

Our Ref: 003370/20



Freedom of Information Section
Nottinghamshire Police HQ
Sherwood Lodge, Arnold
Nottingham NG5 8PP

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Ext 318 0888

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10 September 2020

Request under the Freedom of Information Act 2000 (FOIA)

I write in connection with your request for information, which was received by Nottinghamshire Police on 26/05/2020.

Following receipt of your request searches were conducted within Nottinghamshire Police to locate the information you require.

RESPONSE

Under S 1 (1) (a) of the Freedom of Information Act 2000 (FOIA), I can confirm that Nottinghamshire Police does hold the information you have requested.

Please find below answers to your questions:-

Please could I ask for the number of occasions in which a conducted energy device (i.e. a taser) was used in an incident by police staff between April 1st 2019 and March 31st 2020?

Could you state in how many of these incidents the CED/taser was discharged and how many times it was not discharged?

Could you also provide the same data for the time period April 1st 2018 to March 31st 2019 and also April 1st 2017 to March 31st 2018?

This information is reasonably accessible by other means under:

21. – (1) Information which is reasonably accessible to the applicant otherwise than under section 1 is exempt information.

(2) For the purposes of subsection (1) –

- a) information may be reasonably accessible to the applicant even though it is accessible only on payment, and
- b) information is to be taken to be reasonably accessible to the applicant if it is information which the public authority or any other person is obliged by or under any enactment to communicate (otherwise than by making the information available for inspection) to members of the public on request, whether free of charge or on payment.

(3) For the purposes of subsection (1), information which is held by a public authority and does not fall within subsection (2) b) is not to be regarded as reasonably accessible to the applicant merely because the information is available from the public authority itself on request, unless the information is made available in accordance with the authority's publication scheme and any payment required is specified in, or determined in accordance with, the scheme.

With regard to your request the information you require can be found at

<https://www.gov.uk/government/collections/police-use-of-force-statistics>

With regard to the above request relating to information for the time period 2019-2020, this information is intended for future publication. Therefore this engages Section 22 of the Freedom of Information Act 2000 and so will not be disclosed at this time.

S. 22. – (1) Information is exempt information if –

- a) the information is held by the public authority with a view to its publication, by the authority or any other person, at some future date (whether determined or not),
- b) the information was already held with a view to such publication at the time when the request for information was made, and
- c) it is reasonable in all the circumstances that the information should be withheld from disclosure until the date referred to in paragraph a).

Section 22 is a qualified class-based exemption – this means that there is no need to identify any harm in disclosure; however, it is necessary to carry out a public interest which is provided below:

Factors favouring disclosure:

It is reasonable to expect that there will also be an appetite from the news media and general public to gain knowledge and data via FOI in relation to the current use of Tasers by Nottinghamshire Police. As any publication will provide for transparency and accessibility to information which is not sensitive for operational or other reasons. Demonstrating continued and on-going awareness of how Nottinghamshire Police effectively manages such resources whilst maintaining its primary function this would enhance public knowledge generating reassurance and fostering wellbeing.

Factors favouring non-disclosure:

To respond to the request would require the information to be retrieved and collated as it is effectively not held in the format requested at the present time. To gather the information prior to the requirement to do so for the scheduled report will involve a disproportionate use of resources at this time. There is currently a plan in place to disclose the information into the public domain on a routine basis. This data will be publicly available via the following link

<https://www.gov.uk/government/collections/police-use-of-force-statistics>

Balancing Test

The information will be published as part of a debrief report in accordance with the publication scheme at a future date yet to be specified. Under the exemption provided by section 22 of the FOIA 2000, it must be reasonable in all the circumstances to withhold the information until the intended date of publication. Given the potential for further modification and/or imminence of the report being finalised, I have concluded that the public interest in withholding this information outweighs the public interest in releasing it prior to its intended publication

This letter constitutes a refusal notice under Section 17 (1) of the Freedom of Information Act 2000 with Section 21 (1) & 22 (1) of the act being applied.

Complaints Rights

Your attention is drawn to the enclosed review procedure, which details your right of complaint.

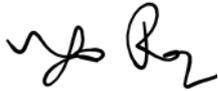
Copyright

Nottinghamshire Police in complying with their statutory duty under Sections 1 and 11 of the Freedom of Information Act 2000 (FOIA) to release the enclosed information will not breach the Copyright, Designs and Patents Act 1988. However, the rights of the copyright owner of the enclosed information will continue to be protected by law. Applications for the copyright owner's written permission to reproduce any part of the attached information should be addressed to the Force Solicitor, Nottinghamshire Police, Force Headquarters, Sherwood Lodge, Arnold, Nottinghamshire, NG5 8PP.

I would like to take this opportunity to thank you for your interest in Nottinghamshire Police.

Should you have any further enquiries concerning this matter, please write or contact the Freedom of Information Officer on telephone number 0115 9670999 Ext 318 0888 or e-mail freedomofinformation@Nottinghamshire.pnn.police.uk quoting the above reference number.

Yours sincerely

A handwritten signature in black ink, appearing to be 'J. B. R.', written in a cursive style.

Electronically signed on behalf of Information Request Team

Are you dissatisfied with your response?

Nottinghamshire Police has a duty to implement a complaints process in relation to Freedom of Information Act requests. If you are not content with our response, you may appeal, this process is known as an 'Internal Review'

Internal reviews are intended to be a fair and impartial means of reviewing the original request process.

You can appeal about your request if you:-

- Disagree with the Forces interpretation of your request;
- Believe the Force hold more information than has been disclosed to you;
- Disagree with the application of exemptions;

How do I appeal?

All appeals should be made in writing and sent to:-

Information Management
Nottinghamshire Police
Force Headquarters
Sherwood Lodge
Arnold
Notts
NG5 8PP

or alternatively freedomofinformation@nottinghamshire.pnn.police.uk

To deal with your appeal as quickly as possible please provide the unique identification number provided with your response and the reasons for your appeal.

Once we have received your request for appeal, your FOI response will be reviewed in full to identify any problems in the disclosure.

The review will be undertaken by someone different from, and preferably senior to, the original decision maker and this should be completed within 20 working days from receipt, in exceptional circumstances it may be extended by a further 20 working days.

Your request for review must be received within 28 calendar days your response. If your request for review is not received within this time period a review will not be considered.

What if I'm still not satisfied?

You can appeal to the Information Commissioner. You can contact the Information Commissioner Office at the following:-

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

Tel: 0303 123 1113 (local rate) or 01625 545 745 (national rate)

E-mail: casework@ico.org.uk

Website: <https://ico.org.uk/>