



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

Norfolk Constabulary

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Dear

### **Freedom of Information Request Reference N<sup>o</sup>: FOI 000769/16**

I write in connection with your request for information received by the Norfolk Constabulary on the 15<sup>th</sup> February 2016 in which you sought access to the following information:

How many servicemen / woman were arrested in England in 2011, 2012, 2013, 2014 and 2015? out of these individuals, how many were given over to military custody to be dealt with through the military legal system? What type of crimes were these?

The remaining individuals from this group (not handed over to military custody), how many of were dealt with by caution, magistrate's court and crown court? What type of offences were dealt with in each area (Police PIC, magistrate's court, and crown court)?

How many of these people were given custodial sentences and suspended sentences?

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 establish what information is held relevant to your request, we have contacted our Joint Performance and Analysis Department. They have advised that since the introduction of the Constabulary's new Athena database in October 2015, it is not possible to extract the occupation of the offender for specific crime and custody records. Although the database allows for the occupation to be recorded, all occupations declared by the individual are listed alphabetically on their nominal record. Therefore to establish whether the individual was service personnel, at the time of the arrest or when a crime was recorded, it would be necessary to review each crime or custody record.

There have been thousands of records created since the introduction of the new database therefore to review each of these would significantly 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 & 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 following information relates to arrests up to 19<sup>th</sup> October 2015 and where the occupation given at the time of arrest has been recorded as ‘Armed Forces’.

Arrest Offence	2011	2012	2013	2014	2015	Total
Affray	3	7	8	6	4	28
Aggravated Vehicle Taking	1	0	0	0	0	1
Assault ABH	12	13	7	8	9	49
Assault GBH	1	1	1	0	0	3
Assault GBH with intent	1	0	0	0	0	1
Assault Police	0	1	1	0	0	2
Breach of Bail	0	1	1	2	0	4
Breach of the Peace	0	0	0	1	0	1
Burglary	3	0	0	0	1	4
Common Assault	8	6	7	11	5	37
Criminal Damage	7	1	2	4	1	15
Disqualified Driving	0	1	1	0	1	3
Drug Offences	0	0	0	0	1	1
Drug Offences (Class A)	0	0	1	0	1	2
Drunk & Disorderly	7	19	8	18	10	62
Drunk & Incapable	0	0	1	0	0	1
Fail to Stop for a Constable	1	0	0	0	0	1
Fraud by False Representation	0	0	0	0	1	1
Harassment – Pursue a Conduct of	0	0	2	0	0	2
Other	12	5	6	6	8	37
Positive Breath Test	9	9	10	9	6	43
Possession of Controlled Drug	0	1	0	0	0	1

Racially Aggravated Offence	1	1	0	0	0	2
Rape	1	2	0	2	1	6
Resisting Arrest	0	0	0	0	1	1
Robbery	1	0	0	0	0	1
S.4 Public Order Act 1986	0	0	2	1	1	4
S.5 Public Order Act 1986	0	2	1	0	0	3
Sexual Offences	2	2	1	2	0	7
Taking a Motor Vehicle Without Consent	1	1	0	0	0	2
Theft	1	2	3	0	0	6
Theft from Motor Vehicle	0	3	0	0	0	3
Threats to Kill Another	0	0	0	1	0	1
Warrant –Failed to Appear	1	0	0	0	0	1
Warrant – Other	0	0	0	1	0	1
Total	73	78	63	72	51	337

Disposal	2011	2012	2013	2014	2015	Total
Bailed to Police Station	8	10	6	8	6	38
Charged and Bailed To Court	24	21	15	16	14	90
Charged and Detained For Court	1	0	3	2	0	6
Conditional Caution	1	1	1	0	1	4
Detained For Court On Warrant	5	0	0	0	0	5
Fixed Penalty Notice Issued	7	17	6	3	0	33
No Further Action	17	9	5	18	5	54
Penalty Notice for Disorder	0	0	5	9	6	20
Processed on behalf of another force	0	2	0	3	1	6
Reported For Summons	0	0	1	0	0	1
Simple Caution	10	16	19	12	18	75
To Court Breach of Bail	0	1	1	1	0	3
Total	73	78	63	72	51	337