

WILTSHIRE POLICE



Via Email



Police Headquarters

London Road

DEVIZES

Wiltshire

SN10 2DN

disclosure@wiltshire.police.uk

Date 24/02/2023

Your ref: FOI

Our ref: **FOI 2023/144**

Reply contact name is:

Dear ,

I write in connection with your request for information dated 27/01/2023 concerning transferees with links to organised crime.

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:

Under the Freedom of Information Act 2000 I would like to request:

The number of officers transferred to the force in 2022 who were known to have links or suspected links to organised crime

The number of these officers who were accepted onto the force;

The number of officers who were accepted through a transfer before 2022 but were later suspended, disciplined and/or fired due to links to organised crime in 2022;

Any relevant case reports pertaining to any of the aforementioned cases.

Response:

Harm for s31

Any release under FOIA is a disclosure to the world, not just to the individual making the request. To confirm or not that information is held pertinent to this request would reveal whether or not the Wiltshire police has monitored its own employees, or holds information relevant to potential transferees in relation to criminality and links to organised crime.

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Modern-day policing is intelligence led. 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, regardless of who the individual may be.

The prevention and detection of crime is the foundation upon which policing is built. In order to counter criminal 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 criminal acts or safeguard those who are vulnerable to being drawn into any criminal activity.

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 measures in the fight to deprive organised crime networks of their ability to commit crime.

The impact of providing information, if held, under FOI, which aids in identifying whether or not Wiltshire Police has monitored its employees, or potential transferees in respect of criminality and corruption, would provide those intent on committing criminal 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 relating to these types of offenders.

Public Interest Test

Factors favouring confirmation or denial for S30 – Confirming or denying whether information exists relevant to this request would lead to a better informed general public by identifying that Wiltshire Police robustly investigates all individuals, even their own officers. 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 confirmation or denial for S30 – Modern-day policing is intelligence led. To confirm or not whether Wiltshire Police has investigated any staff within the organisation could hinder the prevention and detection of crime. Any ongoing investigation may be affected by making an individual aware of whether they have been, or are being investigated.

Factors favouring confirmation or denial for S31 – It is in the public interest for Wiltshire Police to demonstrate openness and transparency; this favours confirmation of whether or not data is held relating to its officers linked to criminality.

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Factors against confirmation or denial for S31 – 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) it would assist an offender by revealing the 'intelligence' picture, thereby highlighting vulnerabilities force by force. A member of staff would become aware and edit their behaviour in an attempt to evade apprehension.

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 s1(1)(a) and confirm what information is held. In some cases, it is that confirmation, or not, which could disclose facts harmful to members of the public and police officers or other law enforcement agencies.

Overall Balance Test

The points above highlight the merits of confirming, or denying, whether information pertinent to this request exists. The Police Service is charged with enforcing the law, preventing and detecting crime and protecting the communities we serve. The Police Service will never divulge whether or not information is held if to do so would place the safety of individual(s) at risk or undermine ongoing investigations.

The public entrust the Police Service to make appropriate decisions with regard to their safety and protection through the prevention and detection of crime, 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 committing criminal acts.

Wiltshire Police will not divulge information if it is likely that it will compromise the work of the Police Service or place members of the public at risk. Disclosure of the requested information would highlight which forces may have known about officers who are more susceptible to commit crime, as well as any who were under investigation. This will adversely affect Wiltshire Police's ability to detect any corruption within the police service as it may alter the behaviours of those who have links to, or may be susceptible to forming links with, organised crime gangs. This in turn would be counterproductive to the purpose of policing.

Therefore, taking into account the arguments above, it is our opinion that for these issues the balance test favours neither confirmation or denial that the requested information is held.

However, 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 Wiltshire Police, when refusing to provide 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. In accordance with

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the Freedom of Information Act 2000 this letter acts as a Refusal Notice for those aspects of your request.

Exemptions applied:

s30(3) Investigations,
s31 (3) Law Enforcement, and
s40(5) Personal Information

Please contact me if you would like to discuss the withheld information.

Yours sincerely

Force Disclosure Decision Maker



The 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

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

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/>