

**Force Disclosure Unit**

Wiltshire Police HQ
London Road
Devizes
Wiltshire
SN10 2DN
Tel 101 ext 62005

www.wiltshire.police.uk

disclosure@wiltshire.pnn.police.uk

XXXXXX – by email

Date: 12th February 2025

Your ref: FOI

Our ref: FOI 2025 / 091

Reply contact name is: Nick Penny

Dear XXXXXX,

I write in connection with your request for information dated 22nd January 2025 concerning Drink and Drug Driving Arrests.

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:

Please answer the following questions for the calendar year of 2024, broken down per month.

1) How many people who were stopped by your police officers under suspicion of drunk driving and/or drug driving (please specify) passed a roadside breath test but were still taken to custody in order for further drug/alcohol tests to be done? Please tell me the gender, ethnicity and age of each of the motorists who were stopped and tell me the grounds on which officers felt it was necessary to take them to custody.

2) How many of the people identified in Q1 passed all further drug and alcohol testing in custody and were released without charge? Please tell me the age, ethnicity and gender of each person and the drug and alcohol tests they had to do in custody.

3) Please tell me the exact breathalyzer device model your force uses in breathalyzer roadside tests (to test for alcohol, cocaine and marijiuna), the name of the company that manufactures the device and send me any reports the manufacturer conducted - that have been sent to your force - that shows the accuracy of these breathalyzers.



INVESTOR IN PEOPLE

Our response:

The information that you are requesting for the majority of your request (namely questions 1 and 2) is not stored in a way which permits easy retrieval.

Whilst our crime recording and custody system(s) are fairly sophisticated and contain a number of specific fields which can theoretically be searched for information, we do not keep a record of the information you require in an easily searchable format, specifically the following :-

- Those individuals that initially passed a roadside test but were still taken to a custody unit for further alcohol or drug testing
- The results of initial and subsequent tests
- The grounds by which it was deemed necessary for individuals to be taken to custody

The following points should also be noted :-

- what individuals may have initially been arrested for is not necessarily what they might have ended up being charged for
- individuals may not have initially been arrested for a suspected drink or drug driving offence, but were later tested if there were suspicions of such an offence being committed
- there is no obligation on an Authority under FOIA to create information where none exists today simply to answer an FOI request

The ascertaining of this information would only be possible by physically reading every arrest record and custody log for 2024.

Given that in 2024, more than 10,500 people passed through Wiltshire Police custody units (some more than once), 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 also note that if one part of the request engages a Section 12 response, the whole request should 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 :-

Question 3

Roadside screening device for alcohol only: AlcoQuant 6020+ device manufactured by Envitec who are a Honeywell Company.

Roadside screening for drug – Cannabis and Cocaine only – DrugWipe 3 S manufactured by Securetec

We do not hold any other information in relation to these devices beyond that which is available to the general public on-line.

Ordinarily under our section 16 duty to provide advice and assistance, we would advise you how to refine your request in respect of questions 1 and 2 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