



FREEDOM OF INFORMATION REQUEST



Request Number: F-2015-03111

Keyword: Organisational Information/Governance

Subject: Unlawful Arrests

Request and Answer:

Question 1

Under the Freedom of Information Act, I would like to request details of any legal action against the PSNI for wrong or unlawful arrests.

For each year from 2009 to 2015 so far (or for fewer years if necessary to bring this request within the time constraints of the FOI Act), please disclose the following:

The number of cases of legal action brought against the PSNI for alleged wrong or unlawful arrest.

Question 2

The number of cases where an out-of-court settlement was reached, and the overall amount paid to settle the cases.

Question 3

The number of cases where compensation was paid out for successful claims of wrong or unlawful arrest, and the amount paid out in compensation.

Question 4

If possible please give a breakdown of these cases above. For each case of 'wrong or unlawful arrest' legal action, please give:

- the date the individual(s) was arrested;
- the reason for the arrest (e.g. on suspicion of murder);
- whether the legal action for wrong or unlawful arrest was successful or not, or settled out of court;
- and any compensation paid for successful claims.

**If any part of this request is beyond the time or cost constraints, or remit, of the FOI Act, please disregard that area and disclose the other parts of the request.

Please let me know if you receive this request. Please also let me know in advance if this request needs to be clarified or refined in any way.

Clarification received:

Thanks for your email. Apologies for only responding now.

I am specifically interested in unlawful arrest cases, and whether claims of unlawful arrest

ever prove successful.

On the basis of your email, I would to alter my request.

I am requesting information on legal cases brought against the PSNI by members of the public alleging wrongful acts by police, such as unlawful arrest, unlawful detention, assault, etc.

Question 1

For each year from 2009 to 2015 so far (or for fewer years if necessary to bring this request within the time constraints of the FOI Act), please disclose the following:

The number of claims received

Question 2

The number upheld, the number therefore resulting in court awards, and the amount of compensation

Question 3

The number settled out of court, and amount of settlement awarded.

Question 4

If possible for Q1-3, please give details specifically for cases where unlawful arrest is alleged and ruled upon in court, or settled out of court. Please give a breakdown of these cases, outlining any other allegations (e.g. assault), and any rulings made on them in court.

Please let me know if this altered request is acceptable within the constraints of the PSNI database.

Answers 1 - 4

Your request for information has now been considered. In respect of Section 1(1)(a) of the Act I can confirm that the Police Service of Northern Ireland does hold information to which your request relates. The decision has been taken to disclose the following.

The information requested is held on the Legal Services database under the category Wrongful Act By Police (AW). This includes the category of claim for Wrongful Arrests but also includes claims from members of the public who allege wrongful acts by police and include claims for assault, battery, unlawful arrest, unlawful detention, false imprisonment and malicious prosecution. **Therefore this category in the database is not solely for the information of 'wrongful arrests' and unfortunately it can not be captured on the system separately.**

In this category claimants generally make more than one allegation. During the course of the claim some or all of the allegations may be upheld and can therefore result in a settlement or court award. Please note that settlements are not necessarily related to a specific allegation i.e. an assault and unlawful arrest case settled will not state a specific % for each allegation.

Therefore even if each individual file was manually trawled through it will not provide the specific information requested making the exact information sought virtually impossible.

Please find in the table below from 2009 – to date, the number of claims received, the number of court awards and the compensation paid and the number of claims settled out of court and the compensation paid.

| YEAR | NO RECEIVED | NO OF COURT AWARDS | AMOUNT OF COMPENSATION | NO SETTLED OUT OF COURT | AMOUNT OF COMPENSATION |
|-----------------|-------------|--------------------|------------------------|-------------------------|------------------------|
| 2009/10 | 284 | 2 | 2500 | 63 | 355,684 |
| 2010/11 | 293 | 4 | 7000 | 58 | 220,028 |
| 2011/12 | 349 | 1 | 2000 | 96 | 167,601 |
| 2012/13 | 346 | 3 | 5500 | 86 | 438,238 |
| 2013/14 | 425 | 5 | 10,947 | 72 | 255,631 |
| 2014/15 | 347 | 7 | 30,101 | 87 | 242,159 |
| 2015/16 to date | 345 | 2 | 6,250 | 29 | 100,300 |

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.psni.police.uk

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