

WILTSHIRE POLICE



Force Disclosure Unit
Police Headquarters
London Road
DEVIZES
Wiltshire
SN10 2DN

Date: 6th December 2023

Ref: FOI 2023/1075

I write in connection with your request for information dated 7th November 2023 concerning staff investigation powers.

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 after having consulted People Development – I am now able to respond as follows.

You wrote:

Please can you provide a copy or list of the police powers specifically designated by the chief constable to Wiltshire police support investigation officers?

Our response:

Please see below our designated powers. These are based on part 4 Police Reform Act 2002 (as amended by the Policing and Crime Act 2017)

This designation is subject to the following conditions and restrictions:

1. The powers conferred on the police staff officer under this designation may be exercised:
 - 1.1 in the County of Wiltshire, the Borough of Swindon; and
 - 1.2 in any areas outside the County of Wiltshire and the Borough of Swindon where the exercise of any of the powers is required in connection with an investigation under the direction and control of the Chief Constable of Wiltshire Police.
2. The powers conferred on the police staff member under this designation may be exercised in connection with any investigation under the direction and control of the Chief Constable of Wiltshire Police.
3. The Chief Constable of Wiltshire Police may at any time by notice to the police staff officer the subject of this designation modify or withdraw this designation.
4. The Chief Constable of Wiltshire Police has determined for the purposes of subsection 42(2) of the Police Reform Act 2002 that in respect of uniform to be worn by individuals, this will be determined by your Department Head having considered what is most appropriate for the role or operation.

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SEARCH WARRANTS

1. The power of a constable under subsection (3), and (to the extent that it applies subsection (3)) subsection (3A) of section 23 of the Misuse of Drugs Act 1971 (powers to search and obtain evidence).
2. The power to have a warrant under section 26 of the Theft Act 1968 (search for stolen goods) addressed to the police staff officer in relation to persons or premises and in relation to such a warrant the police staff officer shall have the powers under subsection 26(3) of the Theft Act 1968.
3. The power of a constable under section 8 of the Police and Criminal Evidence Act 1984 ('PACE') (warrants for entry and search) to apply for a warrant in respect of any premises.
4. The power of a constable under subsection 8(2) of PACE in any premises to seize and retain things for which a search has been authorised under subsection (1) of section 8 of PACE.
5. Section 15 of PACE (safeguards) shall have effect in relation to the issue of such a warrant to the police staff officer as it has effect in relation to the issue of a warrant under section 8 of PACE to a constable.
6. Section 16 of PACE (execution of warrants) shall have effect in relation to any warrant to enter and search premises that is issued to the police staff officer as if references in that section to a constable included references to the police staff officer.
7. Subsection 19(6) of PACE (protection for legally privileged material from seizure) shall have effect in relation to the seizure of anything by the police staff officer by virtue of paragraph 4 as it has effect in relation to the seizure of anything by a constable.
8. Section 20 of PACE (extension of powers of seizure to computerised information) shall have effect in relation to the power of seizure conferred on the police staff officer by virtue of paragraph 4 as it applies in relation to the power of seizure conferred on a constable by subsection 8(2) of PACE.
9. Subsections 21(1) and (2) of PACE (provision of record of seizure) shall have effect in relation to the seizure of anything by the police staff officer in exercise of the power conferred on him by virtue of paragraph 4 as if the references to a constable and to an officer included references to the police staff officer.
10. Sections 21(3) to (8) and 22 of PACE (access, copying and retention) shall have effect in relation to anything seized by the police staff officer in exercise of that power, or taken away by him:
 - (i) as they have effect in relation to anything seized in exercise of the power conferred on a constable by section 8(2) of PACE or taken away by a constable following the imposition of a requirement by virtue of section 20 of PACE; and
 - (ii) as if the references to a constable in subsections (3), (4) and (5) of section 21 of PACE included references to the police staff officer.
11. The power of a constable under section 22 of PACE to retain anything seized under section 19 or section 20 of PACE.

ACCESS TO EXCLUDED AND SPECIAL PROCEDURE MATERIAL

12. The power of a constable under section 9(1) of PACE (special provisions for access) to obtain access, in accordance with Schedule 1 to that Act and the following provisions of this paragraph, to excluded material and special procedure material. That Schedule shall have effect for the purpose of conferring those powers on the police staff officer as if:
 - (i) the references in paragraphs 1, 4, 5, 12 and 13 of that Schedule to a constable were references to that person; and
 - (ii) the references in paragraphs 12 and 14 of that Schedule to premises were references to the relevant premises (in the case of a specific premises warrant) or any premises, whether in the relevant police area or not (in the case of an all premises warrant).
13. Section 15 of PACE (safeguards) shall have effect in relation to the issue of any warrant under paragraph 12 of that Schedule to the police staff officer as it has effect in relation to the issue of a warrant under that paragraph to a constable.
14. Section 16 of PACE (execution of warrants) shall have effect in relation to any warrant to enter and search premises that is issued under paragraph 12 of that Schedule (whether to the police staff officer or to any other person), but in respect of premises in the relevant police area only, as if references in that section to a constable included references to the police staff officer.
15. Section 19(6) of PACE (protection for legally privileged material from seizure) shall have effect in relation to the seizure of anything by the police staff officer in exercise of the power conferred on him by paragraph 13 of Schedule 1 of PACE as it has effect in relation to the seizure of anything under that paragraph by a constable.

16. Section 20 of PACE (extension of powers of seizure to computerised information) shall have effect in relation to the power of seizure conferred on the police staff officer by paragraph 13 of Schedule 1 to PACE as it applies in relation to the power of seizure conferred on a constable by that paragraph.

17. Sections 21(1) and (2) of PACE (provision of record of seizure) shall have effect in relation to the seizure of anything by that person in exercise of the power conferred on him by paragraph 13 of Schedule 1 PACE as if the references to a constable and to an officer included references to the police staff officer; and

18. Sections 21(3) to (8) and 22 of PACE (access, copying and retention) shall have effect in relation to anything seized by the police staff officer in exercise of that power or taken away by him following the imposition of a requirement by virtue of paragraph

16, and to anything produced to him under paragraph 4(a) of Schedule 1 of PACE:

(i) as they have effect in relation to anything seized in exercise of the power conferred on a constable by paragraph 13 of that Schedule or taken away by a constable following the imposition of a requirement by virtue of section 20 of that Act or, as the case may be, to anything produced to a constable under paragraph 4(a) of that Schedule; and

(ii) as if the references to a constable in subsections (3), (4) and

(5) of section 21 included references to a person to whom this paragraph applies.

ENTRY AND SEARCH AFTER ARREST

19. The power of a constable under section 18 of PACE (entry and search after arrest) to enter and search any premises in the relevant police area and to seize and retain anything for which he may search under that section.

20. Subsections (5) and (6) of that section (power to carry out search before arrested person taken to police station and duty to inform senior officer) shall have effect in relation to any exercise by the police staff officer of those powers as if the references in those subsections to a constable were references to the police staff officer.

21. Subsection 19(6) of PACE (protection for legally privileged material from seizure) shall have effect in relation to the seizure of anything

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

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.

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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
Fax: 01625 524 510
Email: mail@ico.gsi.gov.uk