

**Force Disclosure Unit**

Wiltshire Police HQ

London Road

Devizes

Wiltshire

SN10 2DN

Tel 101 ext 62005

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

XXXXXX – by email

Date: 3rd March 2022

Your ref: FOI

Our ref: FOI 2022 / 187

Reply contact name is: Nick Penny

Dear XXXXXX,

I write in connection with your request for information dated 20th February 2022 concerning Police Presence in Broughton Gifford on 19th February 2022.

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 not obliged to supply the information you have requested in full.

You wrote (and Our Response) :

Various posts on social media show a large police presences in Broughton Gifford on 19th February 2022, therefore could you please answer the follow question about the policing of the event :-

- a) How many police staff were deployed for this event? If possible please state their ranks.
- b) How many evidence gatherers were deployed for this event?
- c) How many police vehicles were deployed for this event?
- d) How many of these police vehicles were unmarked?

In regard to questions A,B,and C, the release of this information is exempt from disclosure under the following sections of the Freedom of Information Act :-

Section 31(1)(a)(b) Law Enforcement
Section 38(1) Health & Safety

Sections 31 and 38 are qualified exemptions which require an examination of the public interest considerations for and against disclosure. In addition to this, an examination of the likely harm which would follow disclosure is also required for sections 31 and 38.



INVESTOR IN PEOPLE

Please see below for the full application of sections 31 and 38.

Overall Harm

Although every effort should be made to release information under the Freedom of Information Act, to disclose this type of information could prejudice future law enforcement tactics, in particular when it comes to the policing of such high profile and sensitive events as those related to hunting and/or animal rights when the likelihood of civil disorder is arguably higher and the safety of the public is paramount.

Although there is public interest in the transparency of policing, which would provide assurance to the public that the police service is appropriately and effectively engaging the use of its' resources in the investigation of crime and preventing disorder, this is countered by the need to protect any future law enforcement conducted by Wiltshire Police and ensuring the safety of the public.

Public Interest Considerations

Section 31 – Law Enforcement AND Section 38 – Health & Safety

Factors Favouring Disclosure

The disclosure of this information in full would lead to a better-informed public and promote trust by demonstrating openness, transparency and accountability.

In addition, the public are entitled to know how public funds are being spent, especially regarding the use and deployment of police officers and/or equipment (in this case vehicles).

Factors Against Disclosure

Disclosing this information in full would provide the world, not just the requester, with sensitive information surrounding our operational policies and capacities / limitations in respect of events such as this one at Broughton Gifford. This covers not only police staff present but also information takers and vehicles – it should also be noted that significant other exemptions would apply had the request been for information about covert officers that may or may not have been present at this event.

This could place Wiltshire Police's law enforcement capabilities into jeopardy and run the risk of causing endangerment to the community that Wiltshire Police are empowered to protect.

It would also, arguably, provide the criminal fraternity or those with a specific interest in inciting civil unrest with specific knowledge which would assist them in avoiding detection and improve their ability to cause that unrest.

To disclose sensitive and operational information into the public domain would highlight that Wiltshire Police does not take the security and integrity of law enforcement seriously – and also suggest that they are not concerned with keeping the public safe – both of which would cause a significant drop in public confidence.

This, potentially, would lead to members of the public not wanting to report incidents, which would lead to criminals not being detected and victims – potentially - being repeatedly targeted.

Balance Test

The above points highlight both the merits and issues with disclosing the information you have requested in parts a-d of your Freedom of Information request.

Overall the police service is charged with enforcing the law, preventing and detecting crime and protecting the communities we serve. Because of this, Wiltshire Police will not divulge any information if to do so would prejudice our law enforcement capabilities and in turn lead to more victims of crime, more offenders not being brought to justice, or to put our community at risk of any harm. The public interest is very largely in favour of non-disclosure in respect of these 4 questions, to ensure the capability of law enforcement by Wiltshire Police and to keep the public safe.

This would only be overridden in exceptional circumstances, which this Freedom of Information request is not.

With regard to question D concerning unmarked police vehicles (and also any possible suggestion in question A that any of the attending police staff may have been undercover officers), Wiltshire Police can neither confirm nor deny that it holds any further information relating to your either question D (or A) as the duty in S1(1)(a) of the Freedom of Information Act 2000 does not apply, by virtue of the following exemptions:

- Section 31(3) Law Enforcement
- Section 38(2) Health & Safety

Both section 31(3) and 38(2) are qualified, prejudice-based exemptions and require evidence of harm and a public interest test to be carried out before they can be relied upon :-

Evidence of Harm:

Any disclosure under FOI is a release to the public at large. Whilst not questioning the motives of the applicant, confirming or denying that any information relating to the use of either covert vehicles or covert personnel is held would show criminals what the capacity, tactical abilities and capabilities of the force are, allowing them to target specific areas of the UK to conduct their criminal activities. Confirming or denying information is held regarding the specific circumstances in which the Police Service may or may not deploy the use of either covert vehicles or covert officers would lead to an increase of harm to covert operations and compromise law enforcement. This would be to the detriment of providing an efficient policing service and a failure in providing a duty of care to all members of the public.

