



FREEDOM OF INFORMATION REQUEST



Request Number: F-2017-03520

Keyword: Crime

Subject: Arrests Without Charge

Request and Answer:

Your request for information below has now been considered. In respect of Section 1(1)(a) of the Freedom of Information Act 2000 (FOIA) I can confirm that the Police Service of Northern Ireland does hold the information you have requested however 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.

Request

I request that a copy of the following information be provided to me: statistics on the number of arrests without charge for the following offences between January 1st 2015 and the date of receipt of this request.

- Fraud
- Assault (including section 47, section 20 & section 18)
- Affray & violent disorder
- Murder, Attempted murder and conspiracy to murder
- Rape, attempted rape, male rape, sexual assault, historic sex abuse
- Sexual Assault, sexual grooming, unlawful sexual intercourse, sex act with a child
- Burglary, burglary with intent, aggravated burglary, attempted burglary, theft

I also request statistics on the total number of arrests in 2015, 2016 and 2017.

Answers

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. Section 12 of FOIA allows a public authority to refuse to deal with a request where it estimates that it would exceed the appropriate limit to either comply with the request in its entirety or confirm or deny whether the requested information is held. The estimate must be reasonable in the circumstances of the case. The ‘appropriate limit’ is currently £600 for central government and £450 for all other public authorities including PSNI. The relevant Regulations which define the appropriate limit for section 12 purposes are The Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulation 2004 SI 2004 No 3244. These are known as the ‘Fees Regulations’ for brevity.

Regulation 4(3) of the Fees Regulations states that a public authority can take into account the costs it reasonably expects to incur in carrying out the following permitted activities in complying with the request:

- (i) determining whether the information is held;
- (ii) locating the information, or a document containing it;
- (iii) retrieving the information, or a document containing it; and
- (iv) extracting the information from a document containing it.

Under those regulations PSNI can calculate the time spent on each of these permitted activities at £25 per hour (thus if the activity(s) takes more than 18 hours PSNI will be in excess of the 'appropriate limit').

I contacted PSNI Statistics Branch who hold the information in an electronic format however it also requires manual intervention. Statistics Branch can identify from the NICHE computer system, arrest offences that have not subsequently resulted in a charge, for the time requested and the number of arrests (person arrested and processed through police custody) for 2015, 2016 and 2017. However arrest details are not held on NICHE in the format that you have requested; as there is no classification available to allow individual arrest offences to be grouped together. In addition for the offence 'male rape' there is no specific offence code in use within Northern Ireland and it would be recorded as rape. This also applies to 'historic sexual abuse' which has no specific offence code. To establish if the victim was male it would require each custody record to be read through and / or a trawl through related records on NICHE and as there are in excess of 1,250 records it is estimated it would take over 200 hours, which is well in excess of the FOI legislative cost of 18 hours.

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. PSNI Statistics Branch can identify arrest offences that have not subsequently resulted in a charge, for the time requested and can also provide the number of arrests (person arrested and processed through police custody) for 2015, 2016 and 2017 however it should be noted that arrest details are not held on NICHE in the way the request is asking. Arrest offences are held on NICHE at the level of each individual offence code – there is no classification system on NICHE to allow individual arrest offences to be grouped together.

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.

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.psnipolice.uk

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