



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

Date: 1st March 2024

Ref: FOI 2024/100

Dear,

I write in connection with your request for information dated 24th January 2024 concerning policies or procedures relating to Custody.

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 our Force Policy Officer – I am now able to respond as follows.

You wrote:

I make the following request under the Freedom of Information Act:

Context:

The College of Policing changed the APP relating to: 'Detention and Custody - Control, restraint and searches', with the addition of the section 'the documenting of strip searches in police custody.'

This change to the APP was made on 05.07.2023. <https://www.college.police.uk/app/detention-and-custody/changes>

It details the legal position and requirements re police custody strip searches / welfare clothes removal / PACE Code C Annex A - citing a legal ruling from 2015, Davis v Merseyside Police (which is sometimes referred to as PD v Merseyside Police).

Please can you tell me:

Whether your force procedure or policy on custody/strip search/documentation was updated to reflect this change to the APP?

(ie - a change or updated version around or shortly after 5th July 2023 which relates to the APP new section on documenting strip searches in custody and / or PACE Code C Annex A and / or removal of clothes for welfare reasons/prevention of self-harm and / or Davies/PD v Merseyside Police).

Please can you provide me with:

A copy of the force's procedure / policy that was in place before the change was made (this would likely be the procedure / policy document that was in use in June 2023)

A copy / copies of any new / updated versions of this procedure / policy document that have been issued by your force since the change to the APP (in early July 2023).

If the change to the APP on this matter was communicated to custody officers / staff in any other way (perhaps an internal email or in an internal newsletter) I'd be grateful if you could also give me details of what was communicated and when.

If your procedure / policy on this issue had already been changed in 2015 as a result of the Davies v Merseyside Police ruling (or as a result of guidance on the ruling issued by HMIC in 2015) then please tell me about these changes (ie what was changed and when).

Our response:

Wiltshire Police do not have a force policy or procedure relating to Custody. This is because the force adopted the Detention and Custody Authorised Professional Practice (APP) module as our policy and procedure in March 2013 and this is still the case today. That also includes any changes made to the APP Detention and Custody module since that date.

As part of our Section 16 duty to provide advice and guidance where possible, I would suggest that you refer to the Detention and Custody Authorised Professional Practice (APP) module on the College of Policing website for more information.

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

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.

Proud to serve and protect our communities

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