



FREEDOM OF INFORMATION REQUEST



Request Number: F-2013-01317

Keyword: Complaints/Discipline

Subject: Complaints in Relation to Unlawful Arrests

Request and Answer:

Question 1

I would like to get the following data, regarding all complaints about unlawful arrests and/or mistaken identity made during the period of 1 January 2012 - 31 January 2013 (arrests made during this period, not complaints filed during this period):

When was the complaint filed.

Question 2

When the arrests that generated complaints took place (Please specify also whether it was daytime or night-time. I understand such a breakdown may not be possible, in which case I would request a more general form).

Question 3

For what alleged offence/crime was made an arrest complained about.

Question 4

What was the outcome of an arrest: Was the arrested person cautioned, charged, fined, or other.

Question 5

What was the outcome of a complaint.

Question 6

How many requests were filed to have removed records of arrest or/and photographs or/and DNA samples or/and fingerprints from Police National Computer or/and Database.

Question 7

What was the reason for these requests.

Question 8

What decisions were taken on requests to have removed records of arrest or/and photographs or/and DNA samples or/and fingerprints from Police National Computer or/and Database.

Question 9

What were official reasons for these decisions.

Please provide this data by email in a spreadsheet format such as Excel readable format.

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 (18 hours).

Under Section 12 of the Freedom of Information Act 2000, if any part of the request exceeds the cost threshold then the whole request will be excess costs and there is no obligation to answer any part of the request.

The Police Ombudsman for Northern Ireland (PONI) investigates complaints against police or 'designated staff members' by or on behalf of members of the public. Professional Standards Department (PSD), PSNI are notified by the Ombudsman via a 'complaint notification form'. The information contained in these notification forms contain details of when the complaint was made and by whom, the identity of the officer(s) if known, and the allegation type categorised by the Ombudsman, e.g. 'incivility', 'unlawful arrest/detention'. No further details of these complaints are held by PSD unless, following the outcome of the PONI investigation, the complaint is substantiated and it is determined that an officer should be disciplined.

There are approximately 3000 complaints made annually to the Police Ombudsman, and a manual trawl of 3000 complaint forms would be required to determine the number of allegations categorised as 'unlawful arrest/detention'. Estimating 1 minute to examine each record to identify the details, the retrieval process would take 50 hours, greatly exceeding the 18 hour cost limit.

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.

You may wish to submit a refined request in order that the cost of complying with your request may be facilitated within the 'appropriate limit'. In compliance with Section 16 of the Act, I have considered how your request may be refined to bring it under the appropriate limit. PSD may be able to provide the number of officers disciplined as a result of a complaint of unlawful arrest in the last year, subject to any relevant exemptions.

Submission of a refined request would be treated as a new request, and considered in accordance with the Freedom of Information Act 2000, including consideration of relevant Part II exemptions.

The Police Ombudsman for Northern Ireland may be able to assist you further. PONI's website can be accessed via the link provided below:

<http://www.policeombudsman.org/>

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.

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.psnj.police.uk

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