



Force Disclosure Unit
Police Headquarters
London Road
DEVIZES
Wiltshire
SN10 2DN

Date: 23rd May 2024

Ref: FOI 2024/475

Dear,

I write in connection with your request for information dated 1st May 2024 concerning individuals covered under the Status of Forces Agreement (SOFA).

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:

I am seeking information about cases involving individuals covered under the Status of Forces Agreement (SOFA), which were handled by your police force.

Over the past 5 years, I would like to know:

- Total Cases: The number of reported cases involving US-affiliated individuals under the SOFA arrangement in off-base incidents (incidents occurring outside the relevant military base);
- Jurisdiction: How many of these cases:
 - Retained jurisdiction under your force;
 - Had jurisdiction transferred to the US force for judicial or non-judicial punishment;
- Offenses: The alleged offenses committed by military personnel off-base, if available;
- Military Branch: The relevant foreign military force involved (e.g., USAF, US Navy), if known;
- Policy Documents: Any policy documents that guide decisions on jurisdiction transfers to foreign militaries under SOFA arrangements.

Our response:

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The information that you are requesting for the majority of your request is not stored in a way which permits easy retrieval. This is because there is no tag or searchable field that we can reliably search on within our systems that would allow us to extract information relating to reports involving US-affiliated individuals under the SOFA arrangement accurately. Therefore, the only way in which we would be able to obtain this information – if held, would be to manually peruse through all reports made over the last 5 years. This is because if we do hold this information, then it would very likely be contained within the crime report, call log or an officer's pocket notebook – of which all would need to be physically looked at in order to firstly confirm whether we hold this information and secondly to further interrogate the data in order to extract the information you specifically require.

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.

Please note, that if one part of the request engages a Section 12 response, the whole request will engage a Section 12 response. The reason being is due to the fact that locating, retrieving and extracting any further information would only add to the already exceeded time obligations.

Although excess cost removes the forces' obligations under the Freedom of Information Act, as a gesture of goodwill I have supplied information, relative to your request, retrieved or available before it was realised that the fees limit would be exceeded. I trust this is helpful, but it does not affect our legal right to rely on the fees regulations for the remainder of your request. What I am able to provide you are the answers documented below –

In relation to policy documents, we do not appear to hold any policies which reference the information you require. The only policy we hold that mentions military personnel is within our Common Law Police Disclosure Scheme Procedure, but this policy does not specifically relate to that of US servicemen and the SOFA arrangement.

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(2) – Exemption where cost of compliance exceeds appropriate limit

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

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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,

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

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.

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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