

Freedom of Information Request Reference N°: FOI 004613-17

I write in connection with your request for information received by the Norfolk and Suffolk Constabulary on the 18 April 2017 in which you sought access to the following information:

1. *"In 2012 - 2016, how many people died whilst being held in police custody?"*
2. *In 2012 - 2016, how many of the people that died in custody were being detained under the Mental Health Act 1983?*
3. *In 2012 - 2016, how many of the people that died in custody were from a Black or Minority Ethnic background?*
4. *In 2012 - 2016, how many of the people that died in custody had been subject to police restraint?*
5. *In 2012 - 2016, how many times was police restraint used on a person being detained under the Mental Health Act 1983?*
6. *In 2012 - 2016, how many people detained under the Mental Health Act 1983 were subsequently taken to a police station?*
7. *In 2012 - 2016, how many times was an ambulance called to a police custody suite?*
8. *How many positions for specialist custody nurses are there currently within Norfolk/Suffolk Police?*
9. *How many specialist custody nurse positions are currently vacant?"*

Response to your Request

The response provided below is correct as of 18 April 2017

Norfolk and Suffolk Constabularies have located the following information as relevant to your request.

In relation to your request for information and in accordance with Section 17 of the Freedom of Information Act 2000 (FOIA), this response serves as a formal notification of refusal for your request. The Constabularies do not hold, for the purposes of FOIA, all of the information you require in a retrievable format.

It is estimated that to attempt to retrieve all of the information you require would take a considerable amount of retrieval time, exceeding 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 2000 applies.

It is considered that to provide an answer to your request will take in excess of 36 hours to provide the information.

With regards to question 5 the only way of retrieving information concerning the use of restraint for S136 MHA detentions, would be to review all of the relevant paper records held for each. There are questions on page 1 about the use of restraint but as there are over 350 S136 detentions for Norfolk alone every year, this would be a hugely time consuming exercise. In addition, this form was only introduced in early 2014 and data prior to that point would only be held if noted in custody records or call logs.

In respect question 7, it is difficult to extract information identifying the number of times an Ambulance had been called to custody. The information would be included within detention records or within the crime and custody systems. However, it is very difficult to a) identify those records and b) provide any statistical analysis of the information.

The most accurate information would be held by the East of England Ambulance Trust.

The Constabulary considers it would take well in excess of 30 hours to supply the information for one year per force, exceeding the time constraints of the Act.

Section 12(1) of the Freedom of Information Act 2000 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, defines the 'appropriate limit' for the Constabularies as £450 and specifies that this sum equates to 18 hours work per force at a standard rate of £25 per hour. This equates to 36 hours of work, or £900, for joint responses.

In accordance with Section 17(5) of the Freedom of Information Act 2000, this letter serves as a refusal notice for this part of your request.

By requesting *all* information your request is too broad to be complied with within the limit imposed on Freedom of Information requests.

Although excess cost removes the Force's obligations under the Freedom of Information Act, as a gesture of goodwill, I have supplied information, relative to your request, 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.

1. For the years 2012 – 2016, no person has died whilst being held in police custody.

There was one incident reference via the link below, where the individual was detained by Suffolk Constabulary and became unwell during the booking in process. The Constabulary conveyed the individuals to hospital, where he later died.

<https://www.ipcc.gov.uk/news/ipcc-investigation-launched-after-man-dies-following-detention-police-custody>

2. There have been no deaths of persons being held in custody under the mental health act.
3. There have been no deaths of persons being held in custody of ethnic minorities.
4. There have been no deaths to persons subject to police restraint
5. This information is not searchable in the time constraints of the Act
6. The total number of persons detained under Section 136 of the MHA and brought to a Constabulary custody suite, is provided in the table below. Please note that persons

detained under S136 will not always be brought to a custody suite.

SUFFOLK	Police Custody												Total
	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	
2012	1	2	5	2	4	4	5	7	4	2	1	5	42
2013	5	4	1	1	1	0	2	1	5	6	2	6	34
2014	2	0	2	1	0	1	0	0	0	0	1	0	7
2015	2	0	1	0	1	0	1	1	0	0	0	0	6
2016	0	0	0	0	0	0	1	0	0	0	0	0	1
Total	10	6	9	4	6	5	9	9	9	8	4	11	90*

*The information excludes three cases in May, August and October 2016. In two of the cases the detentions were not authorised and they were taken directly to a health based place of safety. In the other case the individual was arrested for an offence and later detained under S136. An individual can only be detained under S136 if they are in a public place.

