



Police Headquarters

London Road

DEVIZES

Wiltshire

SN10 2DN

disclosure@wiltshire.police.uk

Date: 05/05/2023

Our ref: FOI 2023/392

I write in connection with your request for information dated 04/04/2023 concerning PACE.

I am required by the Freedom of Information Act 2000 to handle all requests in a manner that is blind as to the identity and motives of the requestor. Any information released as a response to a request is regarded as being published and therefore in the public domain without caveat.

Your request for information has now been considered and I am able to respond as follows.

You wrote:

please answer these questions

1. What law/legislation is used when allowing disclosure before a voluntary interview under caution, please state the PACE section and number specifically used by the police. could you tell me which PACE law you will be using to determine this question Please do not tell me policy as that is not law.

Request 2

What would you like to know?

2. Why are solicitors allowed disclosure and we the public refused it by the police. could you tell me which PACE law you will be using to determine this question Please do not tell me policy as that is not law.

Request 3

What would you like to know?

3. How is disclosure before an voluntary interview under caution given to the solicitor, by post, email, in document form, etc. could you tell me which PACE law you will be using to determine this question Please do not tell me policy as that is not law.

Request 4

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What would you like to know?

4. When and where is disclosure before an voluntary interview under caution given to the solicitor. could you tell me which PACE law you will be using to determine this question Please do not tell me policy as that is not law.

Request 5

What would you like to know?

5. Can a member of the public who is of sound mind and who is asked in for a voluntary interview under caution get disclosure without a solicitor. could you tell me which PACE law you will be using to determine this question Please do not tell me policy as that is not law.

Request 6

What would you like to know?

6. If a person refuses legal help in an interview under caution how do they get disclosure and when and where is it given under law, could you tell me which PACE law you will be using to determine this question Please do not tell me policy as that is not law.

Request 7

What would you like to know?

7. What is information must be in disclosure before a voluntary interview under caution. could you tell me which PACE law you will be using to determine this question Please do not tell me policy as that is not law.

Request 8

What would you like to know?

8. How come solicitors can get disclosure before the date the suspect is asked to attend the police station for said interview. could you tell me which PACE law you will be using to determine this question Please do not tell me policy as that is not law.

Request 9

What would you like to know?

9. Can a member of the public be a litigant in person and obtain disclosure before a voluntary interview. could you tell me which PACE law you will be using to determine this question Please do not tell me policy as that is not law.

Request 10

What would you like to know?

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10. Can a member of the public be a litigant in person and appear before a voluntary interview at the police station and defend themselves. could you tell me which PACE law you will be using to determine this question Please do not tell me policy as that is not law.

Our response:

Wiltshire Police does not hold the information requested. To explain that further, section 84 of FOI Act relates to recorded information held by a public authority and that it does not extend to providing explanations unless the answers are already held in a recorded form.

"Information is defined in section 84 of the Act as 'information recorded in any form'. The Act therefore only extends to requests for recorded information. It does not require public authorities to answer questions generally; only if they already hold the answers in recorded form. The Act does not extend to requests for information about policies or their implementation, or the merits or demerits of any proposal or action - unless, of course, the answer to any such request is already held in recorded form." (Day vs ICO & DWP – EA/2006/0069 Final Decision)"

However, **outside of the FOI Act**, there is information already published on matters in relation to Investigative Interviewing:

The College of Policing is the official source of professional practice for policing, and information can be found at [Investigative interviewing | College of Policing](#)

The PACE Codes of Practice – Code C, provides for the detention, treatment, and questioning of persons by the police - [PACE Code C 2019 \(accessible\) - GOV.UK \(www.gov.uk\)](#)

I am satisfied that all the relevant information has been passed to me and been considered in the light of your request within the time constraints applicable under the legislation.

Wiltshire Police would like to thank you for the interest that you have shown in the Force.

Yours sincerely

Force Disclosure Decision Maker

Wiltshire Police offers a re-examination of your case under its review procedure.

Force Disclosure Unit
Wiltshire Police HQ, London Road, Devizes, Wiltshire SN10 2DN
Telephone 101 ext 62005

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Freedom of Information Request Appeals Procedure

1. Who Can Ask for a Review

Any person who has requested information from Wiltshire Police, which has been dealt with under the Freedom of Information Act, is entitled to complain and request an internal review, if they are dissatisfied with the response they received.

2. How to Request a Review

Requests for review of a Freedom of Information request must be made in writing to the:

Force Disclosure Unit
Wiltshire Police Headquarters,
London Road, Devizes,
Wiltshire,
SN10 2DN

Email at disclosure@wiltshire.police.uk.

The reference number, date of the request and details of why the review is being requested must be included. Requests for review should be brought to the attention of the Force Disclosure Unit within 20 working days of the Force's response to the original FoI request.

3. Review Procedure

Receipt of a request for review will be acknowledged in writing to include confirmation of the reasons for the review. The review will be conducted by another Decision Maker, who is independent from the original Decision Maker. The Force Disclosure Unit will set a target date for a response. The response will be made as soon as is practicable with the intention to complete the review within twenty working days. In more complex cases the review may take up to 40 working days.

The Independent Decision Maker will conduct a review of the handling of the request for information and of decisions taken, including decisions taken about where the public interest lies in respect of exempt information where applicable. The review enables a re-evaluation of the case, taking into account the matters raised by the complaint.

4. Conclusion of the Appeal

On completion of the review the Independent Decision Maker will reply to the complainant with the result of the review. If the complainant is still dissatisfied following the review they should contact the Information Commissioner to make an appeal. The Information Commissioner can be contacted via the following details:

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

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Fax: 01625 524 510

Email: mail@ico.gsi.gov.uk

Please note that the ICO's offices will be closed for the foreseeable future and are therefore unable to receive correspondence via post.

If you should wish you contact them, please visit <https://ico.org.uk/global/contact-us/>