



NORFOLK
CONSTABULARY
Our Priority is You

December 2016

Freedom of Information Request Reference N^o: FOI 004356/16

I write in connection with your request for information received by the Norfolk Constabulary on the 2nd December 2016 in which you sought access to the following information:

- 1 On average, how many CCTV cameras are installed at PIC facilities in Norfolk?
- 2 How long is this CCTV video data stored before being erased.
- 3 How long does an individual have to lodge a complaint against the Police after an incident has occurred?
- 4 How many complaints were lodged against the Police in Norfolk in 2013, 2014 and 2015?
- 5 Out of these, how many were lodged before their time limit for doing so had elapsed and required CCTV evidence which was no longer available due to being erased?
- 6 If an allegation is made against the Police by an individual in custody that relies on CCTV video evidence, and their CCTV video is no longer available, what happens to that individuals complaint?

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.

In order to identify what information is held relevant to your request, we have contacted our Professional Standards Department. They have advised that with regard to part 5 of your request, this information would be held within each public complaint file. There have been 1,353 recorded public complaints between 2013 and 2015 and each of these would have to be manually reviewed.

Even based on a minimum of 3 minutes per case this would exceed the appropriate limit for dealing with Freedom of Information requests, 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.

- Q1 There are approximately 160 cameras in each of the four Police Investigation Centres.
- Q2 CCTV video data is stored for 31 days.
- Q3 The time limitation for complaints is 12 months after the incident occurred balanced with the considerations shown below and any representations made by the complaint.

From the IPCC Statutory Guidance 2015:

There are certain limited circumstances in which a recorded complaint does not have to be dealt with under the Police Reform Act 2002. This is called disapplication and means that an appropriate authority may disapply the requirements of Schedule 3 of the Police Reform Act 2002 in relation to a complaint. The appropriate authority may instead handle a recorded complaint in whatever manner it thinks fit, including taking no action on it. A disapplication may only take place if the complaint fits one or more of the grounds described at paragraphs 4.7 to 4.9 (more than 12 months have elapsed).

Grounds for disapplication

More than 12 months have elapsed between the incident, or the latest incident, giving rise to the complaint and the making of the complaint and either that no good reason for the delay has been shown or that injustice would be likely to be caused by the delay.

- 4.7 A 12-month delay is not enough on its own for this ground to apply. One or other of these two criteria must be met as well. They are, however, separate. This means that if 12 months have passed between the incident (or the latest incident in a chain of events) and the making of the complaint, and no good reason for the delay has been shown, disapplication may be possible. Disapplication can take place on this ground even though the delay is not likely to result in injustice. It also means that if 12 months have passed between the incident (or the latest incident in a chain of events) and the making of the complaint and injustice is likely to be caused by the delay, disapplication may be possible even though good reason for the delay has been shown.
- 4.8 When deciding whether injustice is likely to be caused by the delay, the appropriate authority should consider the need to balance this against any injustice potentially caused by not investigating the complaint.
- 4.9 Each case should be considered on its merits and the complainant's reasons for the delay should be taken into account when making a decision about disapplication. This is why it is important that appropriate authorities seek the complainant's representations about the delay, its reasons and whether any injustice is likely to be caused.

Q4

Year	Number of recorded Public Complaints
2013	502
2014	462
2015	389

Q6 No information held.

The Freedom of Information Act provides the public with a right to submit requests for the publication of recorded information held by a public authority. The Act does not provide a general forum by which members of the public can submit questions to the Constabulary, or any member of the Constabulary, in order to seek comment or opinion.

The Constabulary is not obliged to create information in order to provide a response to a Freedom of Information request.

The Professional Standards Department has advised that:-
Each matter is investigated according to the circumstances of the individual complaint and the evidence available which may come from several sources.

This response will be published on the Norfolk Constabulary's web-site under the Freedom of Information pages:-

<https://www.norfolk.police.uk/about-us/our-data/disclosure-log>