13 August 2018

Freedom of Information Request - Reference No: 20181184

REQUEST

I would like to request under Freedom of Information the number of offences committed in your force area by suspects who have been released under investigation following the changes to bail on April 3, 2017.

Please can you answer these questions,

1. How many suspects have been released under investigation by your force since April 3 last year? If possible please provide a breakdown of the crime type, i.e the number of people accused of murder for example
2. How many of those have gone on to offend whilst released under investigation? Please provide a breakdown if possible of the original offence and the alleged offence leading to their re-arrest or charge.

Request for Clarification / Refinement:

SYP: It is possible to provide you with a response to question 1, but we would be unable to provide a response to question 2 without engaging Section 12 – Appropriate Limit. The only way in which a response to question 2 can be achieved is by manually cross-checking the records extracted from 1 with a number of other systems. This would certainly exceed the 18 hour cost threshold, since there is likely to be 1000s of records to cross –check.

I have enclosed a previous response which will give you an indication of the answer to question 1 and an indication of the numbers involved.

Response: Question 2 is really the pertinent one. Can we answer that one without answering question 1?

SYP: No, I'm afraid not, there is no immediate way or field that can simply be selected to identify re-offenders.
Please advise how you wish to proceed, if at all.

Response: Could we narrow the scope to a more limited time period to answer question 2?

SYP: Narrowing the scope would not assist in this scenario, I'm afraid.   You will see from my initial enclosure I sent for a similar request to your own, that for a period of just 3 months over 1000 records are returned which would require a manual cross reference against previous records. The 1000 records are also the arrests that remain 'Under Investigation' after a period of 6 months since the original arrest, so this figure of 1000 would be so much higher if the count begins the moment an offender is released.

Response: And if the request was amended to charge for a second offence instead of re arrest would that aid?

SYP: No, this would still need cross referencing …

Response: Ok, lets just go for question 1. If I narrowed question 2 to a single month long period would that be acceptable?

RESPONSE

Section 17 of the Freedom of Information Act 2000 requires South Yorkshire 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 following exemption applies to the disclosure of the information:

Section 12(2) – Exemption where cost of compliance exceeds appropriate limit

As indicated in my request for clarification, I am unable to provide you with the data you are requesting, even for just one month as requested in your most recent refinement. The reasons already explained apply. For clarity I will reiterate. Firstly it is important to note that our Custody Handling System is a police system for policing purposes rather than for the purposes of extracting data and statistics for the purposes of answering FOI requests.

At its most basic level, the names and personal details (date of birth, address etc) of detainees are logged on to the system and assigned a 'custody reference' . Each arrest is treated as a single level record and there is no field within the database to record repeat offenders. (This may form part of an officer's investigation into the detainees history and recorded as part of any criminal investigation for each individual case.) In summary, unless someone actively reviews the name of every individual 'released under investigation' against every other record held on the system thereafter, there is no immediate way of extracting names that are repeated in a time frame later than the first. It could be argued that this is creating data for the purposes of answering a request, which, under FOI legislation, we are not required to do. Nevertheless in putting the personal details of each detained into the custody handling system and our Crime Management System (and potentially the Police National Computer for a nationwide check) and manually searching for duplicates in a later date would take in excess of 18 hours.

The Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004 provide that the cost limit for non-central government public authorities is £450. This must be calculated at the rate of £25 per hour, providing an effective time limit of 18 hours. . If you feel your endeavours can be achieved within the appropriate limit by refining your request, South Yorkshire Police would be more than happy to consider any further request.

Guidance from the Information Commissioner to public authorities is that where one part of a request is reasonably estimated to exceed the appropriate limit then the authority is not obliged to consider or comply with the remainder of the request up to the point at which the appropriate limit has been reached. Please note point 30 of the below link:-

https://ico.org.uk/media/for-organisations/documents/1199/costs_of_compliance_exceeds_appropriate_limit.pdf