

PROTECT PERSONAL

Our Ref: 159.2015-16

Your Ref:

Date: 24 June 2015



Police and Crime
Commissioner
North Yorkshire



Joint Corporate Legal Services

Ms A Snodgrove
[request-268633-
5981853d@whatdotheyknow.com](mailto:5981853d@whatdotheyknow.com)

Dear Ms Snodgrove

FREEDOM OF INFORMATION REQUEST NO: 159.2015-16

I write in connection with your request for information which was received by North Yorkshire Police on the 18th May 2015. Please accept our apologies for the delay in providing you with a response. You requested the following information:

With reference to a previous Freedom of Information request, outlined here:

https://www.whatdotheyknow.com/request/costs_relating_to_citizen_journa#incoming-652925, I refer to my question and your answer given here again below:

"Question 2 – who prepared the cost breakdown

The breakdown was prepared by Joint Corporate Legal Services on information submitted by the different departments involved. "

(1) Will you please advise the date on which date the final compilation of estimated costs was completed by Joint Corporate Legal Services and submitted to the Chief Constable and/or the Police Commissioner for consideration/approval/information, whichever the case may be.

(2) Will you please give me sight of that document, and advise the name and position of the signing authority that approved the final document, or wrote the covering memo, as the case may be.

(3) Please advise how many different departments were involved in the submission of the "best estimate" expenses, and which departments submitted the information.

(4) Please advise the dates on which the project to compile these costs from the different departments was (a) commenced, and (b) completed.

(5) Please advise who made the recommendation to commence the project to compile costs, who approved the decision, and the date of the approval to commenced the project.

(6) May I please have sight of any memorandum or document with regard to (4) and (5) above?

(7) Please advise how many different police personnel were involved in the expenditure of officer time ("Police officer time from December 2011 to September 2014; 94.6 months - £386,347 "), and what their formal positions were at the time.

(8) Please advise each type of process , work or task undertaken by each officer in relation to your response here, "Police officer time from December 2011 to September 2014; 94.6 months - £386,347 ".

PROTECT PERSONAL

Jane Wintermeyer BSc (Hons) Acting Force Solicitor & Head of Legal Services
Police Headquarters | Newby Wiske Hall | Northallerton | North Yorkshire | DL7 9HA
DX No 68810 NORTHALLERTON 2 | Telephone 01609 789297 | Fax 01609 789987

Non-emergency
Number



PROTECT PERSONAL

For example, "visiting the accused and issuing warnings", or "writing to the accused", or "meeting with complainants and taking statements", or "surveillance of accused".

(9) How many visits were made to the accused to speak with them about complaints/harassment allegations prior to the commencement of civil action? What were the dates of the visits?

(10) How many written warnings and/or communications were issued to the accused prior to the commencement of civil action? What dates were these communications sent?

(11) On what dates were arrest warrants issued and served, or attempted, and criminal charges laid or attempted against the accused, and against whom specifically?

(12) How many telephone calls were made to the accused regarding harassment allegations prior to the commencement of civil action?

(13) What portion of the "Police officer time from December 2011 to September 2014; 94.6 months - £386,347 " was spent writing to the accused for any reason whatsoever in relation to harassment allegations, criminal or civil, prior to the commencement of the current civil action, and what was the objective of the written communication?

(14) What portion of the "Legal services work from October 2010 to June 2014; 243.1 hours - £7,424.73" was spent writing to the accused for any reason whatsoever in relation to harassment, and what was the objective of the written communication?

(15) With reference to " Chief constable Dave Jones is one of nine applicants going to court to get an injunction against three men the force says are waging "a campaign of personal harassment" that has cost the public purse more than £400,000.<http://www.yorkshirepost.co.uk/news/main-topics/general-news/citizen-journalists-hit-back-over-legal-action-to-close-down-media-by-north-yorkshire-police-1-7121931> will you please name the other eight applicants. Please indicate which and/or how many of these applicants is currently serving with North Yorkshire Police, the Police and Crime Commissioner's Office, or the North Yorkshire Police Authority.

(16) Please indicate which, and/or how many, of these applicants is not currently employed by any of the above agencies?

(17) Please indicate which, and/or how many, of these applicants never were, at any time, employed by any of the above agencies.

(18) On what dates were actions taken by police officers or the Chief Constable to stop the alleged harassment under Section 2 of Domestic Violence, Crime and Victims Act 2004, Section 1 Malicious Communications Act, 1988, or any other appropriate criminal legislation. Please include details of police and/or legal department actions taken to stop the alleged harassment on those dates, including warning the alleged offenders, and/or any charges that were laid, or warrants issued.

