

WILTSHIRE POLICE



XXXXXXX
By email

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

Date 3rd May 2024

Our Ref FOI 2024-375

Dear XXXXX,

I write in connection with your request for information dated 8th April 2024, concerning Operational Protocols, Conduct and UK Legislation.

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.

Following receipt of your request, research was conducted by the Force Policy Officer and Learning & Development, Professional Standards, Business Intelligence, Legal Services and Warrants departments at Wiltshire Police.

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

You wrote and our response:

Under the Freedom of Information Act 2000, I seek comprehensive insight into the operational protocols, ethical guidelines, and adherence to UK legislation governing your organization's personnel. This request specifically pertains to law enforcement agencies, security services, and related organizations.

Are personnel required to undertake oaths or affirmations for legal service? If so, cite relevant UK legislation.

In England and Wales those who become Police Officers take an oath at the point of becoming a Constable. The oath, or attestation, is set within the legislation of this country. Every Police Officer including Special Constables hold the Office of Constable and will attest before a justice of the peace making the declaration as laid out in Section 29 and Schedule 4 to the Police Act 1996.

Special Constables take the same Oath of Office as regular Police Officers and have the same powers (Section 29 Police Act 1996 and Schedule 4 of the Police Act 1996, inserted by Section 83 of the Police Reform Act 2002).

Police staff: No oath or affirmations - but have Powers given to them by the Chief Constable for specific roles on successful completion of their training.

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Detail policies or legal statutes governing personnel conduct regarding aiding or abetting crimes, with references to UK legislation.

We have no policies specifically governing personnel conduct regarding aiding or abetting crimes. As far as our Force Policy Officer is aware, there is no legislation that allows Police personnel to aid or abet the commission of a crime.

If a member of personnel commits a criminal offence then, in addition to a prosecution, disciplinary action may be taken under The Police (Conduct) Regulations 2020 (for Police Officers) or the Police Staff Discipline Procedure (for Police staff).

The Police Staff Discipline Procedure is available on the Wiltshire Police website, therefore the information you are requesting is exempt by virtue of Section 21 of the Freedom of Information Act 2000 – Information accessible to applicant by other means.

The following links will direct you to our Police Staff Discipline Procedure:

➤ [Police Staff/OPCC Discipline Procedure \(wiltshire.police.uk\)](https://www.wiltshire.police.uk/Police-Staff-Discipline-Procedure)

Are personnel authorized to assist bailiffs or engage in enforcement actions? Outline legal and policy frameworks with references to UK laws or internal guidelines.

Our Force Policy Officer is not aware of any policy or internal guidelines covering the assisting bailiffs in enforcement actions.

As a general principle, Officers may be directed to attend private premises with a bailiff or other official in order to prevent a breach of the peace from occurring whilst a Court Order of some type is being enforced, or to attend an incident when a specific criminal offence has occurred or is likely to occur.

Breach of the peace is governed by the Common Law.

Provide conditions under which personnel are permitted to assist debt collectors, referencing relevant UK legislation.

Please see above response.

As far as our Force Policy Officer is aware, this is not currently covered by UK legislation however it is, as mentioned above, covered by the common law.

Describe personnel training on legal obligations and limitations regarding bailiffs, debt collectors, and investigations, citing legislation or internal guidelines.

PCs and Specials:

For PCs and Special Constables - the COP - College of policing set the curriculum. We do not currently train Police Officers regarding Bailiffs etc. as we follow the COP set content for student Officers. We do cover BOP - Breach of the Peace which will refer to civil matters and outlines any Police involvement - which would be as detailed the notes below for Specials and Control Room staff in response of necessary action.

It is not entirely clear* in what the requester is asking for so the response is broken down into two parts for Specials.

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- i. Describe personnel training on legal obligations and limitations regarding bailiffs, debt collectors .
 - a. There is currently no specific training for Special Constable's regarding Bailiffs and Debt Collectors. It's not part of the Specials nationally set training programme.
 - b. Debt Collectors have no legal powers of entry unless they are invited into a house by a householder. The Police cannot assist them in entry, except to prevent a Breach of the Peace. Training is given on BoP.
 - c. Bailiffs must have a Court Order or Recovery Order. The Police can only assist with what is specifically mentioned in the order/ Documentation. The Police's role is to prevent a Breach of the Peace and not assist in any seizures.
- ii. and investigations, citing legislation or internal guidelines.
 - d. This part of the question is ambiguous in relation to the first part of the question in relation to Debt Collectors and Bailiffs. If referring to Investigations then it comes from Common Law, PACE 1984, Criminal Procedure and Investigations Act 1996 as well as just about every piece of Criminal Legislation, College of Policing, Investigation Standards etc. It would not be proportionate to supply every reference as this would take a significant length of time to collate and there's too much to legislation to refer to individually.

Police staff:

PCSO/Escort Officers and Detention Officers do not cover this in their initial programmes

CCC - Communications Centre/Control room staff - those taking calls from the public - receive training. This covers legal obligations and limitations. To summarise they cover:

- Bailiffs work on behalf of the Courts to collect debt.
- powers to take your possessions
- Debt collectors do not have the same powers as bailiffs Seek ID through seeing proof such as an ID card/badge.
- High Court Enforcement Officers - responsible for enforcing High Court orders
- Civilian Enforcement Officers - enforce certain magistrates' and Crown Court orders and can execute warrants of arrest.
- Certified enforcement agents - hold a certificate granted by the County Court. They can enforce debt from criminal fines, council tax home domestic rates, road traffic, child support etc.
- What rights do bailiffs have to enter your home ?
 - They have a right to peaceful entry of premises only.
 - They cannot force their way in, although they could open and go through an unlocked door.
 - Cannot break open a door or window, use a locksmith to pick a lock, or to force their way past someone at a door.
 - A Bailiff will only have a right to force entry to your home on a first visit if they are there to collect unpaid Magistrates' Court fines.

