

25 June 2020

Freedom of Information Request - Reference No: 20201323

REQUEST

To clarify, that is each of the last five full calendar years, 2015-2019, and 2020 to date.

Following my previous request, which this supersedes, please can you provide the following information.

1) How many deaths in your custody have occurred in each of the last five years, broken down by year.

2) Please break this down by police station responsible,

3) ethnicity of the deceased,

4) and whether force was used against them by officers, and if so, what sort of force, broken down by year.

5) And please also breakdown whether the person was restrained.

6) And please could you confirm whether an IOPC investigation took place after any death. And whether it was self-referred.

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 exemptions apply to the disclosure of the information:

Section 40(2) - Personal Information.

Section 30(1) - Investigations & Proceedings conducted by public authorities.

This is an absolute exemption and therefore a Public Interest Test is not relevant. However, for clarity, I will explain my rationale for engaging this exemption.

Section 40(2) provides that information is exempt if it is the personal data of someone other than the applicant and disclosure would breach any of the data protection principles. The term 'personal data' means data that relates to a living individual who can be identified.

Information disclosed under the Freedom of Information Act is disclosed into the public domain, effectively to the world, not just to one individual. The cumulative effect of full disclosure at this moment may lead to the identification of those involved ie family/relatives. Although some of this information may already be in the public domain via the media, it would be unfair to disclose further information under the Freedom of Information Act, as it would effectively be releasing it to the world and this would breach the right to privacy afforded to persons under the Data Protection Act 1998

HARM

It is important to state that a response to a Freedom of Information request is not just published to the requestor, but also to the world as well, by its possible publication on the forces disclosure log. Therefore, any material provided within the response could be potentially viewed by anyone who wished to see it.

Releasing details may jeopardise the work done within communities to increase the public's confidence in reporting and giving assistance to the Force and may affect continuing police investigations which could compromise any further lines of enquiry and the integrity of any investigations.

PUBLIC INTEREST TEST

Section 30 – Favouring non- Disclosure

- Any current and/or future investigations into this case could be compromised, by the release into the wider public domain of specific sensitive investigation material relating to the matter.
- Individuals may be reluctant to come forward and provide information if they believe that details relating to the investigation could be released, via an FOI request, whilst the enquiry is ongoing.

Section 30 – Favouring disclosure

- The public would have a better understanding of how investigations are conducted by South Yorkshire Police
- The public are entitled to know how public funds are spent, particularly when money from the 'public purse' is used as part the investigative process.

BALANCE

The request for information has been considered. The key test when considering the public interest is to establish whether in all the circumstances of the request, the public interest in disclosing the information is not outweighed by that in maintaining the exemption

The strongest reason for withholding information is any ongoing investigation may be compromised by releasing material pertinent to your request. This has to be set against the strongest reason for the disclosure of information, which in my opinion, is that disclosure demonstrates the transparency of the police service.

As we have already stated, a Freedom of Information request is not just a release to the person making the request, but also to the world. It cannot be clear at present what effect disclosures made by a Freedom of Information response may have upon such an investigation. We would not also wish to cause any unnecessary distress to the families of the victim by a public release of information.

Therefore, at this time, the public interest favours non-disclosure and this information is withheld.

However, under Section 16 of the Act, I have a duty to provide advice and assistance and as such, you may find the following links useful for your research:

<https://policeconduct.gov.uk/research-and-learning/statistics/annual-deaths-during-or-following-police-contact-statistics>

<https://policeconduct.gov.uk/news/investigation-death-police-custody-46-year-old-man-sheffield>