



Dear H Clugston,

## REQUEST

I am writing to make a request under the Freedom of Information Act for data on people detained by the force under the Mental Health Act.

For the 2019-20 and the 2020-21 financial years, please tell me:

- 1) The number of people detained under the Mental Health Act, broken down by officer-perceived ethnicity
- 2) The type of vehicle officers used to transport those detained to a place of safety, broken down by officer-perceived ethnicity. Please split these by ambulance, police vehicle, other health vehicle, other, not known, or none (already at a place of safety).
- 3) The place of safety used for those detained, broken down by officer-perceived ethnicity. Please split these by police station, A&E, private home, health based place of safety, other, and not known.
- 4) For those people transported using a police vehicle, please specify whether an ambulance was requested, broken down by officer perceived ethnicity.
- 5) For those people detained and taken to a police station, please specify the reason for the police station being used, broken down by officer perceived ethnicity. For instance in England, officers may take a person to a police station as a place of safety if they are over 18 and their behaviour poses an imminent risk of serious injury or death to that person or others (abbreviated in Home Office data as 'conditions in Regulations were met').
- 6) For those people detained and taken to a police station, please provide a breakdown of their officer perceived ethnicity and the duration in hours of their stay in the police station.

7) For those people detained and taken to a police station, please provide a count of those who were arrested for committing an offence, broken down by officer perceived ethnicity.

For all ethnicity breakdowns, please use Home Office/ONS categorisations. These consist of 'White', 'Black', 'Asian', 'Mixed', and 'Other'. Please include Chinese persons in the category of Other.

## RESPONSE

Section 1 of the Freedom of Information Act 2000 (FOIA) places two duties on public authorities. Unless exemptions apply, the first duty at s1(1)(a) is to confirm or deny whether the information specified in a request is held. The second duty at s1(1)(b) is to disclose information that has been confirmed as being held. Where exemptions are relied upon Section 17 of the FOIA requires that we provide the applicant with a notice which: a) states that fact; b) specifies the exemptions in question and c) state (if that would not otherwise be apparent) why the exemption(s) applies.

From our preliminary assessment we are unable to provide this as it would exceed the appropriate costs limit under section 12 of the Freedom of Information Act 2000. This is currently £450. The basis for this calculation is the cost of retrieving the data to answer your questions

To obtain the relevant information relating to the above request we would need to complete a manual trawl of custody records. This is because the level of detail you have requested cannot be extracted using business reporting tools. There would be approximately 450 records that would need to be reviewed to provide the level of detail required. This is estimated to take 10 minutes per record equating to 75 hours work. Your entire request is therefore refused.

The appropriate limit is defined in the Data Protection and Freedom of Information (Fees and Appropriate Limit) Regulations 2004, which is covered by statutory Instrument Number 3244 of 2004. Furthermore, Section 12 of the Freedom of Information Act 2000 allows a public authority to refuse to respond to a request for information where the cost of compliance would exceed the appropriate limit as defined by the above mentioned regulations.

However in order to assist you if you were to resubmit limited to Q1 we may be able to provide a response within the limitations of the Act.

If you are not satisfied with the decision applied in this case I enclose for your attention a copy of the Constabulary's appeal procedures.

Regards,

### **Lucy Taylor – Request Decision Maker**

Cheshire Constabulary and Cheshire Fire & Rescue Service Joint Corporate Services  
Clemonds Hey | Oakmere Road | Winsford | Cheshire | CW7 2UA

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