



Your reference: n/a

Our reference: FOI_24_0596

E-mail: FOI

@gloucestershire.police.uk

Direct dial: 01452 754304

Postal Address: As above

Date: 26/07/2024

Dear

Gloucestershire Constabulary Freedom of Information request FOI_24_0596

On 18/06/2024 you sent an email constituting a request under the Freedom of Information Act asking the following:

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+

REQUEST 2:

What would you like to know?: Question 2

Can I also respectfully request the following information for the calendar years 2022 and 2023?

1. Statistics on the total number of complaints raised involving custody officers or investigating officers concerning PACE Code C. If this can be broken down by paras 6, 10, 11 and 12, or their respective Notes for Guidance, that would be helpful.

If possible, please include details of outcomes e.g. reflective practice, written warnings, misconduct/gross misconduct hearings, escalation to IOPC or other outcomes such as financial payments for out-of-court settlements.

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

Please note that this information is not held on a central register and in order to ascertain whether we have any relevant information, would require us to review all custody records and their logs for the time period requested. This would result in 1000's of records, for December 2023 alone there were 766 records. Therefore this is likely to exceed 18 hours to determine whether or not any information is held whatsoever.

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.

It may be possible to retrieve some information for Question 1 however, we would require you to clarify your request. If you still require this request, please can a new FOI be submitted with what you define as opened custody records.

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