



Our Ref: 003396/24
Address Correspondence to: Information Management
Date: 14 August 2024

Freedom of Information Act 2000

I write further to your request for information received 29/07/2024. I note you seek access to the following information:

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?*

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.*

Following receipt of your request, searches were conducted within Leicestershire Police to locate information relevant to your request.

Your request for information has now been considered and the information asked for is as follows: -

1. No.
2. No information held.
3. No information held.
4. All forces are audited regularly (4-6years) by HMICFRS custody Inspections, they publish a public facing report that is available on their website. The Independent custody visitors association (ICVA) are members of the public who are permitted access to detained persons and with permission their custody records they also

produce an annual custody report which is available through their website. The force custody department conducts quarterly audits of custody records as part of its own internal performance and QA regime the accuracy of custody records is ensured through single user sign on and user signature data logs for every custody log entry.

In terms of our own performance and QA data these are internal documents used solely for managements purposes they contain sensitive 3rd party data, it would not be possible to search and retrieve this over a period of 10 years as it would place an unreasonable burden on us taking many weeks of work. Even with the caveat of what the force would consider reasonable the documents contain data relating to individuals in custody who have not given consent for their custody record to be shared so complying with this request would not be practicable because we could not gain consent from each and every suspect and other parties including solicitors, appropriate adults and so on. Redaction would render the data unintelligible but happy to discuss this further if you think we may have to disclose internal QA data.

Section 17 of the Freedom of Information Act 2000 requires Leicestershire 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(s) applicable to the information are as follows.

Section 40 (2) – Personal Information

Section 40(2) is a class based absolute exemption and as such legislators have identified that there would be harm in disclosure and there is no requirement to evidence this or consider the public interest test. However, as Section 40(2) is engaged and in order to make the exemption absolute we need to evidence that a data protection principle would be breached by disclosure. In this case it would not be fair to process confidential information which could lead to the identification of an individual, therefore the first principle of the Data Protection Act would be breached.

You should consider this to be a refusal under section 17 of the Act for this part of your request.

Section 12 – Cost of compliance exceeds appropriate limit.

As stated above, in order to retrieve the information you have requested would therefore be in excess of the 18 hours specified by the Home Office as the time period for which a police force should allocate to a request under the Freedom of Information Act 2000.

In the Freedom of Information (Fees and Appropriate Limit) Regulations 2004, the current regulatory limit which has been set by the Secretary of State for public authorities, which includes the police service, is £450 for the marginal costs which are the costs of finding, sorting, editing or redacting information and disbursements (printing, photocopying etc). The Association of Chief Police Officers have agreed a national standard of an hourly rate of £25 is to be charged for the time taken. In essence therefore, the costs equate to 18 hours work per request. It will be apparent therefore that within the time frame of 18 hours it will not be possible to extract the information to answer any of your questions.

In accordance with the Freedom of Information Act 2000, this letter acts as a Refusal Notice under s12(1) as the cost of providing you with the information is above the amount to which we are legally required to respond i.e. the cost of locating and retrieving the information exceeds the "appropriate level" as stated in the Freedom of Information (Fees and Appropriate Limit) Regulations 2004.

5. The IOPC deal with public complaints. They publish findings of investigations as do other statutory bodies therefore these documents are available to the public via their website.

Therefore, the exemption applicable to the information is as follows.

Section 21 –Information Reasonably Accessible by Other Means.

Section 21 of the FOI Act exempts disclosure of information that is reasonably accessible by other means, and the terms of the exemption mean that we do not have to consider whether or not it would be in the public interest for you to have the information.

You can find out more about Section 21 by reading the extract from the FOI Act and some guidance points we consider when applying this exemption, attached at the end of this letter. You can also find more information on the Section 21 exemption by reading the full text at

<https://www.legislation.gov.uk/ukpga/2000/36/section/21>.

6. No information held.

Leicestershire Police provides you the right to ask for a re-examination of your request under its review procedure. Letters should be addressed to Information Manager, Corporate Services Department at the above address. If you decide to request such a review and having followed the Force's full process you are still dissatisfied, then you have the right to direct your comments to the Information Commissioner who will give it consideration.

Freedom of Information Officer

Leicestershire Police

Leicestershire Police in complying with their statutory duty under sections 1 and 11 of the Freedom of Information Act 2000 to release the enclosed information will not breach the Copyright, Designs and Patents Act 1988. However, the rights of the copyright owner of the enclosed information will continue to be protected by law. Applications for the copyright owner's written permission to reproduce any part of the attached information should be addressed to The Information Manager, Leicestershire Police Headquarters, St. Johns, Enderby, Leicester LE19 2BX.