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Mr P Perrin
request-9228-b93a29fa@whatdotheyknow.com

Date: 17th April 2009

Tel No.: (DDI) 01622 654413

FOI Ref.: 1999/2009

Dear Mr. Perrin,

FREEDOM OF INFORMATION REQUEST

I write in connection with your request for information dated 11th March 2009, in which you request the following information:

I have noticed a number of reports in the press regarding people being arrested and then later de-arrested. In some of these cases the impression given is that the police are using arrest/de-arrest as a 'convenient' and simple way of temporarily removing people from a location and detaining them for a time with out genuine due cause.

I would like details of de-arrests nationally over the past (say) year, showing the time, police officer, geographic location and reason for the original arrest and the time, location and justification of the de-arrest. Can you tell me what information you hold that could assist me with this?

I note that this request was due for a response on the 8th April and that this arrives with you sometime after the twenty working day time limit permitted by the Act has expired and for this I apologise. Unfortunately this unit has been experiencing staffing difficulties and this, coupled with a substantial increase in requests, has resulted in a number being processed late. These issues are approaching resolution and we hope to be able to resume normal service in the very near future.

Section 24(1-3) of the Police and Criminal Evidence Act 1984 provides that an officer may arrest without a warrant anyone who is they have reasonable grounds to suspect is about to, or is in the act of, committing an offence or who has already committed an offence.

Section 24(4) states that the power of arrest conferred by the above sections is exercisable only if the constable has reasonable grounds for believing that it is necessary to arrest the person. Grounds that may be considered include:

To protect a child or vulnerable person

Name or address of person not supplied or known, or doubted (when required to investigate a possible offence)

To prevent the person in question:

- Causing physical injury to themselves or another
- Suffering physical injury
- Causing loss or damage to property
- Committing an offence against public decency
- Causing an unlawful obstruction of the highway

To allow prompt investigation of the offence or the conduct of the person in question

To prevent any prosecution of the offence from being hindered by the disappearance of the person in question

Officers are trained that the power of arrest must never be used simply because it can be used, and that the absence of sufficient justification may lead to challenges should the case later proceed to court. Further the detained person is entitled to complain about the officer or the arrest should they feel that the arrest was not justified.

Subsequent to the person's arrest it will then be necessary to determine what the most appropriate course of action will be. In some cases, the arrest will have prevented an offence from occurring and it will no longer be necessary or proportionate for the police to take further action, and in such cases the detained person may be released.

Further, I note that your request asked for information on a national basis. Kent Police are only required to provide information that is held by Kent Police as a public authority, and this response therefore only applies to Kent Police and should not taken to provide a response on behalf of every force or the police service nationally.

To provide details of every occasion when a person was released following an arrest would involve an examination of our records that would far exceed the amount to which we are legally required to respond i.e. the cost of locating and retrieving the information exceeds the "appropriate level" as stated in the Freedom of Information (Fees and Appropriate Limit) Regulations 2004. This would engage the exemption at Section 12 of the Act, which relates to costs.

Thank you for your interest in Kent Police and I hope that the response I have provided is of use to you. An information sheet, summarising your rights under the Freedom of Information Act 2000 was enclosed with our acknowledgement to you and as suggested therein, should you have any further questions concerning your request, please contact me quoting the reference number shown above.

Yours sincerely,

Nigel Amos
Freedom of Information Advisor