



Your reference: N/A
Our reference: FOI_24_0624
E-mail: FOI
@gloucestershire.police.uk
Direct dial: 01452 754304
Postal Address: As above
Date: 22/07/2024

Dear

Gloucestershire Constabulary Freedom of Information request FOI_24_0624

On 28/07/2024 you sent an email constituting a request under the Freedom of Information Act asking the following:

I am writing to request information under the Freedom of Information Act 2000. My request pertains to the Codes of Practice for people in custody, as provided under the Police and Criminal Evidence Act 1984 (PACE) and the accompanying PACE Codes of Practice.

According to the Police and Criminal Evidence Act 1984, specifically Code C, detainees in police custody are entitled to access the Codes of Practice that outline their rights and the procedures that must be followed by the police. In light of this provision, I would like to request the following information:

1. Number of Copies of Codes of Practice:

Please confirm the number of copies of the PACE Codes of Practice held within each custody suite for which your police force is responsible.

2. Requests for Codes of Practice:

Please provide the number of times the PACE Codes of Practice have been requested by someone in custody within each custody suite over the past three years.

For clarity, I am referring to the Codes of Practice that detainees are entitled to read and refer to during their time in custody, as mandated by the Police and Criminal Evidence Act 1984 and its associated Codes of Practice.

Under the Freedom of Information Act 2000 s1, I can confirm that Gloucestershire Constabulary may hold some relevant information.

There is no specific field on the custody system to record if a detainee has requested the PACE Code of Practice, this information would only be recorded within the custody record. A manual review of over 25,180 custody records would need to be conducted to ascertain the number of the PACE Code of Practice documents have been requested. This would take far longer than the 18 hours prescribed by the Act.

Please see below for suggestions on how you may be able to refine your request to come within the cost constraints of Section 12 of the Act.

Section 17(5) of the Freedom of Information Act 2000 requires Gloucestershire Constabulary, when refusing to provide information (because the information is exempt) to provide you the applicant with a notice which: (a) states the fact, (b) specifies the exemption in question and (c) states (if not otherwise apparent) why the exemption applies.

In relation to your request Section 12 applies.

Section 12(1) – Fee Regulations states:

Section 1(1) of the Act 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. (As detailed in the Data Protection and Freedom of Information Fees Regulations of 2004)

The appropriate limit at the moment is £450 calculated at an hourly rate of £25 per hour for all staff time incurred in:

- i. Determining whether information is held
- ii. Locating it
- iii. Retrieving it
- iv. Extracting the information to be disclosed from the other information.

In accordance with the Act, this letter represents a Refusal Notice for your request.

Providing Information Outside of the Act

By way of assistance and although excess cost removes the Force's obligations under the Freedom of Information Act, we have supplied the information relevant to your request which has already been retrieved. We trust this is helpful but it does not affect our legal right to rely on the fees regulations for the remainder of your request.

Following receipt of your request, I can confirm that your request has been sent to the relevant department for the number of copies are held within custody. The results are as follows:

Rights abbreviated version 163 copies
Full PACE code C 6 copies
Easy read (vulnerable/children) 16 copies.

These are printed copies and when they run low the Custody Detention Officer's will print more so they are always available.

If you are not satisfied with this response or any actions taken in dealing with your request, you have the right to ask that we review your case under our internal procedure. Please

note that a request for an internal review must be made within 20 working days of the response to your original request.

If you decide to request that such a review is undertaken and following this process you are still unsatisfied, you then have the right to direct your complaint to the Information Commissioner for consideration.

The Information Commissioner can be contacted via the following means:

Website - <https://ico.org.uk/>

Call their helpline - 0303 123 1113

Email - casework@ico.org.uk

Post –

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

Yours sincerely,

Disclosure Officer
Gloucestershire Constabulary