



Our Ref: 001925/21

Your Ref:

Address Correspondence to: Information Management

Date 02 July 2021

Freedom of Information Act 2000

I write further to your request for information received 04/06/2021.

I note you seek access to the following information:

For the calendar years of 2019 and 2020, I would like you to provide me with the number of people booked into the force's custody suites following an arrest, broken down by month. I would like you to provide me with the age, sex and ethnicity of each detainee as well as the crime or power under which they were detained.

For each detainee, I would like you to provide me with the time of arrival at the designated custody facility and the time of their custody record's closure, regardless of whether the outcome was bail, RUI, a charge or any other outcome. I am seeking only the time arriving in and leaving custody detention so please do not include days on bail etc.

For each detainee, please provide the total number of time spent in police custody in minutes

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: -

Please see attached spreadsheet containing information relating to your request.

The Leicestershire Police Service can neither confirm nor deny that it holds any further information relating to your request as the duty in s1(1)(a) of the Freedom of Information Act 2000 does not apply, by virtue of the following exemptions:

- Section 24(2) National Security;
- Section 31(3) Law enforcement;

This should not be taken as conclusive evidence that any information that would meet your request exists or does not exist.

Sections 24(2), and 31(3) are qualified and require us to carry out a harm and public interest balancing test before they can be relied upon.

Overall harm for the NCND

In order to counter criminal and terrorist behaviour it is vital that the police and other agencies have the ability to work together, where necessary covertly, in order to obtain intelligence within current legislative frameworks to ensure the successful arrest and prosecution of those who commit or plan to commit acts of terrorism and other criminality. In order to achieve this goal, it is vitally important that information sharing takes place with other police forces and security bodies within the UK and Internationally in order to support counter-terrorism measures in the fight to deprive international terrorist networks of their ability to commit crime.

It should be recognised that the international security landscape is increasingly complex and unpredictable. The UK faces a serious and sustained threat from violent extremists and this threat is greater in scale and ambition than any of the terrorist threats in the past.

Since 2006, the UK Government have published the threat level, based upon current intelligence. The threat level is currently at the second highest level, 'substantial'.

The Police Service is committed to demonstrating proportionality and accountability regarding surveillance techniques to the appropriate authorities. However, if the Police Service were to either confirm or deny that any other information exists, other covert surveillance tactics will either be compromised or significantly weakened. If the Police Service denies a tactic is used in one request but then exempts for another, requesters can determine the 'exempt' answer is in fact a technique used in policing. The impact could undermine national security, any on-going investigations and any future investigations, as it would enable targeted individuals/groups to become surveillance aware. This would help subjects avoid detection, and inhibit the prevention and detection of crime.

The prevention and detection of crime is the foundation upon which policing is built and the police have a clear responsibility to prevent crime and arrest those responsible for committing crime or those that plan to commit crime. To do this the police require evidence and that evidence can come from a number of sources, some of which is obtained through covert means. Having obtained sufficient evidence offenders are charged with offences and placed before the courts. By confirming or denying that any other information pertinent to this request exists could directly influence the stages of that process, and jeopardise current investigations or prejudice law enforcement.

Any information identifying the focus of policing activity could be used to the advantage of terrorists or criminal organisations. Information that undermines the operational integrity of these activities will adversely affect public safety and have a negative impact on both national security and law enforcement.

Factors favouring confirmation or denial for S24

The public are entitled to know how public funds are spent and by confirming or denying that any information relevant to the request exists could lead to a better-informed public that can take steps to protect themselves

Factors against confirmation or denial for S24

By confirming or denying that any further information relevant to the request exists would render Security measures less effective. This could lead to the compromise of ongoing or future operations to protect the security or infra-structure of the UK and increase the risk of harm to the public.

Factors favouring confirmation or denial for S31

By confirming or denying that any information relevant to the request exists, would enable the public to see where public funds are being spent. Better public awareness may reduce crime or lead to more information from the public.

Factors against confirmation or denial for S31

By confirming or denying that any further information relevant to the request exists, law enforcement tactics could be compromised which could hinder the prevention and detection of crime. More crime could be committed and individuals placed at risk.

Balance test

The security of the country is of paramount importance and the Police service will not divulge whether information is or is not held if to do so could undermine National Security or compromise law enforcement. Whilst there is a public interest in the transparency of policing operations and in this case providing assurance that the police service is appropriately and effectively engaging with the threat posed by the criminal fraternity, there is a very strong public interest in safeguarding both national security and the integrity of police investigations and operations in this area.

As much as there is public interest in knowing that policing activity is appropriate and balanced in matters of national security this will only be overridden in exceptional circumstances. Therefore it is our opinion that for these issues the balancing test for confirming or denying whether any information relevant to your request exists is not made out.

There is also no requirement to satisfy any public concern over the legality of police operations and the tactics we may or may not use. The force is already held to account by independent bodies such as The Office of the Surveillance Commissioner and The Interception of Communications Commissioners Office. These inspections assess each constabulary's compliance with the legislation and a full report is submitted to the Prime Minister and Scottish Ministers containing statistical information. Our accountability is therefore not enhanced by confirming or denying that any other information is held.

None of the above can be viewed as an inference that any other information does or does not exist.

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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