

21st August 2018

Freedom of Information Request – Reference No:20181353

REQUEST

- 1) ***How many times has a person arrested by your Police Force been detained for more than 24 hours whilst waiting for a mental health trust to carry out an assessment of the person concerned for the years:***
 - a. ***2014***
 - b. ***2015***
 - c. ***2016***
 - d. ***2017***
 - e. ***2018 so far***

- 2) ***How many times has your Police Force used Section 136 of the Mental Health Act to detain somebody who was already in police custody for the years:***
 - a. ***2014***
 - b. ***2015***
 - c. ***2016***
 - d. ***2017***
 - e. ***2018 so far***

- 3) ***How many times has a person detained by your Police Force under Section 136 of the Mental Health Act been held more than 24 hours waiting for a mental health trust to carry out an assessment of the person concerned for the years:***
 - a. ***2014***
 - b. ***2015***
 - c. ***2016***
 - d. ***2017***
 - e. ***2018 so far***

Please breakdown the figures given by the a) age of the detainee; b) gender of the detainee; c) the reason for the delay and for Q1 & 3 - the total time each detainee was held in police custody.

CLARIFICATION

Please could you clarify the following point(s): -

<https://www.southyorkshire.police.uk/find-out/accessing-information/request-information-under-the-freedom-of-information-act/mental-health-s136-detained-ref20171488/>

<https://www.southyorkshire.police.uk/find-out/accessing-information/request-information-under-the-freedom-of-information-act/detentions-mental-health-ref-20161339/>

FROM THE REQUESTER

Thank you for your flagging up those previous responses. I appreciate they do address a similar issue, but they do not cover the specific information I have requested. I would be grateful if you could let me know if it is possible to get an answer to all or any of the questions I have submitted under the Freedom of Information Act.

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:

- a. states that fact,
- b. specifies the exemption in question and
- c. 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

Q1 - As advised in the clarification email and FOI 20161339 the Custody Handling System doesn't have a flag for Mental Health Arrests, to look for data would require a free text search for arrests with the key words Mental Health Act or 135/136.

This would then take a manual search of the records returned to ascertain which ones fit the criteria of your request. With over 600 arrests in the period 2012 -2016 alone that in some way mention Mental Health, this would take over the 18hr limit allowed in the Freedom of Information Act. 600 arrests x 3 minutes to check each one = 30 hours.

In essence, we would have to manually review all the arrests to extract the detail of any records that met the criteria of your request; this process would 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

In attempt to provide some data requested in the questions for your research, I recontacted the Administrator of South Yorkshire Police's Custody Handling Systems, to see if there were any changes in the system in regards to retrieval.

The administrator advised me that he:

“sought advice from current Custody Suite Inspectors and an experienced Custody Sergeant who was heavily involved in the introduction of Connect from the Custody view the old Custody system - the data requested is not available from the system”