(19) Will you please give me the date on which a decision was made to commence civil action, name the decision maker, and give me sight of any documentation which refers this decision.

(20) How much of the (a) "Police officer time from December 2011 to September 2014; 94.6 months - £386,347 ", (b) Legal services work from October 2010 to June 2014; 243.1 hours - £7,424.73, and (c) Chief Officer time; 259.08 - £9,308.85 was incurred in direct contact with applicants who are not currently employed either by North Yorkshire Police, the Police and Crime Commissioners Office, or North Yorkshire Police Authority, either in person, by phone, or by written communications.

(21) How much of the (a) "Police officer time from December 2011 to September 2014; 94.6 months - £386,347 ", (b) Legal services work from October 2010 to June 2014; 243.1 hours - £7,424.73 (c) Chief Officer time; 259.08 - £9,308.85 was incurred in research of law, investigation of allegations, background investigation in connection with applicants who are NOT currently employed either by North Yorkshire Police, the Police and Crime Commissioners Office, or North Yorkshire Police Authority.

PROTECT PERSONAL

PROTECT PERSONAL

(22) How much costs have been incurred between June 2014 and the date of this Freedom of Information request with regard to this civil action. Please break these costs down by (a) police officer time (b) legal services (c) Chief Constable's time (d) other.

(22) What is North Yorkshire Police's best estimate of the (a) legal costs (b) officer and Chief Constable, and (c) court costs that would be likely to result from criminal charges being laid, as opposed to civil action, and who made this comparison before making the decision to take civil action?

(23) (a) On what date was this comparison/evaluation made?

(b) May I please have sight of the evaluation document?

(24) (a) With regard to the current civil action, what are the costs incurred, from the decision to take civil action to date, of legal services provided by North Yorkshire Police legal personnel and staff (including liaising, interviewing, and communicating) with respect to applicants/plaintiffs included in the action who are not currently employed by North Yorkshire Police, the Police and Crime Commissioners Office, or North Yorkshire Police Authority, and

(b) those who never were employed by North Yorkshire Police, the Police and Crime Commissioners Office, or North Yorkshire Police Authority at the time of the alleged harassment incidents?

(25) How many external legal firms are engaged for the purpose of civil action to be taken against the three named persons in the allegations of harassment, what is the cost to date, and what portion is to be financed by any private citizens involved as applicants/plaintiffs in this action?

(26) Please name the legal firms engaged for this purpose.

(27) How many Freedom of Information requests, in total, have been received by North Yorkshire Police in relation to the civil action and/or the newspaper articles, such as this one? <http://www.yorkpress.co.uk/news/11807294.Police-taking-civil-action-against-three-men-claimed-to-be-conducting-a-campaign-of-personal-harassment-/?ref=mr>

(28) How many FOI responses have been completed in this respect?

Extent and Result of Searches to Locate Information

To locate the information relevant to your request, searches were conducted within North Yorkshire Police.

Decision

I am not obliged to provide you with a response to your request pursuant to Section 12(2) of the Freedom of Information Act 2000 (the Act).

Section 12(2) applies to your request as the cost of determining whether or not North Yorkshire Police hold information relevant to your request is above the amount to which we are legally required to respond *i.e.* the cost of identifying any relevant information exceeds the 'appropriate level' as stated in the Freedom of Information (Fees and Appropriate Limit) Regulations 2004.

In order to answer your request a manual search through all electronic and paper records held by the operational officers, the legal services team and all Chief Officers would be required. This would involve reading through documents spanning the last 7 years. As such, the cost of providing you with the information is above the amount to which we are legally required to

PROTECT PERSONAL

PROTECT PERSONAL

respond, i.e. the cost of locating and retrieving the information exceeds the 'appropriate level' as stated in the Freedom of Information (Fees and Appropriate Limit) Regulations 2004.

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). If you wish to discuss how you may wish to refine your request then please contact me.

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

Emma Morris
Police Lawyer (Civil Disclosure)
Joint Corporate Legal Services

PROTECT PERSONAL

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 require the North Yorkshire Police to 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 of the North Yorkshire Police made under the Freedom of Information Act 2000 (the Act) regarding access to information you can lodge a complaint with the 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
Newby Wiske Hall
Northallerton
North Yorkshire
DL7 9HA

In all possible circumstances the 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 the 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 www.informationcommissioner.gov.uk. Alternatively, phone or write to:

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire SK9 5AF
Phone: 01625 545 700