

**Force Disclosure Unit**

Wiltshire Police HQ

London Road

Devizes

Wiltshire

SN10 2DN

Tel 101 ext. 62005

www.wiltshire.police.ukdisclosure@wiltshire.police.uk

Date: 27 July 2021

Our ref: FOI 2021/486

Reply contact name is: Lloyd Tilbury

Dear,

I write in connection with your request for information dated 1st June 2021 concerning Prevent referrals.

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.

Your request for information has now been considered and I am able to respond as follows.

You wrote:

Please could you provide the answers to the below questions for each of the following time periods: 2018 (calendar year), 2019 (calendar year), 2020 (calendar year) and between 01/01/21 and 31/05/21.

- 1) How many members of your police force were referred to Prevent, the UK's terrorism prevention programme, by your police force over the requested period?

Can you please tell me the exact date (in format DD/MM/YYYY) this person was referred to Prevent, the rank of the officer who was subject to the referral (i.e. level of seniority) at the time of referral and the 'type of concern' the officer was referred to Prevent in relation to (for example, but not limited to: islamist radicalisation or right-wing radicalisation).

Response:

On reviewing your request, the original response and your request for an Internal Review, I uphold the original response provided to you.

Wiltshire Police can neither confirm nor deny that information is held as the duty in Section 1(1)(a) of the Freedom of Information Act 2000 does not apply by virtue of the following exemptions:

Section 24(2) – National Security
Section 30(3) – Investigations
Section 31(3) – Law Enforcement
Section 40(5) – Personal Information



Sections 24, 30 and 31 are qualified exemptions and as such there is a requirement to articulate the harm and conduct a public interest test in regards to confirmation or denial.

Section 40 is a class based absolute exemption and therefore there is no requirement to consider the public interest in this case.

Overall Harm

On reviewing the original Freedom of Information request and the reasons given in the response provided, it is clear that the information sought relates directly to potential police investigations, therefore to confirm or deny whether information is held would highlight to terrorists and individuals intent on carrying out criminal behaviour where policing activity is focused, which would increase the risk of harm to the general public and could significantly undermine any ongoing or future investigations and operations to protect the security or infrastructure of the United Kingdom.

Confirming or denying whether any information is or is not held relating to intelligence received into the Prevent programme would limit operational capabilities as individuals, including extremists and terrorists, would gain a greater understanding of the police's methods and techniques, enabling offenders to take steps to counter them. It may also suggest the limitations of police capabilities in this area, which may further encourage criminal/terrorist activity by exposing potential vulnerabilities.

Disclosing under the Freedom of Information Act is a disclosure to the world, not just the requester. Disclosures which appear harmless, pieced together with other disclosures, can be used in a 'mosaic effect' to give a fuller picture to those wishing to evade detection. This detrimental effect is increased if the request is made to several different police forces. Those intent on organised crime throughout the UK will be able to 'map' what is and is not known by police about their activities. This can be useful information to those committing (or those intent on committing or planning) crime. It would have the potential of identifying location-specific operations which could compromise police tactics, operations and future prosecutions as criminals/terrorists could counteract the measures used against them.

Disclosure of the information requested, if held, could discourage individuals to report their suspicions of terrorism or other intelligence. This would leave the United Kingdom at risk of more terrorist attacks.

Furthermore, police forces work in conjunction with other agencies and information is freely shared in line with information sharing protocols. Modern-day policing is intelligence led and this is particularly pertinent with regard to both law enforcement and national security. The public expect police forces to use all powers and tactics available to them to prevent and detect crime or disorder and maintain public safety. In this case, the referral of individuals to the Prevent database.

The prevention and detection of crime is the foundation upon which policing is built and the threat from terrorism cannot be ignored. It is generally recognised that the international security landscape is increasingly complex and unpredictable. The current UK threat level from international terrorism, based on intelligence, is assessed as substantial which means that a terrorist attack is likely.

In order to counter criminal and terrorist behaviour, it is vital that the police have the ability to work together, where necessary covertly, to obtain intelligence within current legislative frameworks to assist in the investigative process to ensure the successful arrest and prosecution of offenders who commit or plan to commit acts of terrorism.

To achieve this goal, it is vitally important that information sharing takes place between police officers, members of the public, police forces as well as other law enforcement bodies within the

United Kingdom. Such action would support counter-terrorism measures in the fight to deprive terrorist networks of their ability to commit crime.

The impact of providing information under Freedom of Information which aids in identifying whether or not Wiltshire Police has concerns about police officers being involved in Islamic radicalisations or right-wing radicalisation and have made a referral to the Prevent programme and which forces haven't, would provide those intent on committing criminal or terrorists acts with valuable information as to where the police are targeting their investigations.

