



Response Date: 23/04/2024

2024/413 - Legal advice regarding arrests

In response to your recent request for information regarding;

I'd like to see all (or some of if there isn't time to give all) of the legal advice that the force has received in the last 5 years (or less if there isn't time) concerning what makes an arrest legal or illegal.

I'm assuming that every time there is a new case eg Metropolis v MR, there are communications to the police force hierarchy and those responsible for training the police officers who are personally required to make decisions on whether they can carry out an arrest.

You are required to help me, so you'll know how best to get this information.

I assume there's a file somewhere called "legal advice", something like that.

And then the latest information on case law needs to get passed on to all the police officers and custody officers in this very complicated area.

Public interest is obvious - public doesn't want illegal arrests happening any more than the police force does, so the public will want to know how the individual police officers and custody sergeants get updated on the latest cases. Metropolis v MR is one judge (Ed Milliband's wife, out of interest) correcting another judge - saying that an arrest that the first judge thought was legal was in fact illegal! Imagine that - a law so complicated that a judge gets it wrong in a court judgement! And yet each individual police officer, some with a mere few months' experience is supposed to make a correct decision! Bit of a joke really, but kind of shows how important it is for the police to be getting the latest information each time a case like Metropolis v MR comes out.

So - could you give me some stats on how many.

You know how much time you've got.

This is going to all police forces, so it will be interesting to compare, not just how competent each police force is with the training, but how much each FOI dept can get done in the same amount of time!

North Wales Police can neither confirm nor deny whether we hold any information in relation to your request as the duty in Section 1(1)(a) of the Freedom of Information Act 2000 (the Act) does not apply by virtue of the following exemptions:

Section 42(2) – Legal Professional Privilege

Evidence of Harm

Under the Freedom of Information Act an applicant may not obtain the disclosure of legal advice offered to a public authority by a solicitor in a private practice or an in-house lawyer.

Providing a response to your request would be confirming that North Wales Police do or do not hold legal advice that 'confirms what makes an arrest legal or illegal' which would be detrimental to the legal professional privilege.

Public Interest Test

Factors favouring Confirming or Denying for Section 42

The public are entitled to know what public funds are spent on and what measures are in place. By confirming or denying any other information is held would lead to a better-informed public.

Factors against Confirming or Denying for Section 42

The purpose of legal professional privilege is to guarantee the professional relationship between lawyer and client which goes to serve the wider administration of justice.

Balancing test:

On balance North Wales Police considers that the public interest in maintaining the exemption outweighs the public interest in disclosure.

This should not be taken as an indication any information does or does not exist.

Therefore, in accordance with the Freedom of Information Act 2000, this letter acts as a Refusal Notice under section 17 (1) of the legislation.

THIS INFORMATION HAS BEEN PROVIDED IN RESPONSE TO A REQUEST
UNDER THE FREEDOM OF INFORMATION ACT 2000, AND IS CORRECT AS AT 22/04/2024