

22nd November 2019

Freedom of Information Request – Reference No:20192900

REQUEST

Please tell me:

- 1. The number of crimes committed by people who have been released under investigation.*
- 2. Please stipulate whether multiple crimes have been committed by the same person. I do not require any identifying information about the perpetrator.*

Please can I have the information from 1st January 2016 to 15th November 2019 - I ask for the information to be broken down yearly (2016-2019) into the numbers of crimes and a brief description of the crime – if feasible.

CLARIFICATION

South Yorkshire Police has received a number of similar requests to yours in the past.

<https://www.southyorkshire.police.uk/find-out/accessing-information/request-information-under-the-freedom-of-information-act/released-under-investigation-ref-20190665-9/>

FROM THE REQUESTER

That's incredibly helpful, and just the kind of information we are after – however our time frame is slightly broader than that.

So could I please have the data from 1st jan 2016 to 15th Nov 2019 – the number of crimes (and types of crimes) committed by people while released under investigation.

RESPONSE

Section 17 of the Freedom of Information Act 2000 requires South Yorkshire Police, when refusing to provide such information (because the information is exempt), to provide you the applicant with a notice which:

- states that fact,
- specifies the exemption in question and
- states (if that would not otherwise be apparent) why the exemption applies.

The following exemption applies to the disclosure of the information:

Section 12 – Exemption where cost of compliance exceeds appropriate limit

As advised in clarification link to retrieve and type of crimes committed by an individual after being “Released under Investigation” would require manually cross referencing to check further arrests within the force to see if they linked to a previous “Released under Investigation” records. This would amount to many thousands of records to check.

Even with the fact “Released under Investigation” was only introduced from 3rd April 2017 so therefore reducing your time parameters, this process would still take much longer than 18 hours’ work.

The Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004 provide that the cost limit for non-central government public authorities is £450. This must be calculated at the rate of £25 per hour, providing an effective time limit of 18 hours.

Guidance from the Information Commissioner to public authorities is that where one part of a request is reasonably estimated to exceed the appropriate limit then the authority is not obliged to consider or comply with the remainder of the request up to the point at which the appropriate limit has been reached. Please note point 30 of the below link:-

https://ico.org.uk/media/for-organisations/documents/1199/costs_of_compliance_exceeds_appropriate_limit.pdf

Although excess cost removes the force's obligations under the Freedom of Information Act, as a gesture of goodwill, I have supplied information, relative to your request, retrieved or available before it was realised that the fees limit would be exceeded. I trust this is helpful, but it does not affect our legal right to rely on the fees regulations for the remainder of your request neither does it bind South Yorkshire Police to any commitment that it will release information in such a manner in the future .

For further information:

The link provided in the clarification above states that South Yorkshire Police implemented a new recording system called Connect in December 2017, unfortunately we are unable to retrieve arrest data from the Connect system from 6th December onwards due to retrieval capabilities. We are working to try and resolve this situation as swiftly as possible.

Therefore the retrievable data (03/04/2017 – 06/12/2017) for your request has been already provided on this link:

<https://www.southyorkshire.police.uk/find-out/accessing-information/request-information-under-the-freedom-of-information-act/released-under-investigation-ref-20190665-9/>