

**Force Disclosure Unit**

Wiltshire Police HQ
London Road
Devizes
Wiltshire
SN10 2DN
Tel 101 ext. 62005

www.wiltshire.police.uk

disclosure@wiltshire.police.uk

Date: 19 January 2022

Your ref: **FOI**

Our ref: FOI 2022/012

Reply contact name is

Dear

I write in connection with your request for information dated 05/01/2022 concerning detentions of children in custody.

I am required by the Freedom of Information Act 2000 to handle all requests in a manner that is blind as to the identity and motives of the requestor. Any information released as a response to a request is regarded as being published and therefore in the public domain without caveat.

Your request for information has now been considered and I am not obliged to supply the information you have requested.

You wrote:

Please provide us with the following information in relation to your police force for the year 2021 (from 1st January 2021 to 31st December 2021):

1. How does your police force define overnight detention of a child in police custody? If possible, please provide what time does overnight detention begins and ends, and if there is a required minimum number of hours of detention according to your definition?
2. How many children (those under 18 at the time of detention) were detained overnight (for 4 or more hours between the hours of 0000 and 0800) in police custody? If possible, please provide a breakdown of these children by their age, sex, ethnic origin, national origin, type of disability and type of crime.



INVESTOR IN PEOPLE

Arrest warrants

3. How many children were detained overnight in police custody following an arrest warrant being issued by a court? If possible, please provide a breakdown of these children by their age, sex, ethnic origin, national origin, type of disability and type of crime.
4. Can you provide details of the detention period for those children detained overnight in police custody following an arrest warrant being issued by a court (Question 3)? If possible, please provide the day of the week at the time of arrest, how long they were detained for, and during which hours of the day.

Pre-charge detention

5. How many children detained overnight in police custody were detained pre-charge? If possible, please provide a breakdown of these children by their age, sex, ethnic origin, national origin, type of disability and type of crime.
6. How many children detained overnight in police custody were granted pre-charge bail? If possible, please provide a breakdown of these children by their age, sex, ethnic origin, national origin, type of disability and type of crime.
7. How many children detained overnight in police custody were granted pre-charge conditional bail? If possible, please provide a breakdown of these children by their age, sex, ethnic origin, national origin, type of disability and type of crime.
8. How many children detained overnight in police custody were granted pre-charge unconditional bail? If possible, please provide a breakdown of these children by their age, sex, ethnic origin, national origin, type of disability and type of crime.
9. How many children detained overnight in police custody were denied pre-charge bail? If possible, please provide a breakdown of these children by their age, sex, ethnic origin, national origin, type of disability and type of crime.

Post-charge detention

10. How many children detained overnight in police custody were detained post-charge? If possible, please provide a breakdown of these children by their age, sex, ethnic origin, national origin, type of disability and type of crime.

11. How many children detained overnight in police custody were granted post-charge bail? If possible, please provide a breakdown of these children by their age, sex, ethnic origin, national origin, type of disability and type of crime.
12. How many children detained overnight in police custody were granted post-charge conditional bail? If possible, please provide a breakdown of these children by their age, sex, ethnic origin, national origin, type of disability and type of crime.
13. How many children detained overnight in police custody were granted post-charge unconditional bail? If possible, please provide a breakdown of these children by their age, sex, ethnic origin, national origin, type of disability and type of crime.
14. How many children detained overnight in police custody were denied post-charge bail? If possible, please provide a breakdown of these children by their age, sex, ethnic origin, national origin, type of disability and type of crime.
15. How many children detained overnight in police custody were denied post-charge bail under s38(1)(b)(i) PACE? If possible, please provide a breakdown of these children by their age, sex, ethnic origin, national origin, type of disability and type of crime.
16. How many children detained overnight in police custody were denied post-charge bail under s38(1)(b)(ii) PACE? If possible, please provide a breakdown of these children by their age, sex, ethnic origin, national origin, type of disability and type of crime.

Section 38 PACE (Police and Criminal Evidence Act 1984) transfers

17. How many requests were made under section 38(6) PACE by your police force to a local authority to transfer children detained overnight in police custody post-charge to local authority accommodation? If possible, please provide a breakdown of these children by their age, sex, ethnic origin, national origin, type of disability and type of crime.
18. How many requests were made under section 38(6) PACE for secure accommodation for children detained overnight in police custody post-charge? If possible, please provide a breakdown of these children by their age, sex, ethnic origin, national origin, type of disability and type of crime.
19. How many children detained overnight in police custody post-charge were transferred to secure accommodation following a request under section 38(6) PACE? If possible, please provide a breakdown of these children by their age, sex, ethnic origin, national origin, type of disability and type of crime.
20. How many children detained overnight in police custody post-charge were not transferred to secure accommodation following a request under section 38(6) PACE? If possible, please provide a breakdown of these children by their age, sex, ethnic origin, national origin, type of disability and type of crime.

