



Force Disclosure Unit
Police Headquarters
London Road
DEVIZES
Wiltshire
SN10 2DN

Date: 24th November 2022

Ref: FOI 2022/834

Dear,

I write in connection with your request for information dated 18th October 2022 concerning linked-series firearms.

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.

You wrote:

- 1) How many linked-series firearms – i.e firearms that have been used on more than one occasion – have been investigated by your police force over the last four calendar years (2018, 2019, 2020, 2021)
- 2) The total number of firearms crimes the linked-series firearms have been involved in

Our response:

Wiltshire Police can neither confirm nor deny that it holds information relating to this request by virtue of the following exemptions:

Section 30(3) – Investigations
Section 31(3) – Law Enforcement

Section 30 is a class-based, qualified exemption and therefore, consideration of the public interest must be given as to whether neither confirming nor denying information exists is the appropriate response.

Section 31 is a prejudice-based, qualified exemption and therefore, there is a requirement to articulate any harm that would be caused in confirming or not whether the information is held, as well as carrying out a public interest test.

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Harm in complying with Section 1(1)(a) – to confirm or nor whether information is held:

Disclosure of information under the Freedom of Information Act 2000 (FOIA) is considered to be a release to the world and not only to the person requesting the information. Once information has been released, it is often published on the Disclosure Log pages of the Constabularies' external websites and therefore is available to anyone. Whilst not questioning an applicant's motives for requesting information, due to the information being accessible to all, consideration has to be given to the information being seen by individuals who are involved in criminal activity including terrorism related offences.

Firstly, the public expect police forces to use all powers and tactics available to prevent and detect crime or disorder and maintain public safety.

In this case, the applicant is trying to determine whether Wiltshire Police holds any information in relation to crimes involving the use of linked-series firearms. As such, confirmation or denial that information is held provides an indication of the force level firearms and ballistics forensics capabilities, or lack thereof, which is vital when making connections between firearms and discharged firearms.

Likewise, and irrespective of what information may or may not be held, to confirm information is held by citing a substantive exemption or, conversely, stating 'no information held', would undermine the effective delivery of operational law enforcement by compromising potentially ongoing investigations, some of which may be covert, as well as undermining an evidential tactic and the strength that evidence may have if used in a court of law for the prosecution.

Public Interest Considerations:

Section 30(3) Investigations

Factors favouring complying with Section 1(1)(a) confirming that information is held –

Confirming or denying that information exists relevant to this request would lead to a better informed general public about the scale of linked-series firearms crimes, and the forces investigative focus on such matters.

The public are entitled to know how public funds are spent, particularly when money from the 'public purse' is used as part of firearms and ballistics forensic analysis.

Factors against complying with Section 1(1)(a) –

Modern-day policing is intelligence led and Wiltshire Police where appropriate share information with other forces and law enforcement agencies as part of their investigative process. To confirm or not whether Wiltshire Police has, or is conducting criminal investigations involving linked series firearms, some of which may be covert, would hinder the prevention and detection of crime as well as undermine the partnership approach to investigations and law enforcement.

Section 31(3) Law Enforcement

Factors favouring complying with Section 1(1)(a) –

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There is media reporting on linked series firearms in connection to the tragic shooting of Olivia Pratt-Korbel in Merseyside - [Gun linked to Olivia Pratt-Korbel's murder used in three shootings \(msn.com\)](#). As such, there is public interest in understanding the extent of firearms crimes within the UK generally.

Factors against complying with Section 1(1)(a) –

Confirmation or denial would be useful intelligence to the criminal fraternity by indicating whether or not Wiltshire Police (and more so all forces at a National level) are investigating linked-series firearms crimes, which may include crimes committed in neighbouring counties, or other force areas. This may serve only to embolden criminals if the information is such that it indicates which forces are aware of linked-series firearms crimes, against those which are not, thus providing valuable insight into which firearms might prove harder to detect within linked firearms crimes. Such action would hinder the prevention and detection of crime.

Balancing Test:

The points above highlight the merits of confirming or denying that information pertinent to this request exists. The Police Service proactively uses all tactics available to them, particularly when trying to reach a successful conclusion to investigations and solve crime. Any tactics are used in line with current forensic capabilities when available and appropriate.

The effective delivery of operational law enforcement takes priority and is at the forefront of Wiltshire Police to ensure the prevention and detection of crime is carried out and the effective apprehension or prosecution of offenders is maintained.

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 not made out.

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

Section 17 of the Freedom of Information Act 2000 requires the Wiltshire 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 applicable to the information requested is:

Section 30(3) – Investigations
Section 31(3) – Law Enforcement

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,

Force Disclosure Decision Maker

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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

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 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.

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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