



Our Ref: 000815/21

Your Ref:

Address Correspondence to: Information Management

Date 15 April 2021

Freedom of Information Act 2000

I write further to your request for information received 10/03/2021.

I note you seek access to the following information:

1. *Please provide a copy of your force's policy on obtaining informed consent to remote legal advice during the pandemic and assistance in custody, including the date this policy was introduced.*
2. *Please provide copies of all materials that your force provides to suspects to inform their decision about whether to consent to remote legal advice during the pandemic and assistance in custody, including the date you started providing these materials.*
3. *Please provide a copy of all training materials and guidance that is provided to officers on obtaining informed consent to remote legal advice and what to do if consent is refused, including the date this training and guidance was first introduced.*
4. *How many police interviews did your force conduct in July 2020 with (i) children and (ii) vulnerable adults?*
 - a. *In how many of those interviews was legal advice and assistance provided remotely?*
 - b. *In how many of those interviews did you record whether the individual gave informed consent to receiving that advice and assistance remotely?*
5. *Please supply the wording of any statement or question in your custody IT system associated with the recording of consent for remote legal advice.*
6. *What were the total costs incurred by the force (including staff and premises if available) in operating video remand courts from March to December 2020? For how many weeks from March to December 2020 did your force operate video remand courts?*
7. *What estimate has your force made of the total annual costs for the force should you be required to operate video remand courts in the future even if PECS is given permission to and does operate within police custody?*

Following receipt of your request, searches were conducted within Leicestershire Police to locate information relevant to your request.

Your request for information has now been considered and the information asked for is as follows: -

Leicestershire Police are committed to providing fair and dignified justice for all members of the community that we support throughout their custody experience. Our crime and justice teams are working to national NPCC guidance which was devised to ensure the health, safety and wellbeing of all those using custody facilities throughout the pandemic. This protocol is the Joint Interim Interview protocol (JIIP).

Government guidance presents challenges when it comes to social distancing where the use of custody is an unavoidable requirement. JIIP has allowed Leicestershire police and forces nationally to continue with justice processes despite the challenges of the pandemic. This Protocol accepts that remote interviews by video and audio link are not within the current letter of the Code of Practice, but in the present circumstances of the Coronavirus pandemic they are within the spirit of recent amendments to criminal procedure, law and evidence in the Coronavirus Act providing fair, reasonable and proportionate options to be made available to a detainee who has the benefit of legal advice and who having been fully informed and advised (and together with their appropriate adult where one is required and their defence representative) consents to a remote interview. This enables the rights and interests of detained persons to be protected during the unprecedented circumstances of the Coronavirus crisis.

All custody staff had been briefed by supervisors/team leaders when the JIIT was launched, providing information and training on the expectations and requirements of JIIT. Ensuring that they had a clear understanding of expectations regarding virtual interviews. Their direction is to verbally inform detainees on virtual processes and for it to be recorded on a custody record and check their understanding, along with the knowledge and consent of solicitor and appropriate adult (AA) where required. The custody team is open to considerations regarding vulnerability and children when it comes to virtual interviews, ensuring each decision is made based on individual requirements, pre any virtual interview, or partially virtual interview takes place. There is no physical information passed to a detainee on virtual processes outside of a copy of the codes of practice should the detainee wish to view it.

We have joined the East Midlands region in withdrawing from the virtual remand hearings (VRH). Although we retain the facility to use the virtual systems should an unexpected need occur, they are no longer used as part of daily business and are an exception as opposed to the rule. There are no immediate plans within the Leicestershire Crime and Justice system to reintroduce this process.

We in Leicestershire police are aware that organisations' such as 'Transform Justice', 'Fair trials' and 'NANN' (National appropriate adult network) are opposed to these interim 'virtual' measures. As a result of this and the ever changing road map, out of pandemic measures, JIIT is being scrutinised and reviewed in upcoming Chief Officer's council meetings. We look forward to any amendments to the guidance.

Any further information is considered exempt by virtue of Section 12.

Section 12 – Cost of compliance exceeds appropriate limit.

The further information you have requested would require a manual review of around 1228 records to establish whether they were interviewed with remote assistance. This would take well in excess of 18 hours.

In order to retrieve the information you have requested would therefore be in excess of the 18 hours specified by the Home Office as the time period for which a police force should allocate to a request under the Freedom of Information Act 2000.

In the Freedom of Information (Fees and Appropriate Limit) Regulations 2004, the current regulatory limit which has been set by the Secretary of State for public authorities, which includes the police service, is £450 for the marginal costs which are the costs of finding, sorting, editing or redacting information and disbursements (printing, photocopying etc.). The Association of Chief Police Officers have agreed a national standard of an hourly rate of £25 is to be charged for the time taken. In essence therefore, the costs equate to 18 hours work per request. It will be apparent therefore that within the time frame of 18 hours it will not be possible to extract the information to answer any of your questions.

In accordance with the Freedom of Information Act 2000, this letter acts as a Refusal Notice under s12 (1) as the cost of providing you with the information is above the amount to which we are legally required to 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.

Leicestershire Police provides you the right to ask for a re-examination of your request under its review procedure. Letters should be addressed to Information Manager, Corporate Services Department at the above address. If you decide to request such a review and having followed the Force's full process you are still dissatisfied, then you have the right to direct your comments to the Information Commissioner who will give it consideration.

Yours sincerely

Freedom of Information Officer
Leicestershire Police

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