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- They are only allowed to use reasonable force i.e. a locksmith who will unlock the door

The role of the Police is preventing a Breach of the Peace, but if none is occurring, nor any other crime being committed, it is not their business to get involved.

Legislation - as above - including what a Breach of the Peace is.

Explain organizational accountability and oversight for allegations of personnel complicity in criminal activities, including investigation procedures.

1. If an Officer or member of staff is alleged to have committed a criminal offence it is investigated as a crime with the burden of proof being 'Beyond all reasonable doubt' as per a member of the public would be.
2. Under Police complaints / conduct regulations this would also lead to possible suspension from duty dependent upon the nature of the alleged crime.
3. Any internal Police conduct proceedings would then be suspended pending the outcome of the criminal investigation.
4. On conclusion of the criminal investigation the conduct investigation would restart. If the Court outcome was a Guilty finding then this would likely lead to dismissal from the force (depends on the offence)
5. If the Court outcome was Not Guilty then the criminal investigation and outcome would be looked at using the lower standard of proof of 'on balance of probabilities' to see whether the individual had committed any misconduct.
6. If on conclusion of the conduct investigation the individual was found to have a 'case to answer' then dependent upon the seriousness of the misconduct they would face Misconduct proceedings where they could receive a finding of

Misconduct Meeting	Misconduct Hearing
Misconduct not found - NFA	Misconduct not found - NFA
Misconduct not found - Referral to RPRP	Misconduct not found - Referral to RPRP
Written Warning 18 months	Written Warning 18 months
Final Written Warning maximum 2 years	Final Written Warning maximum 5 years
	Reduction in rank
	Dismissal without Notice (Gross Misconduct)

Detail legal basis and policies governing personnel use of force in civil matters, such as assisting bailiffs or debt collectors.

We do not have any policies governing personnel use of force in civil matters. The Police are unlikely to intervene in civil disputes unless a crime has been committed or someone is in immediate danger or to prevent a breach of the peace.

The legal basis for Police use of Force see, for example, Criminal Law Act 1967, Police and Criminal Evidence Act 1984, Common Law.

Use of Force is governed by our Use of Force Policy. This Policy is available on the Wiltshire Police website, therefore the information you are requesting is exempt by virtue of Section 21 of the Freedom of Information Act 2000 – Information accessible to applicant by other means.

The following link will direct you to our Use of Force Policy:

- [Use of Force Policy \(wiltshire.police.uk\)](https://wiltshire.police.uk)

Provide policies on sharing personal data with external entities and compliance measures with Data Protection Act and GDPR.

The information you are requesting is exempt by virtue of Section 21 of the Freedom of Information Act 2000 – Information accessible to applicant by other means.

The following links will direct you to our Data Protection and Information Sharing Policies on the Wiltshire Police website:

- [Data Protection Policy \(wiltshire.police.uk\)](https://wiltshire.police.uk)
- [Information Sharing Policy \(wiltshire.police.uk\)](https://wiltshire.police.uk)

Describe the process for the public to file complaints against alleged misconduct related to this request.

There are two ways a member of the public can file a complaint.

- 1. Directly to the Force**
- 2. Submit a complaint to the IOPC**

Provide statistical information on instances of personnel assisting bailiffs or debt collectors in the past three years, including outcomes.

We do not have data available on occurrences involving personnel assisting bailiffs or debt collectors.

Define enforceable warrants within your organisation's jurisdiction.

Our Legal Services department have stated the information requested in relation to warrants is not information held by Wiltshire Police. Note, under Freedom of Information a public authority is not obliged to create data where this is not already held.

Our Warrants department have suggested the warrants related questions may relate to Court granted warrants. Their department only deal with warrants where an offender has failed to appear in Court, First Instance and Breach warrants; and task warrants out for arrest action.

Under our section 16 duty to provide advice and assistance, we would suggest contacting the Courts as they may be able to assist with the warrants questions.

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Alternatively, our Legal Services department have suggested an internet search may provide responses to these questions. Therefore, the information you are requesting is exempt by virtue of Section 21 of the Freedom of Information Act 2000 – Information accessible to applicant by other means.

Outline specific criteria for warrants to be legally enforceable by local law enforcement agencies.

As above with first warrants question.

Describe different types of warrants and their enforceability under local laws.

As above with first warrants question.

List required legal documentation or evidence for warrant issuance and enforcement.

As above with first warrants question.

Explain differences in enforcing warrants between civil and criminal cases within jurisdiction.

As above with first warrants question.

Highlight recent changes or updates to legal standards or procedures related to warrant issuance and enforcement.

As above with first warrants question.

Explain circumstances where warrants can be challenged or deemed unenforceable by the subject or their legal representation.

As above with first warrants question.

Detail measures to ensure protection of individuals' rights during warrant execution.

As above with first warrants question.

Section 17 of the Freedom of Information Act 2000 requires Wiltshire Police, when refusing to provide such information (because the information is exempt) to provide you the applicant with a notice which: (a) states that fact, (b) specifies the exemption in question and (c) states (if that would not otherwise be apparent) why the exemption applies.

The exemption applicable to the information requested is:

Section 21 - Information Accessible to the Applicant by Other Means

In accordance with section 17 of the Act, this letter represents a partial Refusal Notice for this particular request.

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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



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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
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 to contact them, please visit <https://ico.org.uk/global/contact-us/>

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