

WILTSHIRE POLICE



XXXXXXX
By email

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

Date 20th June 2024

Our Ref FOI 2024-580

Dear XXXXX,

I write in connection with your request for information dated 17th June 2024, concerning Custody detainees over 18 and complaints against Custody or investigating officers.

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:

REQUEST 1:

Statistics for the calendar years 2022 and 2023 on the numbers of detainees, who are 18+ and over where an appropriate adult was not required:

1. Numbers of custody records opened (broken down by age band)
2. Number who requested legal representation or advice before or during interviews - per PACE Code C (Broken down by age band)
3. Number who received that legal representation or advice (Broken down by age band)
4. Number who waived the right to legal representation or advice at any point (Code C, para 6.5) (Broken down by age band)
5. The reasons for waiving the right to legal representation if collated and available. (Code C para 6.5) (Broken down by age band)
 - If available please advise whether categorisation (eg drop-down box category on digital custody records) is being used or not. If yes, what are the categories and can the statistics be apportioned accordingly, please?
 - If not available, please whether this is under consideration

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Age banding please: 18-25; 26-30; 31-40; 41-50; 51-60; 61+

REQUEST 2:

Can I also respectfully request the following information for the calendar years 2022 and 2023?

1. Statistics on the total number of complaints raised involving custody officers or investigating officers concerning PACE Code C. If this can be broken down by paras 6, 10, 11 and 12, or their respective Notes for Guidance, that would be helpful.

If possible, please include details of outcomes e.g. reflective practice, written warnings, misconduct/gross misconduct hearings, escalation to IOPC or other outcomes such as financial payments for out-of-court settlements.

Statistical and outcome information only is requested. I am not requesting any identifying information or information relating to the substantive facts of the complaint.

If any other anonymised data is available such as categorisation of the nature of the complaint eg: PACE Code of Practice paragraph, breach of human rights, or judicial judgments is available can this also please be included?

Our response:

Section 1(1)(a) of the Freedom of Information Act 2000 (FOIA) requires Wiltshire Police to confirm or deny whether the requested information is held. To establish whether the information is held - namely in relation to REQUEST 2 - would in itself exceed the time obligations placed upon the authority to comply (18 hours) and therefore engages section 12(2).

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 should fall under the exemption of section 12 of the Freedom of Information Act 2000.

Please note:

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.

Forces may use different recording systems, therefore it may be possible some Forces can provide this information where others cannot.

Under our Section 16 obligation to provide advice and assistance, we would advise you to refine your request to a more manageable level. As REQUEST 2 has engaged section 12, submitting REQUEST 1 separately **may** allow for a response to be provided; but this does not mean exemptions may not apply. Clarification will also be required for question 1 of REQUEST 1 as to whether the 'number of custody records opened' refers to the number of arrests.

Section 17 of the Freedom of Information Act 2000 requires 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:

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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.

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

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



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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 to contact them, please visit <https://ico.org.uk/global/contact-us/>

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