

**Force Disclosure Unit**

Wiltshire Police HQ
London Road
Devizes
Wiltshire
SN10 2DN
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disclosure@wiltshire.pnn.police.uk

XXXXXX – by email

Date: 16th March 2026

Your ref: FOI

Our ref: FOI 2026 / 212

Reply contact name is: Nick Penny

Dear XXXXXX,

I write in connection with your request for information dated 19th February 2026 concerning Visiting Forces Act.

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 writing to you with a request under the Freedom of Information act.

The 1952 Visiting Forces Act makes provision for dealing with offences committed by members of visiting military forces (ie naval, army and air forces) from certain foreign countries by their own military prosecutors and courts rather than UK prosecutors and courts.

I have attached the act for your convenience <https://www.legislation.gov.uk/ukpga/Geo6and1Eliz2/15-16/67>

My request only applies to the military service personnel of the United States of America.

I understand that under this act, the government of the United States of America in certain cases will have the primary right to exercise jurisdiction to investigate and prosecute a member of the US military for an offence that is alleged to have occurred in the United Kingdom (ie asserting primacy over the UK authorities).

This process has, for example, been set out in this policy paper published by the Norfolk and Suffolk constabularies.

<https://www.norfolk.police.uk/SysSiteAssets/foi-media/norfolk/policies/visiting-forces-policy.pdf>



INVESTOR IN PEOPLE

Under the act, I would like to ask how many times since January 1 2018 has the government of the United States of America asserted the primary right to exercise jurisdiction (ie primacy) over your force with regard to an offence that is alleged to have been committed by a member of the US visiting forces within your area.

For each occasion, I would like to ask :

1. What was the alleged offence
2. Where did the alleged offence occur
3. On what date did the alleged offence occur
4. Which base or facility was the member of the US visiting force attached to or working at
5. On what date was the primary right to exercise jurisdiction asserted by the United States of America government
6. Did the United States of America authorities then investigate the case, or did your force investigate the case

I understand that if the UK authorities and the government of the United States of America are unable to agree on who should have jurisdiction, the case is referred to the Crown Prosecution Service.

Under the act, I would like to ask - since January 1 2018 - on how many occasions have such cases been referred to the Crown Prosecution Service by your force.

For each occasion, I would like to ask :

- a) What was the alleged offence
- b) Where did the alleged offence occur
- c) On what date did the alleged offence occur
- d) Which base or facility was the member of the US visiting force attached to or working at
- e) On what date was the case referred to the Crown Prosecution Service
- f) What was the decision with respect to whether your force or the United States of America authorities should have jurisdiction

Our response:

The information that you are requesting is not stored in a way which permits easy retrieval.

Like most Forces, Wiltshire Police record crimes in accordance with current Home Office crime recording guidelines. There is currently no specific HO crime code under which we would necessarily record crimes of this nature that were committed specifically by Military personnel as opposed to civilians and/or members of the public.

Whilst our crime recording systems are fairly sophisticated and contain a number of fields in which specific information regarding a crime is recorded (such as victim name, suspect dob, witness age and gender etc) – and which can then theoretically be used to run searches against – we do not have specific fields in which we record the following :-

- a) The involvement of military personnel in general
- b) The involvement of military personnel specifically from the US
- c) Whether any form of referral has been made to the US government or not
- d) The result of any such referral
- e) Whether a case has been referred to the CPS or not

Whilst we do have fields in which we record an individuals' occupation (if known) this field is not mandatory as Forces do not have any general specific reason(s) for knowing this in an investigation. As this field is non-mandatory, in practice it is therefore not populated in most cases and the content of that field is not judged to be accurate to run specific searches against – we would never knowingly place information into the public domain (as this FOI response would be) if we knew it to be inaccurate or unrepresentative.

The information you are requesting would only be held in the narrative of the occurrence log for a crime (or in other supportive documents such as statements etc) and it would necessitate us having to undertake a manual review of each and every crime log for the time period you require in order to determine whether it met your criteria – and if it did – make a note of the relevant information you require.

In any given calendar year Wiltshire Police record in excess of 40,000 individual crimes, so for the potential time period of 2018 to date this would mean reviewing something in the region of 325,000 individual crime records. Even allowing a very conservative 2 minutes per record to undertake this task, it would take us nearly 11,000 man-hours to achieve this.

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

As part of my investigations into this FOI request I can confirm that I have liaised with our Head of Criminal Justice Department who has confirmed the following :-

“We do not record such data for Foreign Military personnel, or any suspect for that matter in our department. Whilst that will sound like a strange sentence on its own, when it comes to case file submissions and CPIA Disclosure we only work with what information is found in a case/investigation. Furthermore, we only record URNs, Names (OIC, suspect, etc.) and any case file quality related information that would constitute compliance. We won't have anything in our data sets that would show if a suspect was a serving member of the United States Military”.

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: 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 Fol 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