



Your reference:

Our reference: FOI_24_0258

E-mail: FOI

@gloucestershire.police.uk

Direct dial: 01452 754304

Postal Address: As above

Date: 26/03/2024

Dear

Gloucestershire Constabulary Freedom of Information request FOI_24_0258

On 28/02/2024 you sent an email constituting a request under the Freedom of Information Act asking the following:

How many people detained under UK immigration legislation powers have been held in your force's police cells from 01 January 2022 to 31 January 2024?

Please disaggregate by police station and by length of detention, using the following lengths of detention:

- a. Up to 24 hours
- b. 24-48
- c. 48-72
- d. 72-96
- e. 96 - 120
- f. 120 hours plus

Of those held:

- 1. How many were released without restrictions?
- 2. How many were released on immigration bail?
- 3. How many were transferred to another place of detention?

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

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.

Whilst there is a RFA category for Immigration Offences meaning it is possible to search for the number of records, the outcome of an arrest is a field that can be overwritten multiple times so cannot be guaranteed to be the correct final outcome at the time of a search, for example, if an individual is released on bail to return at a later date, this will be the recorded outcome. When they then return to answer bail, this outcome will be updated and overwritten with the next appropriate outcome. The only way to therefore determine if information is held in relation to the outcomes is to manually review all relevant records. This is also the case to determine the length of detention.

Please also note that it is also possible for an individual to be arrested for another offence and later detained for immigration offences. In order to identify these records, a manual review of all authorised detentions would be required.

As this would involve the review of thousands of records, this would take considerably longer than the 18 hours prescribed by the Freedom of Information 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.

Information provided outside of the Act

By way of assistance and although excess cost removes the Force's obligations under the Freedom of Information Act, I have supplied the information relevant to your request which has already been retrieved. 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.

A search of the Arrest Recording System was conducted to identify all detentions authorised between 01/01/2022 and 31/01/2024 where the Reason For Arrest was RFA 45 – Immigration Offences.

A total of 141 records were identified.

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.

The Information Commissioner can be contacted via the following means:

Website - <https://ico.org.uk/>

Call their helpline - 0303 123 1113

Email - casework@ico.org.uk

Post –

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

Yours sincerely,

Disclosure Officer
Gloucestershire Constabulary