

WILTSHIRE POLICE



XXXXXXXXX
By email

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

Date 10th July 2024

Our Ref FOI 2024-601

Dear XXXXX,

I write in connection with your request for information dated 24th June 2024, concerning Custody detainees and legal representation.

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.

Following receipt of your request, research was conducted by the Business Intelligence department at Wiltshire Police. Your request for information has now been considered and I am not obliged to supply the information you have requested.

You wrote:

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

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

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Our response:

Section 1 of the Freedom of Information Act 2000 (FOIA) places two duties on public authorities. Unless exemptions apply, the first duty at s1(1)(a) is to confirm or deny whether the information specified in a request is held. The second duty at s1(1)(b) is to disclose information that has been confirmed as being held.

Whilst I can confirm Wiltshire Police do hold the requested information, section 12(1) of the FOIA states:-

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.

The information you are requesting - namely in relation to question 5 - is not stored in a way which permits for easy retrieval. Whilst there is the ability to note the reasons for an individual waiving their right to legal representation, this information is recorded via a free text entry. To provide a response to this question would require manually interrogating each Custody Record for these individuals and noting their reasons for waiving this right. For the calendar years 2022 and 2023, there were a total of 8131 instances where an individual waived their right to legal representation. If 5 minutes were allocated to review each Custody Record, this would equate to approximately 677 hours to complete this task.

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.

Ordinarily under our Section 16 obligation to provide advice and assistance we would advise you of a way to refine your request to a more manageable level. Due to the difficulties in obtaining the requested information, as outlined above, I cannot think of a way in which this could be achieved.

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 can provide you with is documented below:

Please note:

The figures can include multiple arrests for the same individual.

The figures have been provided based on arrival dates between 1st January 2022 and 31st December 2023.

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The age groups provided is how this information is recorded on our systems.

1. Numbers of custody records opened (broken down by age band)

Arrival Month / Year	Age Group						Grand Total
	18<30	30<40	40<50	50<60	60<70	70 and Over	
2022	2595	2510	1375	740	229	58	7507
Jan	249	198	115	68	20	2	652
Feb	179	152	78	48	13	5	475
Mar	222	197	110	62	14	3	608
Apr	201	215	101	39	24	6	586
May	220	221	118	66	16	10	651
Jun	218	199	119	59	24	7	626
Jul	206	233	136	66	16	2	659
Aug	210	248	124	67	16	5	670
Sep	237	215	98	56	25	7	638
Oct	229	220	109	79	27	3	667
Nov	202	216	145	72	18	6	659
Dec	222	196	122	58	16	2	616
2023	2740	2742	1663	772	249	84	8250
Jan	233	232	153	49	12	3	682
Feb	213	202	146	47	22	5	635
Mar	218	214	113	61	19	10	635
Apr	242	228	148	55	18	7	698
May	223	232	152	61	21	3	692
Jun	214	230	136	61	21	7	669
Jul	276	236	142	67	25	4	750
Aug	228	254	128	85	16	13	724
Sep	226	193	144	56	23	6	648
Oct	205	253	113	80	18	10	679
Nov	244	211	123	70	31	8	687
Dec	218	257	165	80	23	8	751
Grand Total	5335	5252	3038	1512	478	142	15757

2. Number who requested legal representation or advice before or during interviews - per PACE Code C (Broken down by age band)

Arrival Month / Year	Age Group						Grand Total
	18<30	30<40	40<50	50<60	60<70	70 and Over	
2022	1595	1441	797	400	116	31	4380
Jan	137	113	64	29	10	1	354
Feb	116	89	39	31	4	2	281
Mar	161	105	62	36	6	1	371
Apr	122	117	60	23	13	4	339

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May	130	122	61	37	8	5	363
Jun	133	119	72	27	13	4	368
Jul	132	140	82	35	5	1	395
Aug	125	150	75	39	9	3	401
Sep	144	119	57	34	15	3	372
Oct	142	131	67	45	16	2	403
Nov	115	132	89	32	10	3	381
Dec	138	104	69	32	7	2	352
2023	1759	1555	1021	465	157	49	5006
Jan	138	123	91	25	5	2	384
Feb	135	114	79	29	16	2	375
Mar	130	121	78	39	13	6	387
Apr	149	126	96	37	12	2	422
May	144	118	103	34	12	2	413
Jun	141	145	84	36	13	4	423
Jul	184	147	85	41	15	3	475
Aug	157	146	74	51	10	5	443
Sep	136	111	82	29	13	3	374
Oct	152	132	67	45	9	7	412
Nov	162	122	74	45	21	7	431
Dec	131	150	108	54	18	6	467
Grand Total	3354	2996	1818	865	273	80	9386

3. Number who received that legal representation or advice (Broken down by age band)

Arrival Month / Year	Age Group						Grand Total
	18<30	30<40	40<50	50<60	60<70	70 and Over	
2022	1282	1105	602	310	98	24	3421
Jan	109	87	46	26	7	1	276
Feb	92	67	27	24	4	1	215
Mar	121	80	48	27	4	1	281
Apr	103	91	47	20	10	2	273
May	107	95	49	26	6	5	288
Jun	108	93	53	24	11	4	293
Jul	109	106	64	28	3	1	311
Aug	99	118	61	23	8	3	312
Sep	114	91	41	25	13	1	285
Oct	117	105	54	39	18	2	335
Nov	92	97	62	24	9	2	286
Dec	111	75	50	24	5	1	266
2023	1488	1286	848	407	135	41	4205
Jan	108	100	71	19	4	2	304
Feb	113	88	64	24	12	2	303
Mar	111	100	67	32	12	4	326
Apr	118	98	82	29	9	2	338

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May	115	99	76	28	11	2	331
Jun	126	110	68	35	10	5	354
Jul	154	117	69	31	14	3	388
Aug	141	125	62	42	10	3	383
Sep	127	99	60	33	10	3	332
Oct	124	123	59	43	9	6	364
Nov	140	103	78	38	15	4	378
Dec	111	124	92	53	19	5	404
Grand Total	2770	2391	1450	717	233	65	7626

4. Number who waived the right to legal representation or advice at any point (Code C, para 6.5) (Broken down by age band)

Arrival Month / Year	Age Group						Grand Total
	18<30	30<40	40<50	50<60	60<70	70 and Over	
2022	1271	1348	751	411	120	32	3933
Jan	121	98	60	37	13	1	330
Feb	81	79	50	23	8	4	245
Mar	94	104	54	33	9	2	296
Apr	100	118	57	20	13	3	311
May	119	126	64	40	11	5	365
Jun	104	108	67	37	11	3	330
Jul	102	115	73	34	10	2	336
Aug	99	129	58	46	8	2	342
Sep	126	120	63	26	11	6	352
Oct	114	114	60	37	10	0	335
Nov	106	121	80	41	8	3	359
Dec	105	116	65	37	8	1	332
2023	1294	1513	838	383	125	45	4198
Jan	116	134	73	30	7	2	362
Feb	102	111	79	23	12	2	329
Mar	103	117	50	32	8	6	316
Apr	120	128	65	24	11	4	352
May	109	128	77	32	11	1	358
Jun	91	122	69	30	8	2	322
Jul	126	131	73	33	14	2	379
Aug	90	133	66	42	6	10	347
Sep	100	99	82	24	13	4	322
Oct	97	143	65	41	10	4	360
Nov	120	125	55	36	17	5	358
Dec	120	142	84	36	8	3	393
Grand Total	2565	2861	1589	794	245	77	8131

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

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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.

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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