

Keeping People Safe



FREEDOM OF INFORMATION REQUEST



Request Number: F-2021-02992

Keyword: Operational Policing

Subject: Stop and Search Statistics 2019 - 2021

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) we 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.

We have explained to you below that when PSNI estimates whether the appropriate limit is likely to be exceeded, it can include the costs of complying with two or more requests if certain conditions are met. In this case those conditions are met and complying with all of your requests would in our estimation exceed that appropriate limit set out in Regulation. We have explained this further below but also we followed the Information Commissioner’s Office guidance ‘*Requests where the cost of compliance exceeds the appropriate limit*’ in relation to this request, which also provides further detail on the application of Section 12 (1) of the FOIA. This guidance is available on the ICO website at the following link:

https://ico.org.uk/media/for-organisations/documents/1199/costs_of_compliance_exceeds_appropriate_limit.pdf

You requested the following information from PSNI:

Request 1

How many people have been stopped and search in Northern Ireland from January 2019-September 2021?

Request 2

On how many occasions was anything found in these searches carried out?

Request 3

How many people were arrested when these searches were carried out?

Request 4

How many of these people that were stopped and searched by the PSNI were Catholics?

Request 5

How many of these people that were stopped and searched by the PSNI were Protestants?

Request 6

On what grounds do police identify someone as under suspicion to be stopped and searched?

Request 7

How many people who were stopped and searched have appealed or made a complaint towards the PSNI after being stopped and searched? (from January 2019-September 2021?)

Request 8

How many of these complaints came from the catholic community and how many complaints came from the protestant community? (from January 2019-September 2021?)

Request 9

On how many occasions has it been found that someone was unlawfully stopped and searched?

Request 10

On how many occasions has a complaint been upheld by someone who was stopped and searched?

Request 11

How many of these came from the catholic community and how many came from the protestant community?

Request 12

How many stop and searched have been carried out in each policing district? (Derry and Strabane, Belfast City, East Belfast, North Belfast, South Belfast, West Belfast, Newry and Armagh, Mid Ulster and Fermanagh and Omagh)

Request 13

How many were vehicle only searches? How many were stop and question? (from January 2019-September 2021?)

Request 14

On how many occasions were those people that had vehicle only searched carried out or stop and question have had past criminal convictions? (from January 2019-September 2021?)

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').

In relation to part 7-11 of the request, PSNI can advise that although categorisation exists with complaints data received from the Police Ombudsman, the information requested has the potential to fall across more than one category. It would therefore be necessary to carry out a manual search across a number of allegation categories, specifically including 'Police Searches' and 'Unlawful/Unnecessary Arrest/Detention'. During the period covered by the request there were a total of 788 allegations which fell into these categories. At an estimate of 2 minutes research per complaint, this would equate to approx. 26 hours work per year of complaints. In addition to this some research of other complaint categories would likely be necessary for increased accuracy.

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.

Advice and Assistance

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, PSNI have considered how your request may be refined to bring it under the appropriate limit.

PSNI can provide an answer within the legislative timeframe for parts 1, 2, 3, 6, 12 and 13 of the request.

In relation to parts 4 and 5 of the request, this information is not held by PSNI. An individual's religion is not recorded during a stop and search.

For part 14 of the request PSNI do not hold this information. When a vehicle-only search is carried out, no personal information of an individual(s) in the vehicle (e.g. name, DOB) is recorded on the stops record.

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.

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/

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

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