



**NORFOLK**  
CONSTABULARY  
*Our Priority is You*

Norfolk Constabulary

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Dear

**Freedom of Information Request Reference N<sup>o</sup>: FOI 000394/16**

I write in connection with your request for information received by the Norfolk Constabulary on the 26<sup>th</sup> January 2016 in which you sought access to the following information:

- (A) How many people have been cautioned in each of the last five years for each of the following offences:
  - A Rape
  - B Manslaughter
  - C Aggravated Bodily Harm
  - D Grievous Bodily Harm
- (B) How many people have had their file passed to the CPS in each of the last five years for each of the offences mentioned in (A).

Norfolk Constabulary holds information relevant to your request.

**Response to your Request**

When responding to a request for information under the terms of the Freedom of Information Act, a public authority is not obliged to provide information if the authority estimates that the cost of the retrieval of the information requested would be in excess of £450 (equivalent to 18 hours work).

The costs criteria relates to a request in its entirety, which means that if we cannot retrieve all of the information requested within the costs limit, we are not obliged to retrieve *any* of the information requested.

The Norfolk Constabulary estimates that to retrieve all the information you have requested would exceed cost in excess of £450.

Whilst national guidance dictates that certain offences must be referred to the CPS for a decision, on whether the offer of a caution is appropriate, this is not the case for all offences. Therefore in order to provide a full and accurate response, it would be necessary to review each case file, where a caution has been issued, to see if this is as a result of CPS advice.

During the 5 year period requested, for ABH alone, there have been over 2,000 cautions issued. Based on a low estimate of 5 minutes for each case, this would equate to over 166 hours to complete.

This would exceed the appropriate limit for dealing with a Freedom of Information request, in terms of costs, and therefore Section 12(1) of the Freedom of Information Act applies.

Section 12(1) of the Freedom of Information Act states that a public authority is not obliged to:

*“...comply with a request for information if the authority estimates that the cost of complying with the request would exceed the appropriate limit”.*

The Freedom of Information (Appropriate Limit and Fees) Regulations 2004, defines the ‘appropriate limit’ for the Norfolk Constabulary as £450, and specifies that this sum equates to 18 hours work at a standard rate of £25 per hour.

In accordance with Section 17 of the Freedom of Information Act (2000), this serves as a Refusal Notice for your request.

### Advice and Assistance

Although excess cost removes the Constabulary’s obligations under the Freedom of Information Act, as a gesture of goodwill, I have supplied information, relevant to your request, which was 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.

The figures provided below are for the period 1<sup>st</sup> January 2010 to 31<sup>st</sup> December 2015. We have reviewed each of the 6 rape cases and these have all been passed to the CPS.

Please note that the wording and format of the crime disposals/outcomes have changed during this period. All have been provided below:-

### Rape

<b>Crime Disposal / Outcome</b>	<b>2012</b>	<b>2013</b>	<b>2014</b>	<b>Total</b>
B1. Caution	2	-	-	<b>2</b>
B2. Conditional Caution	-	1	-	<b>1</b>
B3. Youth Conditional Caution	-	1	2	<b>3</b>
<b>Total</b>	<b>2</b>	<b>2</b>	<b>2</b>	<b>6</b>

### Manslaughter

None

### ABH

<b>Crime Disposal / Outcome</b>	<b>2010</b>	<b>2011</b>	<b>2012</b>	<b>2013</b>	<b>2014</b>	<b>2015</b>	<b>Total</b>
B1. Caution	283	300	311	310	104	-	<b>1308</b>
B2. Conditional Caution	10	10	2	12	8	-	<b>42</b>
B3. Youth Caution	0	0	0	62	16	-	<b>78</b>
B3. Youth Conditional Caution	0	0	0	5	2	-	<b>7</b>
02. Cautions-Youths	-	-	-	-	66	43	<b>109</b>
03. Cautions-Adults	-	-	-	-	284	271	<b>555</b>
Type 2 – Caution Youth	-	-	-	-	-	10	<b>10</b>
Type 3 – Caution Adult	-	-	-	-	-	61	<b>61</b>
<b>Total</b>	<b>293</b>	<b>310</b>	<b>313</b>	<b>389</b>	<b>480</b>	<b>385</b>	<b>2170</b>

## GBH

<b>Crime Disposal / Outcome</b>	<b>2010</b>	<b>2011</b>	<b>2012</b>	<b>2013</b>	<b>2014</b>	<b>Total</b>
B1. Caution	47	92	34	1	-	<b>174</b>
B2. Conditional Caution	5	7	2	0	-	<b>14</b>
02. Cautions-Youths	-	-	-	-	1	<b>1</b>
<b>Total</b>	<b>52</b>	<b>99</b>	<b>36</b>	<b>1</b>	<b>1</b>	<b>189</b>

The Ministry of Justice guidance regarding the issuing of cautions for both adults and youths can be found via the links provided below:-

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/416068/cautions-guidance-2015.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/416068/cautions-guidance-2015.pdf)

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/354050/yjb-youth-cautions-police-YOTs.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/354050/yjb-youth-cautions-police-YOTs.pdf)