21. How many requests were made under section 38(6) PACE for non-secure accommodation for children detained overnight in police custody post-charge? If possible, please provide a breakdown of these children by their age, sex, ethnic origin, national origin, type of disability and type of crime.
22. How many children detained overnight in police custody post-charge were transferred to non-secure accommodation following a request under section 38(6) PACE? If possible, please provide a breakdown of these children by their age, sex, ethnic origin, national origin, type of disability and type of crime.
23. How many children detained overnight in police custody post-charge were not transferred to non-secure accommodation following a request under section 38(6) PACE? If possible, please provide a breakdown of these children by their age, sex, ethnic origin, national origin, type of disability and type of crime.
24. How many certificates of impracticability were produced by your police force to a court in relation to children detained overnight in police custody post-charge, pursuant to section 38(7) PACE? If possible, please provide a breakdown of these children by their age, sex, ethnic origin, national origin, type of disability and type of crime.

Response:

The type of information you require is not stored in a way which allows for easy retrieval.

To gain the information you are requesting, we would need to manually peruse all juvenile's records within the timeframe given.

Under the circumstances I am absolutely confident that to locate, retrieve and extract the information you seek would by far exceed the time obligations upon this authority to comply, and in so doing would exceed the fees limits. This is set at £450 calculated at a flat rate of £25 per hour for those work activities comprising of confirming the information is held, locating it, retrieving it and extracting it. Therefore the whole of the request falls under the exemption of section 12 of the Freedom of Information Act 2000.

Ordinarily under our Section 16 obligation to provide advice and assistance, we would advise you of a way to refine your request to a more manageable level. However, due to the difficulties in obtaining the requested information, as outlined above, I cannot think of a way in which this could be achieved.

Section 17 of the Freedom of Information Act 2000 requires Wiltshire Police, when refusing to provide information (because the information is exempt) to provide you the applicant with a notice which: (a) states that fact, (b) specifies the exemption in question and (c) states (if that would not otherwise be apparent) why the exemption applies. In accordance with the Freedom of Information Act 2000 this letter acts as a Refusal Notice for those aspects of your request.

Exemptions applied:

Section 12: Exemption where cost of compliance exceeds appropriate limit

(1) Section 1(1) does not oblige a public authority to comply with a request for information if the authority estimates that the cost of complying with the request would exceed the appropriate limit.

Please contact me if you would like to discuss the withheld information.

Yours sincerely

Force Disclosure Decision Maker

The Wiltshire Police offers a re-examination of your case under its review procedure



Force Disclosure Unit

Wiltshire Police HQ, London Road, Devizes, Wiltshire SN10 2DN
Telephone 101 ext 62005

Freedom of Information Request Appeals Procedure

1. Who Can Ask for a Review

Any person who has requested information from Wiltshire Police, which has been dealt with under the Freedom of Information Act, is entitled to complain and request an internal review, if they are dissatisfied with the response they received.

2. How to Request a Review

Requests for review of a Freedom of Information request must be made in writing to the:
Force Disclosure Unit
Wiltshire Police Headquarters,
London Road, Devizes,
Wiltshire,
SN10 2DN

Email at disclosure@wiltshire.police.uk.

The reference number, date of the request and details of why the review is being requested must be included. Requests for review should be brought to the attention of the Force Disclosure Unit within 20 working days of the Force's response to the original FoI request.

3. Review Procedure

Receipt of a request for review will be acknowledged in writing to include confirmation of the reasons for the review. The review will be conducted by another Decision Maker, who is independent from the original Decision Maker. The Force Disclosure Unit will set a target date for a response. The response will be made as soon as is practicable with the intention to complete the review within twenty working days. In more complex cases the review may take up to 40 working days.

The Independent Decision Maker will conduct a review of the handling of the request for information and of decisions taken, including decisions taken about where the public interest lies in respect of exempt information where applicable. The review enables a re-evaluation of the case, taking into account the matters raised by the complaint.

4. Conclusion of the Appeal

On completion of the review the Independent Decision Maker will reply to the complainant with the result of the review. If the complainant is still dissatisfied following the review they should contact the Information Commissioner to make an appeal. The Information Commissioner can be contacted via the following details:

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF
Tel: 01625 545 700
Fax: 01625 524 510
Email: mail@ico.gsi.gov.uk

Please note that the ICO's offices will be closed for the foreseeable future and are therefore unable to receive correspondence via post.

If you should wish you contact them, please visit <https://ico.org.uk/global/contact-us/>