



Our Ref: 1165.2019-20
Date: 01 April 2020

Civil Disclosure
Joint Corporate Legal Services

Dear Applicant

FREEDOM OF INFORMATION REQUEST REFERENCE NO: 1165.2019-20

I write in connection with your request for information which was received by North Yorkshire Police on 03 February 2020. Please accept our apologies for the delay in providing you with a response. I note you seek access to the following information:

- 1) *Please can you tell me how many reports of controlling or coercive behaviour were made under section 76 of the Serious Crime Act 2015 to officers for the calendar years:*
 - a) 2016
 - b) 2017
 - c) 2018
 - d) 2019
 - e) 2020 to date.
- 2) *Please can you tell me how many arrests under section 76 of the Serious Crime Act 2015 (controlling or coercive behaviour) were made by your officers for the calendar years:*
 - a) 2016
 - b) 2017
 - c) 2018
 - d) 2019
 - e) 2020 to date.
- 3) *Please can you give me the outcomes (charged, not in public interest etc) of the arrests / offences committed identified in the answers to Q1a-c*
 - a) 2016
 - b) 2017
 - c) 2018
 - d) 2019
 - e) 2020 to date.

- 4) *Can you tell me the number of referrals to the CPS by your force for a prosecution under section 76 of the Serious Crime Act 2015 were rejected/not taken forward by the CPS for the calendar years (by this I mean cases brought to the CPS by your police force that is not taken to prosecution for whatever reason eg lack of evidence etc):*
- a) 2016
 - b) 2017
 - c) 2018
 - d) 2019
 - e) 2020 to date.

Extent of Searches to Locate Information

Following receipt of your request searches were conducted within North Yorkshire Police to locate relevant information.

Decision

I am not obliged to provide you with a response to your request pursuant to Section 12(1) of the Freedom of Information Act 2000 (the Act). Please note that when one part of your request falls under Section 12, we are not obliged to review the rest of the questions and the whole request is therefore exempt.

Section 12(1) applies to your request as the cost of complying with your request is above the amount to which we are legally required to respond i.e. the cost of identifying and retrieving any relevant information exceeds the 'appropriate level' as stated in the Freedom of Information (Appropriate Limit and Fees) Regulations 2004.

Due to the nature of our recording systems the information requested, if held, is not in an easily retrievable format. Our information retrieval process generally relies on a computer ran report which captures any information recorded upon the surface of a record or within specified fields. Where relevant information is held deeper in the record, or outside of a specified field, a manual assessment is usually required to retrieve that information. We would be required to manually read through each prosecution record to ascertain if a referral to the CPS had been made. This would involve reading through over a thousand reports, which would exceed the time limit allowed under the Act.

Pursuant to Section 17(5) of the Freedom of Information Act this letter acts as a Refusal Notice.

Pursuant to Section 16 of the Act I am required to offer you advice and assistance with regarding to refining your request to within the 'appropriate limit' (time/cost limit). You may wish to exclude question 4 from a future request. If you wish to discuss this please do not hesitate to contact me.

Please note that systems used for recording information are not generic, nor are the procedures used locally in capturing the data. It should be noted therefore that this force's response to your questions should not be used for comparison purposes with any other responses you may receive.

Complaint Rights

Your attention is drawn to the attached sheet which details your right of complaint.

If you have any queries concerning this request, please contact me quoting the reference number above.

Yours sincerely

Sarah Saunders
Legal Officer (Civil Disclosure)
Joint Corporate Legal Services

COMPLAINT RIGHTS

Are you unhappy with how your request has been handled or do you think the decision is incorrect?

You have the right to request that North Yorkshire Police review their decision.

Prior to lodging a formal complaint you are welcome and encouraged to discuss the decision with the case officer that dealt with your request.

Ask to have the decision looked at again –

The quickest and easiest way to have the decision looked at again is to telephone the case officer that is nominated at the end of your decision letter.

That person will be able to discuss the decision, explain any issues and assist with any problems.

Complaint

If you are dissatisfied with the handling procedures or the decision North Yorkshire Police made under the Freedom of Information Act 2000 (the Act) regarding access to information you can lodge a complaint with North Yorkshire Police to have the decision reviewed. North Yorkshire Police must be notified of your intention to complain within 2 months of the date of its response to your Freedom of Information request. Complaints should be made in writing and addressed to:

Force Solicitor and Head of Legal Services
North Yorkshire Police
Alverton Court
Crosby Road
Northallerton
North Yorkshire
DL6 1BF

In all possible circumstances North Yorkshire Police will aim to respond to your complaint as soon as practicable but within 20 working days.

The Information Commissioner

After lodging a complaint with North Yorkshire Police if you are still dissatisfied with the decision you may make application to the Information Commissioner for a decision on whether the request for information has been dealt with in accordance with the requirements of the Act.

For information on how to make application to the Information Commissioner please visit their website at <https://ico.org.uk> Alternatively, phone: 0303 123 1113 or write to:

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