

28th August 2019

Freedom of Information Request – Reference No:20191743

REQUEST

Under the Freedom of Information Act, I request the release of the following information:

The number of recorded instances where police officers have attended an illegal land incursion in each of the last three years?

The number of recorded instances where police have used the powers contained within Section 61, Criminal Justice and Public Order Act 1994 in each of the last three years?

CLARIFICATION

I have contacted a number of departments including to clarify if we can retrieve the information you are requiring. Our Performance & Governance Unit (PAG) have advised the following:

For Q1 we would be able to retrieve data from the Incident Management System, This system records the majority of calls to South Yorkshire Police requiring the specific deployment of police resources, whether reported by members of the public via 999 or 101 or 'happened upon' by officers and staff in the course of their duties. Each record is a log of events as the incident progresses or unfolds, with very few search fields to extract any meaningful data. But we may be able to retrieve any incidents with a title of Trespass or has Trespass in the wording of the incident. This data could be retrieved up to November 2018 when we moved to a new system but unfortunately due to the new system capabilities we cannot retrieve data in the format you are requesting from Nov 2018 to date. Would this be suitable for your research?

Q2- PAG have advised there is no ADR data return relating to Section 61, therefore this is not recorded data.

FROM THE REQUESTER

Happy to confirm that is suitable.

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 – Exemption where cost of compliance exceeds appropriate limit

After your clarification I approached the Incident Management System Administrator. He searched the system and has advised:

Searching for the phrases '% TRESPASS %' or '% TRESPASSER %' or '% TRESPASSING %' returned 1089 incidents - without reviewing each incident it is not possible to confirm if the incident related to 'an illegal land incursion'. To review the 1089 incidents would take over 90 hours but the yearly breakdown is as below

<i>Year</i>	<i>Incs</i>
<i>2016</i>	<i>355</i>
<i>2017</i>	<i>381</i>
<i>2018</i>	<i>353</i>

In essence, we would have to review and manually check all relevant incidents to extract the detail of the cases that met the criteria of your request; this process would take much longer than 18 hours' work.

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.

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