In addition, to confirm or deny whether information is held in this case has the potential to undermine the flow of information (intelligence) received from members of the public into the police service thereby undermining national security and leaving the United Kingdom at risk of more terrorist attacks.

Whilst I fully acknowledge that there is a public interest in confirmation or denial as set out within the Internal Review request, I believe that the greater risks to police investigations, law enforcement and national security prevent the information requested, if even held, from being disclosed.

Public Interest Considerations

Section 24(2) National Security

Factors Favouring Confirming or Denying Information is Held

The public are entitled to know how public funds are being spent, especially in relation to how police investigate terrorist offending. To confirm whether or not information exists would enable the public to hold Wiltshire Police to account in regards to how they gather intelligence when referring individuals to the Prevent database. In addition, confirming or denying information is held would improve public debate.

Factors Against Confirming or Denying Information is Held

Taking into account the current security climate within the United Kingdom, no information which may aid a terrorist should be disclosed. To what extent this information may aid a terrorist is unknown, but it is clear that it will have an impact on a force's ability to monitor terrorist activity.

The public entrust the police service to make appropriate decisions with regard to their safety and protection. The only way of reducing risk is to be cautious with what is placed into the public domain.

The cumulative effect of terrorists gathering information from various sources would build a picture of vulnerabilities within certain scenarios, as in this case which forces have referred serving police officers on to the Prevent database. The more information disclosed over time will provide a more detailed account of the tactical referral of individuals suspected or being vulnerable to radicalisation.

Section 30(3) Investigations

Factors Favouring Confirming or Denying Information is Held

Confirming or denying whether information exists relevant to this request would lead to a better informed public by identifying that Wiltshire Police robustly investigates any offences that may occur which identifies that an individual is susceptible to radicalisation, including police officers and staff.

This fact alone may encourage individuals to provide intelligence in order to assist with investigations and would also promote public trust in providing transparency and demonstrating openness and accountability into where the police are currently focusing their investigations.

The public are also entitled to know how public funds are spent.

Factors Against Confirming or Denying Information is Held

Modern-day policing is intelligence led. To confirm or not whether Wiltshire Police has referred a serving police officer to be entered onto the Prevent database could hinder the prevention and detection of crime.

Section 31(3) Law Enforcement

Factors Favouring Confirming or Denying Information is Held

The number of Prevent referrals is published (the latest publication being for the time period April 2019 to March 2020), this is at a national level only and this in itself favours confirming whether information is held.

Factors Against Confirming or Denying Information is Held

Wiltshire Police has a duty of care to the community at large and public safety is of paramount importance. If an FOI disclosure revealed information to the world (by citing an exemption or stating no information held) that would assist an offender and undermine the security of the national infrastructure, by revealing our 'intelligence', thereby highlighting vulnerabilities force by force.

By its very nature, by confirming or denying this information is held would undermine the effective delivery of operational law enforcement. Under FOI there is a requirement to comply with Section 1(1)(a) and confirm what information is held. However, in some cases it is that confirmation, or not, which could disclose facts harmful to members of the public, police officers, other law enforcement agencies and their employees.

Balance Test

The points above highlight the merits of confirming or denying whether information pertinent to this request exists. The security of the country is of paramount importance and the police service is charged with enforcing the law, preventing and detecting crime and protecting the communities we serve. As part of that policing purpose, various operations with other law enforcement bodies may or may not be ongoing. The police service will never divulge whether or not information is held if to do so would place the safety of the individual(s) at risk or undermining national security.

Whilst there is public interest in appropriately and effectively engaging with the threat from criminals, there is a very strong public interest in safeguarding national security. As much as there is a public interest in knowing that policing activity is appropriate and balanced in matters of national security, this will only be overridden in exceptional circumstances.

The public entrust the police service to make appropriate decisions with regards to their safety and protection and the only way of reducing risk is to be cautious with any information that is released. Confirming or denying whether information is or isn't held would definitely reveal policing activity and would assist those intent on causing harm. Any incident that results from confirmation or denial would, by default, affect national security.

Therefore, at this moment in time, it is our opinion that for these issues the balance test for confirming nor denying that information is held is made out.

No inference can be taken from this response that information does or does not exist.

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.

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

Yours sincerely

Lloyd Tilbury
Principal Decision Maker

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



Force Disclosure Unit

Wiltshire Police HQ, London Road, Devizes, Wiltshire SN10 2DN
Telephone 101 ext 62005

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 Fol 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/>