

**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: 13th October 2023

Your ref: FOI

Our ref: FOI 2023 / 985

Reply contact name is: Nick Penny

Dear XXXXXX,

I write in connection with your request for information dated 12th October 2023 concerning Either Way Offences.

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, I would like to know the following :-

1. How many individuals were charged by Wiltshire Police for an either-way offence anticipated as a NOT-Guilty anticipated plea where the charge was not referred to the CPS for a decision within the last 24 months ?
2. How many individuals were charged by Wiltshire Police for an either-way offence anticipated as a guilty anticipated plea where the charge was not referred to the CPS for a decision the last 24 months?

Our response:

No Information Held.

There is no obligation on an Authority to provide any form of explanation when providing a No Information Held response however, in this instance – and under our Section 16 duty to be as helpful as possible to an applicant - I am happy to provide some clarity on this.

Although our crime recording systems are sophisticated and we have a number of dedicated fields in which we record specific details that are associated with a crime (eg victim age, gender, location of offence, crime type, etc) that can then be theoretically searched upon, we have no dedicated fields in which we record any of the following :-

- Whether a crime is considered an either-way offence
- Whether referral has been formally made to CPS or not
- The anticipated or actual plea given by a suspect

Please Note

- There is no obligation on an Authority to create information in order to answer an FOI request, if that information does not already exist.
- The only way of ascertaining the information you require would be to either read the occurrence log narrative to see if any of the information you require had been recorded (or not) or to speak to each and every OIC (Officer in Case) for every crime recorded in the time period you require and elicit their opinion. Given that in any given year Wiltshire Police record something in the region of 40,000 individual crimes this would inevitably then be precluded from disclosure under Section 12 of the Act (Time-Cost).
- The details of the anticipated plea that a Suspect is expected to make is essentially the personal opinion of the Officer concerned. That opinion may be different in other circumstances or on another day, or indeed if a particular case is being processed by another Officer. There is no obligation on an Authority to provide opinion under the FOIA, the FOI process is essentially for the provision of information held.

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:

- No Information Held

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