



## FREEDOM OF INFORMATION REQUEST



**Request Number:** F-2022-00306

**Keyword:** Crime

**Subject:** Outstanding Failure to Appear Warrants

### 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:

Please could you provide information on the number of outstanding failure to appear (FTA) warrants there are in the force area.

Ideally this data will include the offence for which the suspect was charged, the name of the suspect, the date on which the suspect was due to appear in court, the name of the court and the date on which the warrant was issued.

### Clarification Sought:

Police do not recognise the term ‘Failure to Appear’ Warrants in Northern Ireland. Persons who fail to appear in NI jurisdictions can be issued with ‘Bench warrants’ from Northern Ireland Courts and Tribunal Services (NICTS) although this will be after occasions when the person will be afforded opportunities to appear before the courts. NICTS have primacy in NI for issue of these warrants and an FOI would be best requested from this source in that regard (if it is bench warrants that are being referred to).

The Police Service will hold records of the amount of bench warrants provided by NICTS for service though this number will fluctuate on a daily basis.

Please clarify if this request refers to Bench Warrants and if you have considered making application to the issuing body for these

### Clarification Received:

Yes, please apply the request to bench warrants.

### 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. 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').

The PSNI advise that 'Failure To Attend Warrants' are not issued in Northern Ireland, however based on your clarification the response has been based on 'Arrest/Bench Warrants' which is the local equivalent. The information may be held electronically however it also requires manual intervention as electronic warrants have been issued since 28<sup>th</sup> November 2009. The PSNI have also advised that information held on the electronic computer system NICHE can only provide the current status of outstanding warrants as NICHE is a live system and there is no facility to ascertain a specific status on a specified or historic date. In addition there is no direct link between bench warrants, which are issued by the Court Service and the offence(s) for which the warrant is being issued as no offences are listed within the warrant itself. The warrant is stored within a case file and although the case file will have linked offences, it is not possible to determine the particular offence or offences within the case file or the offences for which a warrant has been issued. As of 11<sup>th</sup> February 2022 there were an estimated 1879 outstanding bench warrants on NICHE, encompassing of 1780 electronic warrants and 97 paper warrants. It is therefore estimated that allowing a conservative estimate of 10 minutes per case the request would grossly exceed 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 and unfortunately due to the PSNI recording system we cannot offer you refinement.

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 Corporate Information Branch, 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 Corporate Information Branch, PSNI Headquarters, 65 Knock Road, Belfast, BT5 6LE or by emailing [foi@psni.pnn.police.uk](mailto:foi@psni.pnn.police.uk).

If, following an Internal Review carried out by an independent decision maker, you remain dissatisfied with the handling of your request, you may make a complaint to the Information Commissioner's Office, under Section 50 of the Freedom of Information Act, 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', or use the ICO self-service portal available at [www.ico.org.uk/make-a-complaint/officialinformation-concerns-report/official-information-concern/](http://www.ico.org.uk/make-a-complaint/officialinformation-concerns-report/official-information-concern/)

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 their 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](http://www.psni.police.uk)

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