

## Dale Mcalpine vs Cumbria Police

- Dale Mcalpine (aged 42) was engaged in street preaching in Workington, Cumbria on Tuesday 20 April, 2010. His sermon contained no mention of homosexuality.
- When he finished preaching he was approached by a PCSO, Sam Adams, who had been observing proceedings.
- PCSO Adams then warned Mr Mcalpine that he could be arrested if he made racist or homophobic remarks.
- Mr Mcalpine said he was not homophobic, but he sometimes preaches that homosexual conduct is a sin because that is what the Bible says.
- PCSO Adams said he was a homosexual himself and was the force's LGBT liaison officer.
- Uniformed police officers later arrived at the scene and informed Mr Mcalpine that "it is against the law" to describe homosexual conduct as a sin.
- PC Craig Hynes arrested Mr Mcalpine for a "racially aggravated Section 5 Public Order offence".
- His arrest was recorded on a video camera. The footage shows Mr Mcalpine asking the police to consider his rights to free speech. On 14 May the footage was published on YouTube by The Christian Institute.
- Mr Mcalpine was taken to the police station and held in a cell pending interview. In total he was detained (from arrest to release) for 7 hours 46 minutes.
- He was charged with using "threatening, abusive or insulting" words "to cause harassment, alarm or distress" contrary to Section 5 of the Public Order Act.
- He was released on bail on the condition that he must not preach in public pending the court case.
- Mr Mcalpine was due to preach in his church, Emmanuel Evangelical Church, Workington, the following Sunday but had to cancel that because of the bail condition.
- The Christian Institute agreed to use its Legal Defence Fund to finance the costs of Mr Mcalpine's legal defence.
- Mr Mcalpine appeared at Workington Magistrates Court on 23 April, 2010 and entered a plea of 'not guilty' to the charge. He was released on bail pending trial.
- On 3 May press reports quote Peter Tatchell, homosexual activist, saying the arrest was heavy-handed and an attack on free speech. He offered to appear as a defence witness.
- Lawyers representing Mr Mcalpine wrote to the Crown Prosecution Service and called for the proceedings to be dropped.
- On 7 May prosecutors informed Mr Mcalpine that they were discontinuing the case against him due to lack of evidence.
- On 25 May lawyers representing Mr Mcalpine wrote to Cumbria Police giving notice of Mr Mcalpine's intention to proceed with a civil action for wrongful arrest, unlawful imprisonment and breach of his human rights to free speech and religious liberty.
- On 27 May Keith Porteous Wood, a homosexual and Executive Director of the National Secular Society, offered to appear as a witness in support of Mr Mcalpine's civil action.
- On 23 August lawyers for Cumbria Police admitted liability and began negotiations for an out-of-court settlement.
- On 16 December Mr Mcalpine accepted a police offer of £7,000 plus costs to settle his claim.