NORFOLK	Police Custody												Total
	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	
2012	1	1	2	1	6	2	1	3	3	4	2	2	28
2013	3	3	2	3	1	2	1	5	4	1	1	0	26
2014	0	1	3	1	4	2	2	2	1	1	1	0	18
2015	0	1	2	0	0	1	0	1	0	1	2	0	8
2016	1	2	0	3	0	0	0	0	1	2	1	1	11
Total	5	8	9	8	11	7	4	11	9	9	7	3	91

7. Unable to provide the information in the time constraints of the Act.
8. The following represents the number of medical professionals on duty 24 hours a day, 7 days a week:

Norfolk:

PIC	Number of Health Care Providers (HCP)
Norfolk	
Kings Lynn PIC (24 cells)	1 HCP 24x7
Gt Yarmouth PIC (30 cells)	1 HCP 24x7
Wymondham PIC (30 cells)	1 HCP 24x7
Aylsham PIC (8 cells)	Cover provided to our smallest PIC with fewest detainees is provided by one of the other 3 Norfolk HCPs or FME on duty. Other call-in staff may be deployed by the provider to attend Aylsham if all Norfolk HCPs are busy.
Suffolk	
Bury St Edmunds PIC (24 cells)	1 HCP 24x7
Martlesham PIC (30 cells)	1 HCP 24x7

In addition, the Constabularies have 1 FME (Doctor) who is on duty 24x7 and who covers all 6 PICs.

9. In respect of the number of custody nurse positions that are currently vacant, G4S Health (Ltd) being our provider of custody healthcare services, operates a rota system and they provide the resources needed to fill the rotas. What matters to us is that we have cover for all 6 PICs 24x7. As per the table above, the Constabulary's have 5 HCPs and 1 FME on duty at any one time.

G4S Health (Ltd) is responsible for managing planned and unplanned absences affecting the healthcare rotas and keep us informed where any gaps may exist and informing us of their plans to provide cover.

This response will be published on the Constabularies web-site under the Freedom of Information pages:-

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

<https://www.suffolk.police.uk/services/freedom-information/disclosure-logs>

Should you have any further queries concerning this request, please contact Clair Pack, FOI Decision Maker, quoting the reference number shown above.

A full copy of the Freedom of Information Act (2000) can be viewed on the 'Office of Public Sector Information' web-site;
<http://www.opsi.gov.uk/>

Norfolk and Suffolk Constabularies are not responsible for the content, or the reliability, of the website referenced. The Constabulary cannot guarantee that this link will work all of the time, and we have no control over the availability of the linked pages.

Your Right to Request a Review of Decisions Made Under the Terms of the
Freedom of Information Act (2000).

If you are unhappy with how your request has been handled, or if you think the decision is incorrect, you have the right to ask the Norfolk and Suffolk Constabulary to review their decision.

Ask Norfolk and Suffolk Constabularies to look at the decision again.

If you are dissatisfied with the decision made by Norfolk and Suffolk Constabularies under the Freedom of Information Act (2000), regarding access to information, you must notify the Norfolk and Suffolk Constabulary that you are requesting a review within 20 days of the date of its response to your Freedom of Information request. Requests for a review should be made in writing and addressed to:

*Freedom of Information Decision Maker
Information Management Department
Suffolk Constabulary
Police Headquarters
Martlesham Heath
Ipswich
Suffolk
IP5 3QS
OR
Email: information@suffolk.pnn.police.uk*

In all possible circumstances Norfolk and Suffolk Constabulary will aim to respond to your request for us to look at our decision again within 20 working days of receipt of your request for an internal review.

The Information Commissioner.

After lodging a request for a review with Norfolk and Suffolk Constabulary, if you are still dissatisfied with the decision, you can apply to the Information Commissioner for a decision on whether the request for information has been dealt with in accordance with the requirements of the Act.

For information on how to make application to the Information Commissioner please visit their website at www.ico.org.uk or contact them at the address shown below:

The Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF
Telephone: 01625 545 700