

**Force Disclosure Unit**

Wiltshire Police HQ

London Road

Devizes

Wiltshire

SN10 2DN

Tel 101 ext 62005

www.wiltshire.police.ukdisclosure@wiltshire.police.ukDate: 18th November 2021

Your Ref: FOI

Our Ref: FOI 2021/909

Reply contact name is: Kay Moore

Dear,

I write in connection with your request for information dated 2nd November 2021 concerning the overnight detention 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 2020 (from 1st January 2020 to 31st December 2020):

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.

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

INVESTOR IN PEOPLE

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.

Our response:

The information that you are requesting for the majority of your request is not stored in a way which permits easy retrieval.

In order for us to ascertain whether a child detained in custody overnight was bailed with conditions or not, this would involve us having to trawl through every custody record there is for the year 2020 in order to accurately obtain this information for you. The information you require is estimated to take between 20-25 hours of work, which is a substantial amount of time and as a result would take us well over the allocated time frame we have to complete your request within. Therefore, due to the above, the information requested is exempt from disclosure.

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.

Ordinarily under our section 16 duty to provide advice and assistance, we would advise you how to refine your request to a more manageable level. However, due to the difficulties outlined above and

the volume of the information being requested (much of it again still likely to involve a manual perusal of information we hold), I cannot see how this can be achieved in this particular case.

Section 17 of the Freedom of Information Act 2000 requires the Wiltshire Police, when refusing to provide such 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.

The exemption applicable to the information requested is:

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.

In accordance with section 17 of the Act, this letter represents a Refusal Notice for this particular request.

I am satisfied that all the relevant information has been passed to me and been considered in the light of your request within the time constraints applicable under the legislation.

Wiltshire Police would like to thank you for the interest that you have shown in the Force.

Yours sincerely,

Kay Moore
Force Disclosure Decision Maker

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