



Derbyshire Constabulary

Mr Robert Watson

Telephone: 101
Direct Line: 0300 122 8752
Ask For: Freedom of Information
Our Ref: 003420/18
Your Ref: Stalking and Coercive Control Arrests
Date: 1 November 2018

Dear Mr Watson

FREEDOM OF INFORMATION REQUEST - REFERENCE NO: 003420/18

I write in connection with your request for information which was received by Derbyshire Constabulary on 02/10/2018. I note you seek access to the following information:

1. *How many complaints were recorded under Section 76 of the Serious Crime Act 2015 for 'Controlling or Coercive Behaviour in an Intimate or Family Relationship' over the following periods:*
 - a. *1 January 2016 to 30 June 2016?*
 - b. *1 July to 31 December 2016?*
 - c. *1 January 2017 to 31st December 2017 1.d 1 January 2018 to 30th June 2018*
2. *How many complaints of 'stalking and harassment' were recorded over the following periods:*
 - a. *1 January 2015 to 30 June 2015?*
 - b. *1 July 2015 to 31 December 2015?*
 - c. *January 2016 to 30 June 2016?*
 - d. *1 July 2016 to 31 December 2016?*
 - e. *1 January 2017 to 31 December 2017*
 - f. *1 January 2018 to 30th June 2018*
3. *How many people were arrested under Section 76 of the Serious Crime Act 2015 for 'Controlling or Coercive Behaviour in an Intimate or Family Relationship' over the following periods:*
 - a. *1 January 2016 to 30 June 2016?*
 - b. *1 July to 31 December 2016?*
 - c. *1 January 2017 to 31st December 2017 1.*
 - d. *1 January 2018 to 30th June 2018*
4. *How many people were arrested for 'stalking and harassment' over the following periods:*
 - a. *1 January 2015 to 30 June 2015?*
 - b. *1 July 2015 to 31 December 2015?*
 - c. *January 2016 to 30 June 2016?*
 - d. *1 July 2016 to 31 December 2016?*



INVESTOR IN PEOPLE

Constabulary Headquarters Butterley Hall Ripley Derbyshire DE5 3RS
Incoming telephone calls and data communications may be monitored and recorded



Awarded for excellence

- e. 1 January 2017 to 31 December 2017 1
- f. 1 January 2018 to 30th June 2018

5. Please provide a breakdown of the official recorded crime outcomes of the arrests set out above in Q3 and Q4 (charged, cautioned, no further action etc.), broken down over those same periods of time.

Result of Searches

Following receipt of your request, searches were conducted within Derbyshire Constabulary to locate any relevant information. The searches located some information relevant to your request.

Decision

On this occasion I am unable to provide you with the information you requested under the Freedom of Information Act 2000 as I have applied Section 12 of the Act - 'Excess Fees' to Q5 relative to Q4 disposals; the rationale for which is shown below.

This letter therefore represents our formal refusal to supply the information you requested.

However, I would ask you to view the Section, Information provision outside the Freedom of Information Act 2000 also below.

Reason(s)

Section 12(1) of the Freedom of Information Act 2000 provides that Section 1(1) (General Right of Access to Information) 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."

The Constabulary utilises a computerised custody system for the management of arrested persons and associated matters; inclusive of disposals. However, rather than simply extracting the most relevant disposal for an individual the system extracts all disposals recorded. As a consequence the only way to extract relevant data is to physically review the information held and extract the correct data. Whilst the data re Q5 relative to disposals for Q3 was problematic the low numbers made this process feasible. However, as there are 3869 records for the period January 2015 to 30 June 2018 to complete this task would require in excess of 32 staff hours; a figure well above the nationally agreed threshold.

The costs limit is set by the Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004. For non-central government public authorities such as the Derbyshire Constabulary the appropriate limit is £450 (which can be calculated as 18 hours of work where an hour is charged at a standard national rate of £25). This means that, in effect, there is a time limit of 18 hours.

The public authority's estimate of the cost of compliance should be "*sensible, realistic and supported by cogent evidence*" - Information Tribunal: *Randall v Information Commissioner and Medicines and Healthcare Products Regulatory Agency* (EA/2006/0004)

Regulation 4(3) provides that the following factors can be taken into account when formulating a cost estimate:

- (a) Determining whether it holds the information,
- (b) Locating the information, or a document which may contain the information,
- (c) Retrieving the information, or a document which may contain the information, and
- (d) Extracting the information from a document containing it.

Section 17(5) of the Freedom of Information Act 2000 a public authority which, in relation to any request for information, is relying on a claim that section 12 or section 14 applies must, within the time for complying with section 1(1), give the applicant a notice stating that fact.

Information provision outside the Freedom of Information Act 2000

I acknowledge that we have identified that excess cost is an issue in this matter and that we are unable to provide the information that you require. In accordance with our duty under Section 16 to provide assistance in relation to requests for information and in keeping with the spirit of the Act, on this occasion, I am providing some retrieved information for that part of your request which was retrieved or available before it was realised that the fees limit would be exceeded. However, I realise that providing only partial information may not assist you.

For the sake of completeness I should also point out that as the whole request exceeds the fees limit we are not obliged to indicate further where either exemptions or a “neither confirm nor deny” response may have been relevant to any part of your request.

Should you be able to substantially amend your request it may be possible to provide some information within the fees limit. However, given the above position and in line with my responsibilities under Section 16 of the Act I am at this time unable to offer any alternative(s). Additionally I need to add that it is our policy to decline the opportunity to undertake such retrieval at cost payment as the apparent result appears to be disproportionate to the effort of our resources to achieve it.

I am sorry that on this occasion we cannot provide the information that you requested but I hope you understand that there is a finite limit to the amount and scope of retrievable information we record in terms of effective resource use.

NB A public authority is not obliged to assist an applicant in redefining a request to within the time/cost limit, if there is no probability of achieving this. This was confirmed in Decision Notice 50194062.

1. Please see below
 - a. 4
 - b. 26
 - c. 101
2. Please see below
 - a. 576
 - b. 657
 - c. 614

- d. 597
- e. 1268
- f. 910

3. Please see below

- a. 3
- b. 12
- c. 42
- d. 23

4. Please see below

- a. 651
- b. 657
- c. 573
- d. 547
- e. 989
- f. 452

5. Please see the below table relative to Q3 only.

Date	Outcome	Amount
January 2016 to 30 June 2016?	Charge	1
	No Further Action	1
	Not Proceeded With	1
1 July 2016 to 31 December 2016?	MG04 Charge and Conditional Bail	1
	MG04 Charge and Remand	1
	Refused Charge	1
	Refused Charge - CPS Decision	3
	Refused Charge -Police Decision	5
	Reported for Further Process	1
1 January 2017 to 31 December 2017	Domestic Violence Protection Notice	1
	MG04 Charge and Conditional Bail	5
	MG04 Charge and Remand	7
	Police Bail - Further Enquiries - With Conditions	2
	Refused Charge	15
	Refused Charge - CPS Decision	1
	Released Under Investigation	2
	Released Under Investigation - From Bail	8
	Reported for Further Process	1
1 January 2018 to 30th June 2018	MG04 Charge and Conditional Bail	2
	MG04 Charge and Remand	81

	Refused Charge	11
	Released Under Investigation	1
	Released Under Investigation - From Bail	1

Right to Request a Review (Complaint)

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

I would like to take this opportunity to thank you for your interest in Derbyshire Constabulary.

Should you have any further enquiries concerning this matter, please write or contact the Freedom of Information Officer, on the above telephone number quoting the reference number in the header.

Yours sincerely

Kevin Lea
Freedom of Information Officer

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