

WILTSHIRE POLICE



Police Headquarters

London Road
DEVIZES
Wiltshire
SN10 2DN

Date: August 16, 2024

Our ref: FOI 2024/704

Reply contact name is:

Dear,

I write in connection with your request for information, dated 28th July 2024 concerning 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.

Following receipt of your request, research was conducted by the Custody Department of Wiltshire Police.

Your request for information has now been considered and I am not obliged to supply the information you have requested.

You Wrote:

Custody Records and PACE Code C Compliance:

1. Has your police force previously allowed (or otherwise permitted), and/or does it currently allow (or otherwise permit), the use of ellipses ("...") within custody records? Please confirm this explicitly with a 'yes' or a 'no' as your response.

Statutory Requirements and Compliance:

2. Please provide a copy of your internal guidelines, guidance, policies, and procedures that relate to the accurate and complete recording of your Force's custody records in accordance with PACE Code C.

3. Provide a copy of the specific internal directive, policy, guidance, and procedures (created and or updated within the last 5 years) that detail the permissible use of ellipses within your Force's custody records under your Force's internal guidelines and policies?

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Audit and Oversight:

4. Have there been any internal or external audits, reviews, or assessments of your Force's custody record practices (within the last 10 years or alternatively, and in the public interest, such lesser period or reduced outer limit of what your Force considers to be a reasonable time- frame)? If so, please provide copies of these documents.

5. Has there been any correspondence, guidance, or instructions from oversight bodies such as the Independent Police Complaints Commission (IPCC), Independent Office for Police Conduct (IOPC) or Home Office regarding your Force's custody records? If so, please provide copies of these documents.

Additional Information:

6. Please include all disclosable correspondence, directives, or communications which you hold that clarify the permissible practices for recording information in custody records under PACE Code C.

Response:

The information that you are requesting, specifically for Questions Four, Five and Six, is not stored in a way which allows for easy retrieval and Wiltshire Police does not have the search facility to automatically gather this data. To clarify, on liaising with our Custody Department, it has been determined that to ascertain this information for the requested time periods, it would require manually searching and reading each and every piece of correspondence held by Wiltshire Police individually to determine if they related to these questions. This would include both electronic (such as emails and documents held on our systems) and physical documents (held at all of our locations). Once we have located these, we would then have to review them in-line with the Legislation. This would exceed the 18 hour work limit to locate, retrieve and extract the information.

Ordinarily under our Section 16 obligation to provide advice and assistance, I would advise you of a way in which to refine your request. However, due to the difficulties as outlined above, I cannot think of a way in which this could be achieved.

Section 17 of the Freedom of Information Act 2000 requires the 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 12: Exemption where cost of compliance exceeds appropriate limit

Section 1(1) does not oblige a public authority to comply with a request for information if the authority estimates that the cost of complying with the request would exceed the appropriate limit.

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

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.

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

Yours sincerely,

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

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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.

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