



Your reference: n/a

Our reference: FOI_24_0978

E-mail: FOI

@gloucestershire.police.uk

Direct dial: 01452 754304

Postal Address: As above

Date: 11/11/2024

Dear

Gloucestershire Constabulary Freedom of Information request FOI_24_0978

On 30/10/2024 you sent an email constituting a request under the Freedom of Information Act asking the following:

Please could I request the following information Under the Freedom of Information Act: For each of the last four calendar years (2019, 2022, 2023, and 2024) could you please provide me with:

1. the number of individual arrests under sections 136 and 137 of the Mental Health Act;
2. the number of individual arrests of children, being under 18-years-old, under sections 136 and 137 of the Mental Health Act;
3. the number of individual instances when a police officer was physically harmed by someone whilst making an arrest or looking after someone under sections 136 and 137 of the Mental Health Act;
4. the number of individual instances of someone self-harming whilst in your custody; and
5. the number of individual instances of someone ending their life whilst in your custody.

Please could you provide this information by email, preferably in a spreadsheet.

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

Unfortunately the information you have requested in question 3 is not held in an easily retrievable format. In order to ascertain if we hold any relevant information would require us to manually review all offences relating to an assault on an emergency worker to see if they relate to a person being detained under section 136 and 137 of the Mental Health Act, or if they are being detained for another reason. For just the period of 01/11/2021 to 10/11/2024 there were a total of 897 recorded crimes for "assault of an emergency worker". To review these would therefore take longer than the 18 hours prescribed by 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.

Providing Information Outside of the Act

By way of assistance and although excess cost removes the Force's obligations under the Freedom of Information Act, we have supplied the information relevant to your request which has already been retrieved. We trust this is helpful but it does not affect our legal right to rely on the fees regulations for the remainder of your request.

Please note under section 136 of the Mental Health Act individuals are not arrested but they are detained to be taken to a place of safety.

From information we have readily available I have been able to provide you with the number of Section 136 detentions recorded between 01/01/2018 and 30/06/2024 this has been broken down by age, split by 0-17yrs and 18+.

Month/Year	0-17	18+	Total
Jan-18	0	16	16
Feb-18	1	14	15
Mar-18	1	15	16
Apr-18	2	14	16
May-18	0	12	12
Jun-18	1	22	23

Jul-18	1	24	25
Aug-18	0	13	13
Sep-18	3	16	19
Oct-18	1	15	16
Nov-18	1	14	15
Dec-18	1	18	19
Jan-19	1	17	18
Feb-19	1	13	14
Mar-19	4	23	27
Apr-19	1	22	23
May-19	6	29	35
Jun-19	1	29	30
Jul-19	2	27	29
Aug-19	0	34	34
Sep-19	2	30	32
Oct-19	1	25	26
Nov-19	1	9	10
Dec-19	1	18	19
Jan-20	0	16	16
Feb-20	0	18	18
Mar-20	2	27	29
Apr-20	0	21	21
May-20	0	24	24
Jun-20	5	30	35
Jul-20	5	32	37
Aug-20	1	33	34
Sep-20	1	40	41
Oct-20	1	40	41
Nov-20	3	38	41
Dec-20	2	19	21
Jan-21	2	28	30
Feb-21	2	39	41
Mar-21	1	24	25
Apr-21	1	41	42
May-21	0	45	45

Jun-21	1	43	44
Jul-21	1	52	53
Aug-21	1	34	35
Sep-21	1	27	28
Oct-21	2	20	22
Nov-21	0	36	36
Dec-21	0	28	28
Jan-22	2	28	30
Feb-22	1	30	31
Mar-22	4	37	41
Apr-22	0	25	25
May-22	0	43	43
Jun-22	2	27	29
Jul-22	0	41	41
Aug-22	2	38	40
Sep-22	2	23	25
Oct-22	1	27	28
Nov-22	2	21	23
Dec-22	1	30	31
Jan-23	0	36	36
Feb-23	3	28	31
Mar-23	0	26	26
Apr-23	0	19	19
May-23	1	34	35
Jun-23	2	26	28
Jul-23	0	25	25
Aug-23	3	24	27
Sep-23	0	22	22
Oct-23	2	28	30
Nov-23	0	23	23
Dec-23	0	30	30
Jan-24	0	26	26
Feb-24	0	35	35
Mar-24	2	37	39
Apr-24	2	23	25

May-24	0	33	33
Jun-24	2	23	25

Under Section 16, duty to assist:

Q1&2 Section 136 detentions have been provide in the table above. If you would like Section 137 detentions please submit a new request.

Q3 Section 12 – unable to provide

Q4 Do you mean those detained under Section 136 and Section 137 or do you mean any custody event?

Q5 Again, do you mean those detained under Section 136 and Section 137 or is this for any custody event?

Should you wish to put in another request with the removal of question 3 and clarification of questions 1,2,4 and 5 please submit a new request to:

Freedom.Information@gloucestershire.police.uk

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