

**Force Disclosure Unit**

Wiltshire Police HQ

London Road

Devizes

Wiltshire

SN10 2DN

Tel 101 ext 62005

www.wiltshire.police.ukdisclosure@wiltshire.pnn.police.uk

XXXXXX – by email

Date: 12th October 2023

Your ref: FOI

Our ref: FOI 2023 / 978

Reply contact name is: Nick Penny

Dear XXXXXX,

I write in connection with your request for information dated 10th October 2023 concerning Complaints about misuse of Body Worn Video.

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:

Under the Freedom of Information Act, can I request the following:

1. A chronological list of all known complaints made about police mis-use of body worn video since January 1st 2022 to the date this response is compiled. Per complaint, please provide the year of the incident, description of mis-use and complaint (for example, BWV shared on WhatsApp), and outcome of the complaint (i.e. substantiated/ unsubstantiated or upheld/not upheld)
2. Please also provide a definitive list of records of all misconduct cases against officers accused of mis-use or incorrect use of body worn video since January 1st 2022 to the date this response is compiled. Please provide the year and month of the incident, description of the mis-use and reason for misconduct, misconduct outcome, outcome to officer (e.g. dismissed) and investigatory body (e.g. PSD/IOPC).
3. Please confirm if any officers have faced a gross misconduct investigation for mis-use of bodyworn video from January 1st 2020 to the date this response is compiled. Please state what the nature of the misuse was and the outcome of the investigation.



INVESTOR IN PEOPLE

Our response:

The information that you are requesting is not stored in a way which permits easy retrieval.

All of our Complaints and Disciplinary information is stored on a system called Centurion.

Centurion is a legacy database which has limited functionality and is quite a cumbersome tool by which to search for information due to it having a limited number of specific fields in which it is possible to record specific information related to a complaint.

All complaints that are recorded within Centurion are logged under specific Complaint and Conduct Breach Codes. There is no specific Code that is applicable for the recording of complaints or misconduct issues related to the use or misuse of Body Worn Video.

In order to identify whether a complaint or conduct matter related to the use or misuse of Body Worn Video, our Professional Standards Department would need to locate and review every individual complaint registered on Centurion since January 2022 to see whether or not it met your criteria and then create a separate summary of the specific information you require. These run into thousands of records individual records.

Even allowing a very conservative 3 minutes per record to undertake this task, 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, 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,

Nick Penny
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.pnn.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