

WILTSHIRE POLICE



XXXXXXX
By email

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

Date 15th November 2024

Our Ref FOI 2024-930

Dear XXXXX,

I write in connection with your request for information dated 21st October 2024 concerning murder for hire plots.

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:

- The number of murder-for-hire (soliciting to murder) plots thwarted/stopped by your police force between October 20, 2019 and October 20, 2024.
- Within those figures, how many plots resulted in an arrest(s) and/or charge(s)
- Was the murder-for-hire plot involving the hiring of hitmen/assassins from outside of the United Kingdom? (YES/NO). If YES, which country?

Our response:

Section 1 of the Freedom of Information Act 2000 (FOIA) places two duties on public authorities. Unless exemptions apply, the first duty at s1(1)(a) is to confirm or deny whether the information specified in a request is held. The second duty at s1(1)(b) is to disclose information that has been confirmed as being held.

Wiltshire Police can neither confirm nor deny that it holds information relevant 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 requires a Public Interest test to be carried out.

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Section 31 is prejudice based and qualified exemption which means that there is a requirement to articulate the harm in confirming or not whether information is held as well as carrying out a public interest test.

Evidence of Harm

Section 30 and Section 31 are often used in conjunction when applying the neither confirm nor deny stance in order to protect whether or not an investigation may have been conducted.

The Freedom of Information Act is applicant and motive blind. Any information disclosed under the Act is a disclosure to the world at large and would be disclosed to any individual upon request. For this reason, a request under the Act cannot be a private transaction. Both the request itself, and any information which may be disclosed, are considered suitable for open publication.

The public expect Police forces to use all powers and tactics available to prevent and detect crime and maintain public safety. In this instance, methods to thwart any credible attempts to solicit murder could include covert operational Police activity.

To confirm or deny whether information is held in relation to this request would reveal whether Wiltshire Police has or is actively investigating plots that would seek to murder, or at the very least result in endangering the safety and physical health of any individual. Confirmation or denial would therefore be likely to prejudice our law enforcement functions of preventing and detecting crime and apprehending and prosecuting offenders. Issuing confirmation or denial responses in relation to any investigations that seek to prevent serious crime (especially where murder would result), except for those that have already been publicly confirmed, would enable the public, including criminals, to build up a picture as to where investigations are focused on intelligence gathering and sharing. This would be prejudicial to our policing functions as criminals may take further steps to evade the Police, and risks undermining the flow of information by discouraging individuals to come forward or assist with our enquiries if they were to believe that this information may become public.

Public interest considerations favouring confirming or denying whether the information is held (Section 30)

The Police Service has a duty to conduct criminal investigations and by providing information held would assist in meeting current public interest and provide transparency of policing operations.

Public interest considerations favouring neither confirming nor denying whether the information is held (Section 30)

Any information generated by an investigation needs to be treated with sensitivity. In some cases, it is the confirmation, or otherwise, about the nature of investigations which would disclose facts that would prejudice the evidence gathering within an investigation.

In addition, it would not be in the public interest to disclose information (even inadvertently, through a confirmation or denial) which could identify our investigative activity, and subsequently undermine those processes. To do so would hinder the prevention or detection of crime, and apprehension and prosecution of offenders.

Public interest considerations favouring confirming or denying whether the information is held (Section 31)

Confirming or denying whether any information is held about investigations of this nature would allow the public to see where public funds have been spent and allow the Police Service to appear more open and transparent in regards to its activities.

Public interest considerations favouring neither confirming nor denying whether the information is held (Section 31)

To confirm or deny that law enforcement holds information in relation to this matter has the potential to damage Wiltshire Police's ability to prevent and detect crime or apprehend or prosecute offenders in any associated cases. Where confirmation or denial would reveal policing activity that might include covert operations, and where this would, or would be likely to, prejudice such an investigation or the circumstances that underpin any intelligence gathering as a result, public authorities should be alert to the need to apply the NCND provision.

Balancing Test

After weighing up the competing interests I have determined that the Public Interest favours the application of the neither confirm nor deny stance in respect of your request is made out.

I consider that the benefit that would result from issuing a confirmation or denial does not outweigh the considerations favouring the neither confirm nor deny response. This is namely because of the impact it would have on the ability of Wiltshire Police to fulfil our law enforcement functions and conduct any potential investigations, either now or in the future.

To confirm or deny whether we hold this information would do little to further the public interest arguments, and in fact would have a negative impact upon our ability to protect public safety and the promise of confidentiality inherent in our communications with those assisting with our enquiries. It is because of this that I feel the balance falls in favour of the maintenance of this stance, and why these exemptions are engaged and made out in this case.

Section 17 of the Freedom of Information Act 2000 requires the Constabulary, 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 the Freedom of Information Act 2000 this letter acts as a Refusal Notice for those aspects of your request.

Exemptions applied:

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

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



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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
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 to contact them, please visit <https://ico.org.uk/global/contact-us/>

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