



Dear ,

Gloucestershire Constabulary Freedom of Information request 2023.0197

On 13/02/2023 you sent an email constituting a request under the Freedom of Information Act asking the following:

1. Per calendar year, from 2018 up to and including 2022, how many people have been held in police cells under immigration powers? As well as providing the total figure, please also provide:
 - a) The number of people detained who were asylum seekers
 - b) A breakdown by detainee's country of origin
 - c) A breakdown by detainee's gender
 - d) A breakdown by detainee's age in the following categories: under 10, under 16, under 18, 18-75 and over 75
 - e) A breakdown of length of time held in a police cell under immigration powers under the following categories: under 24 hours, between 24 and 48 hours, between 48 and 72 hours, over 72 hours
 - f) For cases where the detainee was held for over 72 hours, please share how long each person was held in a police cell under immigration powers
2. Per calendar year, from 2018 up to and including 2022, how much money has the force received from the Home Office for holding people in police cells under immigration powers?
3. Please share how much the force currently (as of 10 February 2023) receives from the Home Office per person for each day they are held in police cells under immigration powers.

Under the Freedom of Information Act 2000 s1, I can confirm that Gloucestershire Constabulary may hold some relevant information.

Unfortunately, it's not possible to electronically search for the information you have requested.

The primary function of the Constabulary's Arrest Recording System is to assist the Constabulary in adhering to Code C of the Police and Criminal Evidence Act. As such, its reporting function is limited. The system does not record detentions under specific offences under the Home Office Counting Rules for Recorded crimes; instead it uses Reason for Arrest (RFA) Categories. Although there is an RFA Category of 'Immigration Offences', such a detention as you describe may be recorded as 'Other – Non-Crime Reportable', which could encompass numerous different reasons for detention. As such, it's not possible to retrieve electronic statistics relating to your request. Therefore in order

to ascertain if any relevant information is recorded, a manual review of hundreds of records would be required. This would clearly take far longer than the 18 hours prescribed by Section 12 of the Freedom of Information Act.

Please see below for suggestions on how you may be able to refine your request to come within the cost constraints of Section 12 of the Act.

Section 17(5) of the Freedom of Information Act 2000 requires Gloucestershire Constabulary, when refusing to provide information (because the information is exempt) to provide you the applicant with a notice which: (a) states the fact, (b) specifies the exemption in question and (c) states (if not otherwise apparent) why the exemption applies.

In relation to your request Section 12 applies.

Section 12(1) – Fee Regulations states:

Section 1(1) of the Act 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. (As detailed in the Data Protection and Freedom of Information Fees Regulations of 2004)

The appropriate limit at the moment is £450 calculated at an hourly rate of £25 per hour for all staff time incurred in:

- i. Determining whether information is held
- ii. Locating it
- iii. Retrieving it
- iv. Extracting the information to be disclosed from the other information.

In accordance with the Act, this letter represents a Refusal Notice for your request.

Under Section 16, duty to assist, I can confirm that if you resubmit your FOI request to foi@gloucestershire.police.uk omitting question 1, we may be able to provide some information.

If you are not satisfied with this response or any actions taken in dealing with your request, you have the right to ask that we review your case under our internal procedure. Please note that a request for an internal review must be made within 20 working days of the response to your original request.

If you decide to request that such a review is undertaken and following this process you are still unsatisfied, you then have the right to direct your complaint to the Information Commissioner for consideration.

Yours sincerely,

Disclosure Officer
Gloucestershire Constabulary