



Your reference: n/a

Our reference: FOI_24_0631

E-mail: FOI

@gloucestershire.police.uk

Direct dial: 01452 754304

Postal Address: As above

Date: 09/07/2024

Dear

Gloucestershire Constabulary Freedom of Information request FOI_24_0631

On 02/07/2024 you sent an email constituting a request under the Freedom of Information Act asking the following:

The following text is from your website:

Stop and account

This is when a police officer or PCSO stops you in a public place and asks you to account for yourself and may ask you:

what you're doing
where you've been
where you're going
what you're carrying

Stop and search

This is when a police officer stops and then searches you, a vehicle and anything you're carrying.

Vehicle stop

This is when a police officer stops a vehicle.

What will happen

What you should be told

The police officer or police community support officer must explain why you're being stopped and why you're being asked to account for your actions or presence in an area.

In almost all cases, you should be offered a record of the stop and search at the time it happens.

The police use these powers to help make the local community safer by preventing and detecting crime. Naturally, public cooperation is an essential part of that.

As I am unaware of any law or Legislation which empowers a Police Constable or a Police Community Support Officer to conduct a Stop and Account, under the provisions of the Freedom of Information Act 2000, please provide documentation which authorises a stop and account power when there is sufficient case law preventing the use of stop and account.

Additionally, please provide documentation that would account for the omission of the stopped persons right not to respond to a 'stop and account'.

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

Section 17 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.

The following exemptions apply:

Section 21 – Information reasonably accessible by other means

The above exemption is absolute and class-based and therefore no Public Interest Test or Harm Test is required.

The information that you have requested is already reasonably accessible to you by other means and is therefore exempt by virtue of Section 21 of the Freedom of Information Act 2000. Gloucestershire Constabulary are required to make certain information available to the public as part of a publication scheme.

The information requested is available in the public domain via the following address:

[Stop and Search Policy V7.2 \(gloucestershire.police.uk\)](https://gloucestershire.police.uk/Stop-and-Search-Policy-V7.2)

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