

FOI 2480/17-18
20 April 2018

Dear [REDACTED]

I refer to your email dated 27 March 2018 in which you asked for information regarding defendants charged by the PSNI in 2015, 2016 and 2017 with disorderly behaviour, resisting arrest and assaulting a police officer. I also refer to your email dated 6 April 2018 in which you provided clarification as to the information you required.

This request has been dealt with under the terms of the Freedom of Information Act 2000.

Freedom of Information Act 2000

The Freedom of Information Act creates rights of access for any person making a request for information to a public authority. The rights of access are twofold. First, to be informed by the public authority if it holds information of the description specified in the request, and if that is the case, secondly, to be provided with that information. These rights are subject to important limitations, which are designed to achieve a proper balance between the right to know and considerations of law and policy in the broader public interest.

You had asked for the following;

1. Please provide details of the number of defendants charged with the following offences by the PSNI in 2015, 2016, 2017: 1. Disorderly behaviour
2. Resisting arrest 3. Assaulting a police officer.

In response to question 1, please see the 'Files Received' tab in the spreadsheet attached.

2. Please provide details of the number of defendants charged with the following offences by the PSNI in 2015, 2016, 2017 where the Test for Prosecution was not met: 1. Disorderly behaviour 2. Resisting arrest 3. Assaulting a police officer

In response to question 2, please see details of No Prosecution decisions in the 'Decisions' tab in the spreadsheet attached.

3. Please provide details of the number of defendants prosecuted for the following offences through Belfast Magistrates' Court in 2015, 2016 and 2017: 1. Disorderly behaviour 2. Resisting arrest 3. Assaulting a police officer.

In response to question 3, please see details of defendants disposed of in the in the 'Belfast Magistrates' tab in the spreadsheet attached.

4. Please provide details of the average length of time for defendants to have such charges dealt with through Belfast Magistrates' Court from date of the of initial date of the charge to conclusion, for charges initiated in 2015, 2016 and 2017 for the following: 1. Disorderly behaviour 2. Resisting arrest 3. Assaulting a police officer

In response please see details included in the 'Timeliness' tab in the spreadsheet attached.

5. Please provide details of the number of cases prosecuted by PPS through Belfast Magistrates' Court in 2015, 2016, and 2017 which were contested by the defendant and, as a result, were dealt with through a contest hearing for the following: 1. Disorderly behaviour 2. Resisting arrest 3. Assaulting a police officer.

In response, please see data in the 'Belfast Magistrates Contest' tab in the spread sheet attached.

6. Please provide details of the average length of time (for those defendants who contested charges) to have such charges dealt with through a contest hearing at Belfast Magistrates' Court from initiation of charge to conclusion for charges initiated in 2015, 2016 and 2017 for the following: 1. Disorderly behaviour 2. Resisting arrest 3. Assaulting a police officer.

7. Please provide details of the number of cases which were dealt with through a contest hearing in Belfast Magistrates' Court in 2015, 2016 and 2017 which resulted in acquittal of the defendant for the following charges: 1. Disorderly behaviour 2. Resisting arrest 3. Assaulting a police officer.

In respect of questions 6 and 7, please see the 'Timeliness Contest' tab in the spreadsheet attached.

Please note that all statistics should be read in conjunction with the explanatory notes, which are set out in the spreadsheet.

8. Please provide details of any PPS policies and/or guidelines which outline or refer to any target timelines for prosecuting cases through Belfast Magistrates' Court (and copies of same). Also include minutes of any internal meetings where target timelines for prosecuting charges of this nature were discussed (i.e. disorderly behaviour, resisting arrest and assaulting a police officer).

In response, I can advise that the PPS do not have any policies / guidelines or minutes of meetings which are specific to any target timelines for prosecuting such cases through Belfast Magistrates' Court. Therefore I can advise that the information you require is not held by the PPS. In terms of Section 17 of the Freedom of Information Act 2000 the information requested is not held.

9. Please provide details (i.e. the number of) PPS referrals of serving PSNI officers to the Police Ombudsman in 2015, 2016, 2017 as a result of investigations and proceedings which showed that PSNI officers behaved in a way that would justify disciplinary proceedings in relation to investigations /proceedings concerned with (i) disorderly behaviour (ii) resisting arrest (iii) assaulting a police officer.

The PPS does not maintain statistical data of this kind. As the data are not held in a form which can be easily extracted from the PPS Case Management System, to answer your request accurately would require a manual search of all cases. This would easily exceed the cost limit as defined in Section 12 of the Act which makes provision for public authorities to refuse requests for information where the cost of dealing with them would exceed the appropriate limit, for the PPS as a Government Department the limit is set at £600. This represents the estimated cost of one person spending 3.5 working days in determining whether the department holds the information, locating, retrieving and extracting the information. You may wish to refer your query to the Office of the Police Ombudsman which may be in a position to assist you.

10. Please provide minutes of any meetings from 2015, 2016, 2017, which deal with PPS targets, in terms of timelines and satisfying the Test for Prosecution relating to prosecutions for (i) disorderly behaviour (ii) resisting arrest (iii) assaulting a police officer.

In response I can advise the PPS do not hold meetings which deal specifically with PPS targets in respect of prosecutions for (i) disorderly behaviour (ii) resisting arrest (iii) assaulting a police officer. Therefore I can advise that the information you require is not held by the PPS. In terms of Section 17 of the Freedom of Information Act 2000 the information requested is not held.

Information in respect of performance against prosecutorial decision-making targets is published in the PPS Annual Report which can be found on the PPS internet at: <https://www.ppsni.gov.uk/Annual-Reports>.

If you are dissatisfied in any way with the handling of your request, you have the right to request a review in accordance with our review procedure. In the event that you require a review to be undertaken, you can do so by writing to the Assistant Director (Policy), Public Prosecution Service, Belfast Chambers, 93 Chichester Street, Belfast, BT1 3JR or alternatively by sending an e-mail to info@ppsni.gov.uk. You should state clearly the grounds on which you are requesting the review.

Alternatively, you may wish to apply directly to the Information Commissioner for a decision.

The Information Commissioner can be contacted at:

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

Yours sincerely,

PPS FOI Section