

Chief Constable
Chief Constable Robert Carden
Police Headquarters
Carleton Hall Penrith,
Cumbria
CA10 2AU



12th November 2024

Dear

FREEDOM OF INFORMATION REQUEST – FOI 971/24 AA and legal advice in custody

I refer to your request for information received by Cumbria Constabulary on the 30th of October. I note you seek access to the following information:

I am seeking up-to-date information about the proportion of police detentions/interviews of suspects and voluntary interviews in which an appropriate adult was provided and for whom legal advice was requested and obtained as recorded by officers for both adults and juveniles. Previously you were only unable to provide the data requested for the years ending 9th March 2021, 2022 and 2023 to my colleagues at the university of South Wales.

However, I am now writing to ask if the situation has changed and whether you are able to provide the following data for your force area for the year ending 9th March 2024. I also wondered whether you are now able to provide the full information requested for the years ending 9th March 2021, 2022, and 2023. I understand, however, that providing a full response may still not be viable.

In relation to adults, please could you indicate the total number of

- (1) authorised detentions*
- (2) interviews under arrest and*
- (3) voluntary Interviews.*

Then for each these whether

- (a) a pre-interview Risk Assessment was conducted,*
- (b) an appropriate adult was required*
- (c) an appropriate adult was provided*
- (d) legal advice was requested*
- (e) legal advice was provided.*

In relation to juveniles, please could you indicate the total number of

- (1) authorised detentions*
- (2) interviews under arrest and*
- (3) voluntary Interviews.*

Then for each these whether



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- (a) a pre-interview Risk Assessment was conducted,*
- (b) an appropriate adult was required*
- (c) an appropriate adult was provided*
- (d) legal advice was requested*
- (e) legal advice was provided.*

Your request for information has now been considered and I can confirm that Cumbria Constabulary does not hold the information you request in an easily retrievable format.

To retrieve the number of Police detention/interviews and voluntary interviews of suspects in which an appropriate adult was required/provided for adults and juveniles, we would need to conduct a manual review of all custody records for the period requested. This is due to the information relating to if an AA was required/provided not being systematically recorded within the Constabulary's Custody system.

Even if we were to use the most recent data, we hold approximately 800-900 records per month. It would take around 3 to 4 minutes to manually read each of the 800 – 900 records and retrieve the relevant information required for your request.

I have therefore estimated that it would exceed the “appropriate limit” as stated in the Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004. The current limit for police forces has been set at £450, which equates to 18 hours of work. Section 12(1) of the Act does not oblige a public authority to comply with a request for information if the authority estimates that the cost of complying with the request would exceed the appropriate limit.

In accordance with Section 17(5) of the Freedom of Information Act this section acts as a Refusal Notice for your request, by virtue of Section 12(1) of the Act.

In accordance with my duty under Section 16 of the Freedom of Information Act, 2000 (Duty to provide advice and assistance), I have tried to think of a way to recommend that your request may be refined to bring it under the limit explained above. At this time, unfortunately, I have no suggestions, due to the way that the information requested is recorded.

Complaint Rights

Your attention is drawn to the attached sheet, which details your right of complaint.

I would like to take this opportunity to thank you for your interest in Cumbria Constabulary.



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