

WILTSHIRE POLICE



Police Headquarters

London Road
DEVIZES
Wiltshire
SN10 2DN

disclosure@wiltshire.police.uk

Date: June 12, 2023

Our ref: FOI 2023/335

Reply contact name:

Dear,

I write in connection with your request for information dated 17th March 2023, 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:

In each year from 2017 to 2023 (inclusive), the number of referrals to the Prevent counter-extremism programme made regarding members of your force's staff.

For each year, please provide a total figure, then break this down by the type of extremism referred regarding (e.g. far-right, Islamic etc), and by the number of referrals made regarding police officers of any rank, and the number made with regard to other (e.g. clerical) staff.

The subject of whether members of the police - who are authorised to enforce the law and given powers by the state above those of ordinary citizens - are being referred to counter-extremism programmes is of overwhelming public interest. It is possible to ensure that personal information/data privacy is protected, such as by indicating when the figure in the response is <5.

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Response:

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

To confirm, Wiltshire Police can neither confirm nor deny whether it holds the information that you requested as the duty in Section 1(1)(a) of the Freedom of Information Act 2000 (the Act) 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

Overall Harm

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 Wiltshire Police has monitored its own employees as part of the Prevent programme.

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, regardless of who the individual may be.

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. This would assist in the investigative process to ensure the successful arrest and prosecution of offenders who commit or plan to commit acts of terrorism 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 counter terrorism measures in the fight to deprive terrorist 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 monitors its employees and refers them where necessary to Prevent, 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 would likely undermine the flow of information (intelligence) received from members of the public into the Police Service relating to these types of offenders, thereby undermining National Security and leaving the United Kingdom at risk of more terrorist attacks.

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Disclosure of information, if held, specifically where data is sought on the reason for a referral, could lead to distrust and a lack of confidence in the police that its officers or staff were biased and unwilling to aid or favoured certain sectors of the community.

Public Interest Test

Factors favouring confirmation or denial for Section 24 – National Security

The public are entitled to know how public funds are spent and resources distributed within an area of policing, particularly with regard to how the police investigate terrorist offending. To confirm whether or not information exists would enable the general public to hold Wiltshire Police to account in relation to how they gather intelligence when monitoring their employees as part of the Prevent programme.

Furthermore, confirming or denying may improve public debate and assist the community to take steps to protect themselves.

Factors against confirmation or denial for Section 24 – National Security

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.

If this information was held and disclosed, and it was to highlight that a particular force is more acceptable to the indoctrination of extremist ideology, this information could be used by terrorists to significantly affect the national infrastructure by targeting their attacks/extremist ideology.

Factors favouring confirmation or denial for S30 – Investigations

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 – Investigations

Modern-day policing is intelligence led. To confirm or not whether Wiltshire Police has investigated any staff within the organisation, which has resulted in referrals to the Prevent program, could hinder the prevention and detection of crime. An ongoing investigation may be affected by making an individual aware of whether they are being investigated.

Factors favouring confirmation or denial for S31 – Law Enforcement

Data is published on a national level regarding Prevent referrals and for Wiltshire Police to demonstrate openness and transparency, this favours confirmation of whether or not data is held relating to its officers.

Factors against confirmation or denial for S31 – Law Enforcement

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, it would undermine the security of the national infrastructure by revealing our 'intelligence' thereby highlighting vulnerabilities force by force. A member of staff would become aware and edit their behaviour so as not to draw attention to their beliefs or activities.

To confirm that the requested information is held could be used as a comparison across all forces, if similar requests were made under FOIA. This could be used to identify which Forces had a lower or higher level of officers who had been referred and an assumption could be made of a greater importance being placed within each Force in identifying individuals and taking appropriate steps through a Prevent referral.

This could impact on police resources because any disclosure of data, if held, could lead to some force areas being deemed to be 'softer' at managing this threat, and an officer could transfer to one of these areas in order to continue their operations and possibly then target vulnerable individuals.

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.

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 individual(s) at risk or undermine National Security.

Whilst there is a public interest in appropriately and effectively engaging with the threat from criminals and terrorists, 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 regard 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.

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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. It is known that terrorist cells will try to radicalise individuals so that they believe in their ideology in order to encourage them to commit acts of terror. Disclosure of the requested information would highlight which forces may have officers or staff who are more susceptible to radicalisation and how each force tackles this within their communities. This will adversely affect Wiltshire Police's ability to detect this type of crime as it may alter the behaviours of those preying on vulnerable individuals. This in itself could put the individual's life at risk along with that of National Security.

No inference from this response should be taken that the requested information is or is not held.

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,

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

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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

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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/>