The threat from criminals cannot be ignored. The UK continues to face a sustained threat from violent extremists as well as criminals. It is well established that police forces use covert tactics and surveillance to gain intelligence in order to counteract criminal or extremist behaviour. It has been previously documented in the media that many criminal (and extremist) incidents have been thwarted due to intelligence gained by these means.

Confirming or denying whether any other information is or isn't held relating to the covert use of police officers or vehicles would limit operational capabilities as criminals (or indeed extremists) 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/extremist activity by exposing potential vulnerabilities. This detrimental effect is increased if the request is made to several different law enforcement bodies. In addition to the local criminal fraternity now being better informed, those intent on organised crime throughout the UK will be able to 'map' where the use of certain tactics are or are not deployed. This can be useful information to those committing crimes. It would have the likelihood of identifying location-specific operations which would ultimately compromise police tactics, operations and future prosecutions as criminals could counteract the measures used against them.

Any information identifying the focus of policing activity could be used to the advantage of extremists or criminal organisations. Information that undermines the operational integrity of these activities will adversely affect public safety and have a negative impact on Law Enforcement.

Public Interest Test:

Factors favouring Confirming or Denying for Sections 31(3) AND 38(2)

The public are entitled to know what public funds are spent on and what security measures are in place, and by confirming or denying whether any other information regarding the covert use of either vehicles or officers is held, would lead to a better informed public.

Factors favouring Neither Confirming or Denying for Sections 31(3) AND 38(2)

By confirming or denying whether any other information is held regarding the covert use of vehicles or officers would render law enforcement measures less effective. This would lead to the compromise of ongoing or future operations to protect law and order and increase the risk of harm to the public.

Factors favouring Confirming or Denying for Sections 31(3) AND 38(2)

Confirming or denying whether any other information is held regarding the covert use of vehicles or officers would provide an insight into Wiltshire Police. This would enable the public to have a better understanding of the effectiveness of the police and about how the police gather intelligence. It would greatly assist in the quality and accuracy of public debate, which could otherwise be steeped in rumour and speculation. Where public funds are being spent, there is a public interest in accountability and justifying the use of public money.

Factors against Confirming or Denying for Sections 31(3) AND 38(2)

Confirming or denying that any other information is held regarding the covert use of vehicles or officers would have the effect of compromising law enforcement tactics and would also hinder any future investigations. In addition, confirming or denying methods used to gather intelligence for an investigation would prejudice that investigation and any possible future proceedings.

It has been recorded that FOIA releases are monitored by both criminals and extremists and so to confirm or deny any other information is held concerning specialist covert

tactics would lead to law enforcement being undermined and run the risk of increasing harm to the public.

The Police Service is reliant upon all manner of techniques during operations and the public release of any modus operandi employed, if held, would prejudice the ability of the Police Service to conduct similar investigations.

By confirming or denying whether any other information is held in relation to the use of covert vehicles or officers would hinder the prevention or detection of crime. Wiltshire Police would not reveal what tactics may or may not have been used to gain intelligence as this would clearly undermine the law enforcement and investigative process. This would impact on police resources and more criminal and extremist incidents would be committed, placing individuals at risk. It can be argued that there are significant risks associated with providing information, if held, in relation to any aspect of investigations or policing so confirming or denying that any information is held, may reveal the relative vulnerability of what we may be trying to protect.

Balance Test

Overall the police service is charged with enforcing the law, preventing and detecting crime and protecting the communities we serve.

Because of this, Wiltshire Police will not divulge whether any information is or is not held regarding the covert use of vehicles or officers, if to do so would place the safety of an individual at risk or compromise law enforcement.

Whilst there is a public interest in the transparency of policing operations and providing assurance that Wiltshire Police is appropriately and effectively engaging with the threat posed by various groups or individuals, there is a very strong public interest in safeguarding the integrity of police investigations and all areas of operations carried out by police forces throughout the UK.

As much as there is public interest in knowing that policing activity is appropriate and balanced this will only be overridden in exceptional circumstances. The covert use of vehicles and officers is a sensitive issue that would reveal police tactics and therefore it is our opinion that for these issues the balancing test for confirming or denying whether any information is held regarding covert facial recognition is not made out.

However, this should not be taken as necessarily indicating that any information that would meet any future request exists or does not exist.

e) What was the cost of policing this event?

No Information Held.

There is no obligation on an Authority to provide any information to an applicant if they are supplying an NIH response, however – under our Section 16 obligation to be as helpful as possible to an applicant – I can confirm that Wiltshire Police do not ordinarily record the cost of individual events that require a policing presence.

It should also be noted that no costs would be sought from organisers of the event in question as the policing presence was for all those persons in attendance.

Section 17 of the Freedom of Information Act 2009 requires Wiltshire Police, when refusing to provide such information (because the information is exempt) to provide you the applicant with a notice which:

a) states the fact b) specifies the exemptions(s) in question c) states (if not otherwise apparent) why the exemption applies

The exemptions are as follows.

- 31(1)(a)(b) Law Enforcement
- 38(1) Health & Safety

In accordance with section 17 of the Act, this letter represents a Refusal Notice for this particular request.

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,

Nick Penny
Disclosure 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.pnn.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 FoI 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