



FREEDOM OF INFORMATION REQUEST



Request Number: f-2015-00696

Keyword: Organisational Information/Governance

Subject: Duty Solicitors

Request and Answer:

Question 1

Do police stations officers with custody suites at police stations use the Duty Solicitors online electronic database to find solicitors for those in custody who want to be represented by a solicitor?

Question 2

Do the police station officers search or those in custody search this electronic database?

Answer

The Freedom of Information Act 2000 legislates for the rights of an individual to seek access to information held by a Public Authority. The Act only extends to requests for recorded information. It does not require public authorities to answer questions generally, only if they already hold the answers in recorded form. Requests which are not for recorded information, but instead ask questions, such as “please explain your policy on x” or “please explain your decision to do y” are not requests for recorded information. The Act does not extend to requests for information about policies or their implementation, or the merits or demerits of any proposal or action taken – unless of course, the answer to any such request is already held in recorded form.

PSNI does not use an online electronic database to find solicitors for those in custody requesting legal representation.

Question 3

Is there a hard copy or a paper or laminated sheet or poster or some other electronic file with solicitor details kept at the police stations to use alternatively to the online electronic database?

Answer

Each PSNI custody suite retains a hard copy alphabetical file of solicitors details for the use of detained persons.

Question 4

Who chooses from the search the solicitor for those in custody, is it police officer or those in custody? The decision in relation to solicitor lies solely with the individual person who has been detained into police custody.

Answer

A high proportion of those persons detained will specify their preferred solicitor.

Question 5

Is the solicitor chosen from the electronic database or sheet or e-file local to the police station usually?

Answer

The individual informs the custody sergeant of their choice of solicitor based on personal preference and/or the hard copy list provided in the relevant suite.

Question 6

Does the Duty Solicitors electronic database or the sheet or e-file specify the times of availability of the solicitors?

Answer

A duty roster is provided by the local solicitors as part of the information provided to the custody suite.

Question 7

If someone in custody requires solicitor during night time, is there another list either electronically or is there an informal list?

Answer

Please refer to those answers for questions 3 and 6, above.

Question 8

If a solicitor is not on the Duty Solicitors official list, can the solicitor pitch themselves to the police stations for work and be contacted by them?

Answer

Each suite retains an alphabetical list which includes all who submit their details. This is refreshed as required by the local suite. The decision as to their preferred solicitor lies solely with the individual who is detained.

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.