

Our Ref: 008031/17



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

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18 October 2017

Dear

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 09/10/2017.

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:-

Is there a designated length of time for which Nottinghamshire force and laboratories you instruct, both internal and external, retain physical material gathered during police investigations in respect of convicted crimes? If there is a divergence of policy according to crime type, please provide clarification. The phrase "physical material" above refers to all objects and items which are exhibited as part of both the "used material" at trial AND the "unused material", not subsequently used at trial.

Answer: -

Property seized because of a belief by an Officer that it may be of forensic value to an investigation should be retained only as long as necessary for the purpose seized.

Nottinghamshire Police retain evidential materials for all types of investigations in line with the requirements of the;

1. Police And Criminal Evidence (PACE) Act
2. Data Protection Act 1998
3. Management of Police Information (MOPI) – Review, Retention and Disposal guidelines
4. Police Property Act 1897 & 1997 Regulations
5. Criminal Justice and Public Order Act 1994
6. Powers of Criminal Court Sentencing Act 2000
7. European Convention on Human Rights – Proportionality
8. Criminal Procedure and Investigations Act 1996 – duty to preserve and review evidence CPIA
9. Civil actions – claims for personal injury and neglect
10. Criminal Justice Act 1967
11. Magistrates courts Act 1980
12. Crime and Disorder Act 1998
13. Electronic Communications Act 2000
14. Criminal Procedure Rules 2011
15. Consolidated Criminal Practice Direction

We are also currently obliged to retain materials under the National Independent Inquiry into Child Sex Abuse and for the Pitchford Undercover Policing Inquiry. These legislative requirements form the foundations of our Force Policies and Procedures and the Force also maintains Information Asset Registers for the information it holds.

Forensic evidence should be retained according to investigative timescales as indicated by CPIA if detected, or MoPI if a circulated offence.

Where property has been seized solely for forensic examination and following the examination it is found to be of no forensic evidential value and the offence under investigation is of volume crime the procedures under CENTRALISED DESTRUCTION POLICY will be followed. Exhibits submitted for forensic examination which have no further value within a volume crime investigation will be destroyed.

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 9672507 or e-mail freedomofinformation@Nottinghamshire.pnn.police.uk quoting the above reference number.

Yours sincerely

Disclosure Officer

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.

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