, where they took place and the sentences handed out for these crimes. Also how many were male and how many female?

Answer

Please see attached table for a breakdown of the offences and where they took place.

No information is held by the PSNI about sentences for these crimes. Information on sentencing may be held by the Northern Ireland Courts and Tribunals Service. Further information on the Northern Ireland Courts and Tribunals Service can be found at www.courtsni.gov.uk. It should be borne in mind however that not every arrest necessarily leads to a prosecution and that not every prosecution will necessarily lead to a conviction or sentence.

Of the 90 arrests of persons over 70 years of age made in 2008 and 2009, ten are recorded as female and eighty are recorded as male.

Question 3

A list of their names and status within society?

Answer

The names of the people over the age of 70 who were arrested for committing a criminal offence in Northern Ireland is refused by virtue of Section 40(2) of the Act.

Section 17 of the Freedom of Information Act 2000 requires the Police Service of Northern Ireland, 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 not otherwise apparent) why the exemption applies.

The exemption applied is as follows:

Section 40(2)(a) and (b) by virtue of Section 40(3)(a)(i)

Sensitive personal data is defined in Section 2 of the Data Protection Act (DPA), and includes information relating to an individual's criminal offences, sentences, proceedings or allegations. To release individuals' names and information relating to their arrest and related offences clearly falls within this definition. Any proposed disclosure of sensitive personal data must satisfy a condition in Schedule 3 of the DPA as well as in Schedule 2. In this case none of the Schedule 3 conditions apply, therefore the information cannot be disclosed and there is no need to go on to consider Schedule 2 or the general balance of fairness.

Under these circumstances Section 40 is a class based and absolute exemption. It is not necessary to evidence the harm that may be caused by disclosure or consider the public interest.

No information is held by the PSNI about the individuals' status in society.

If you have any queries regarding your request or the 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.

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.psnipolice.uk

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

Reason for Arrest	Antrim	Ballymena	Banbridge	Belfast East	Belfast North	Belfast South	Carrickfergus	Castlereagh	Coleraine	Cookstown	Down	Dungannon & South Tyrone	Fermanagh	Foyle	Larne	Lisburn	Magherafelt	Moyle	Newry & Mourne	Newtownabbey	Newtownards	North Down	Omagh	Strabane	Grand Total
AGGRAVATED ASSAULT ON A FEMALE OR BOY UNDER 14 YEARS		1			1			1			1			1		2			1	2		1	1	1	13
ARMED WITH OFFENSIVE WEAPON WITH INTENT TO COMMIT OFFENCE																1									1
Assault at Common Law and S47 of the Offences Against the Persons Act 1861		1																	1						2
ASSAULT OCCASIONING ACTUAL BODILY HARM	1			1					1													1			4
ASSAULT ON POLICE									1																1
ATTEMPTED FRAUD BY FALSE REPRESENTATION																							1		1
ATTEMPTED POSSESSING CLASS B CONTROLLED DRUG													1												1
COMMON ASSAULT (VICTIM NOT FEMALE OR BOY UNDER 14)			1													1									2
CRIMINAL DAMAGE							1							1		4								1	7
GROSS INDECENCY WITH A MALE UNDER 18 YEARS (DEF. 18 YEARS OR OVER)													1												1
GROSS INDECENCY WITH CHILD				1									1												2
HANDLING					1																				1
INDECENT ASSAULT ON FEMALE													1				1								2
INDECENT ASSAULT ON FEMALE CHILD		1				1							2												4
INDECENT ASSAULT ON MALE CHILD					1	2																			3
INDECENT BEHAVIOUR																1									1
INDECENT EXPOSURE W/I TO INSULT A FEMALE		1									1														2
INTIMIDATION - WITNESS																			1						1
POSSESSING ARTICLE WITH BLADE OR POINT IN PUBLIC PLACE																					1				1
POSSESSING OFFENSIVE WEAPON IN PUBLIC PLACE				1																					1
POSSESSION OF FIREARM WITH INTENT TO CAUSE FEAR OF VIOLENCE								1																	1
RAPE (COMMON LAW)											1		1	1	1			1			1				6
SEX OFFENDER FAILING TO REGISTER WITH POLICE																								1	1
SEXUAL ACTIVITY BY ADULT WITH A CHILD UNDER 13 (OFFENCES AFTER 1.2.09)																						1			1
SEXUAL ASSAULT (OFFENCES AFTER 01/02/09)																			1						1
SEXUAL ASSAULT OF CHILD UNDER 13 (OFFENCES AFTER 1.2.09)																					1				1
THEFT					1															1			1		3
THEFT - SHOPLIFTING			1	1		1	1	2	2				1	2					6			1			18
THEFT OF VEHICLE																						1			1
THREATS TO KILL						1	1					2				1									5
WOUNDING																								1	1
Grand Total	1	4	2	4	4	5	1	4	4	2	3	2	7	5	1	11	1	1	10	3	3	5	3	4	90