



Dear Daniel Elliott,

Gloucestershire Constabulary Freedom of Information request 2019.0682

On the 17th June 2019 you sent an email constituting a request under the Freedom of Information Act asking the following:

During 2018, How many people classed as IC1/IC2 (combined) were arrested (charged or not) by officers of your force area for the following.

1. Breach of the peace
2. Hate Speech specifically against disability, race, religion, sexual orientation or transgender identity
3. Section 5 of the POA

and during 2018, how many people classed as IC6 were arrested (charged or not) by officers of your force area for the same

1. Breach of the peace
2. Hate Speech specifically against disability, race, religion, sexual orientation or transgender identity
3. Section 5 of the POA

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

Unfortunately, there is no way of electronically retrieving the information you have requested. This is because the Arrest Recording system's primary function is to assist the Constabulary in adhering to Code C of the Police and Criminal Evidence Act. As such, the system does not record arrests as per the Home Office Counting Rules but instead by Reason for Arrest (RFA) Categories. The only way of trying to determine whether any relevant information is held and to retrieve that information would be to manually review each arrest in all possible arrest codes. This would involve the review of hundreds of records and would therefore take far longer than the 18 hours prescribed by the Freedom of Information Act.

Please see below for suggestions on how you can 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.

Under Section 16 of the Act, I confirm that the Constabulary could search its crime database for offences that fall under the Home Office offence group of Public Order, and where a hate crime tag has been applied.

If you wish to submit a request on this basis, please let us know.

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.

Yours sincerely,

Miss N Cramb
Disclosure Officer
Gloucestershire Constabulary