

Date:14/08/2021

Our Reference: FOIA-2021-086

RE: Freedom of Information Act 2000 Request

I write in response to your Freedom of Information Act 2000 (or 'FoIA 2000') request dated 07/08/2021:

In a recent FOI request on the use of handcuff by a police force the reply stated.

"the use of handcuffs in searches is not routine. It is for the individual officer to justify their use of force and if used force should be reasonable, proportionate, no more than necessary and no longer than necessary. "

I am aware that the COP class there use as an assault. Can I have answers to the following

1 Have any instructions been issued by the COP on the recording of use of force against members of the public?

2 If so can I have a copy?

3 As handcuffing now appears to have become the normal in searches in the street, has the COP change the instructions on there use?

When a request for information is made under FoIA 2000, a public authority has a general duty under section 1(1) of the Act to inform an applicant whether the requested information is held. There is then a general obligation to communicate that information to the applicant. If a public authority decides that the information should not be disclosed because an exemption applies, it must, under section 17(1) cite the appropriate section or exemption of the Act and provide an explanation for relying upon it.

It is important to note that a freedom of information request is not a private transaction. Both the request itself and any information disclosed are considered suitable for open publication, that is, once access to information is granted to one person under the legislation, it is then considered public information and must be communicated to any individual should a request be received. In light of this, our responses and disclosures are published on our external website at a later date. This should be borne in mind where a request is made for personal data of named individuals.

Decision

After conducting careful searches for any information relevant to your request I can confirm that partial information is held. Each part of your request is considered below:

1. Each force have their own policies with regard to how they record and monitor the use of force by their officers. The College does not instruct forces how to record such use. The recording of the use of handcuffs during Stop and Search encounters is something the NPCC is leading on and they may have further information.
2. Not applicable as per the above.
3. Information exempt under Section 22.

Section 22 – information intended for future publication

Section 22 states:

(1) Information is exempt information if—

- (a) the information is held by the public authority with a view to its publication, by the authority or any other person, at some future date (whether determined or not),
- (b) the information was already held with a view to such publication at the time when the request for information was made, and
- (c) it is reasonable in all the circumstances that the information should be withheld from disclosure until the date referred to in paragraph (a)

In relation to information that we do currently hold that is captured by your request, I acknowledge that there is a public interest in sharing research information in a timely manner. However this must be balanced with the public interest in a public body providing the data in a cost effective way. I do not consider that publishing this information in response to an individual FOIA request, when there is a settled intention to publish in the near future, the most cost effective or efficient method of publishing this information. I therefore consider that the public interest lies in withholding this information at this stage.

The application of section 22 requires it to be reasonable in all of the circumstances to withhold disclosure until the intended date of publication. Given that the research process is still ongoing, and taking into account that the intention is to publish the research in the near future, I am of the view that is it

reasonable to withhold the information until the intended date of publication. I can confirm this does not yet have a set date.

Your rights are provided in **Appendix A**.

Yours sincerely,

Legal Services
Information Management and Legal Team
College of Policing

Email: FOI@college.pnn.police.uk

Website: www.college.police.uk

Appendix A

Rights

If you are dissatisfied with the handling procedures or the decision of the College of Policing made under the Freedom of Information Act 2000 (the Act) regarding access to information you can request that the decision is reviewed internally.

Internal review requests should be made in writing, within **forty (40) working days** from the date of the refusal notice, and addressed to: FOI team, Central House, Beckwith Knowle, Otley Road, Harrogate, North Yorkshire, HG3 1UF or email: FOI@college.pnn.police.uk

In all possible circumstances the College of Policing will aim to respond to your request for internal review within **20 working days**.

The Information Commissioner

If, after lodging an internal review request with the College of Policing you are still dissatisfied with the decision you may make application to the Information Commissioner for a decision on whether the request for information has been dealt with in accordance with the requirements of the Act.

For information on how to make application to the Information Commissioner please visit their website at <https://ico.org.uk/for-the-public/official-information/>.

Alternatively, write to:

Information Commissioner's Office

Wycliffe House

Water Lane

Wilmslow

Cheshire

SK9 5AF

Phone: 0303 123 1113