



Freedom of Information Request Reference N^o: FOI 000325-19

I write in connection with your request for information received by Suffolk and Norfolk Constabularies on 22 January 2019 which you sought access to the following information:

"I am interested in information you may hold on the shift patterns of police armed response teams and the level and type of training that an officer may receive to be able to be certified and competent to use a firearm.

Please can you assist my research by providing responses to the following information requests:

1. *Please provide information on how many police officers are currently firearms trained and any public targets in place for an increase in this number?*
2. *Please could you provide examples of the armed response team and standard response team shift patterns?*
3. *For the armed response team, please could give an indication of how these shift patterns accommodate firearms training and rest periods and the frequency of training.*
4. *Please can you confirm whether firearms training is undertaken within the force area?
a. If firearms training is undertaken outside of the forces area, please could you confirm which force area this takes place?*
5. *Please could you confirm what proportion of the forces training budget is spent on firearms training?*
6. *Are mutual assistance arrangements in place with neighbouring forces for firearms response?"*

Response to your Request

The response provided below is correct as of 22 January 2019

Suffolk and Norfolk Constabularies have considered your request for information and the response is below.

1. The Constabularies currently have 204 firearm trained officers.

The number of armed officers is published on the government website, which details the numbers of armed officers in England and Wales from 2009 – March 2018.

<https://www.gov.uk/government/publications/police-use-of-firearms-statistics-england-and-wales-april-2016-to-march-2017/police-use-of-firearms-statistics-england-and-wales-april-2016-to-march-2017#armed-officers>

With regards to the whether or not the Constabularies have any public targets in place for an increase in this number; the information has not been confirmed as a result of exemptions within the Act.

Section 17 of the Freedom of Information Act 2000 requires the Constabularies; when refusing to provide such information (because the information is exempt) is to provide you the applicant with a notice which:

- (a) States that fact
- (b) Specifies the exemption(s) in question and
- (c) States (if that would not otherwise be apparent) why the exemption(s) applies.

Norfolk and Suffolk Constabularies can **neither confirm nor deny** whether we hold any information in relation to the request, as the duty in section 1(1)(a) of the Freedom of Information Act does not apply by virtue of the following exemptions:-

Section 24(2) - National Security
Section 31(3) - Law Enforcement

Sections 24, and 31 are prejudice based qualified exemptions and there is a requirement to articulate the harm that would be caused in confirming or denying that any other information is held as well as carrying out a public interest test.

Harm in complying with Section 1(1)(a) – to confirm or not whether information is held

The Police Service is charged with enforcing the law, preventing and detecting crime and protecting the communities we serve. In order to achieve these objectives we are allowed to use reasonable force where necessary to do so. In the ultimate circumstance this can include the use of lethal force but the rule of thumb is to use the minimum amount necessary to achieve the objective. In reality this equates to the use of the minimum amount of force required to overcome the violence, used or threatened, by those wishing to cause harm.

As part of this equation we also have to pay heed to the Human Rights Convention particularly Article 2 – The Right to life. The law and regulations relating to the use of force are detailed within the Authorised Professional Practice (APP) document for Armed Policing, see below link:

<https://www.app.college.police.uk/app-content/armed-policing/?s>

Armed Policing is a highly specialised area of firearms deployment and weapons training. It is an emotive subject under constant scrutiny and, by default, is always in the public eye. There is a long history of excellent practice nationally and Armed Policing is regarded as being at the forefront of firearms issues.

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 in relation to this part of the request would reveal whether or not Constabularies have any targets in place to increase numbers. Such awareness would reveal tactical capability and is likely to influence criminals, which may include terrorists or terrorist organisations, who are prepared to resort to the use of extreme force in order to avoid detection and capture.

By fully knowing whether there are any future plans in place to increase numbers will enable offenders to ensure they are armed in a way as to overcome the police response. This creates if you will an 'arms race' to the detriment of the criminals themselves, as the use of lethal weapons becomes more and more the only resolution option, and endangers both the public and officers themselves. This is best evidenced by the fact that the United Kingdom, even in these violent times, has been able to maintain a basically unarmed Police Service, with the resulting benefits this delivers when compared with other countries, such as America, where armed conflict resolution with law enforcement agencies depends on who has the most effective weapons.

Furthermore, 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 Severe, which means that a terrorist attack is highly likely, see below link:

<https://www.mi5.gov.uk/threat-levels>

In order to counter criminal and terrorist behaviour it is vital that the police have the ability to work together, where necessary covertly, to assist in the investigative process to ensure the successful arrest and prosecution of offenders who commit or plan to commit acts of terrorism.

The prevention and detection of crime is the foundation upon which policing is built and the police have a clear responsibility to prevent crime, arrest those responsible for committing crime or those that plan to commit crime. However, there is also a duty of care to the public at large. The UK Police Service has a positive undertaking to protect the public from harm and that duty of care to all involved must be the overriding consideration.

Public Interest Considerations

Section 24(2) National Security

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

The public are entitled to know why decisions are made and how resources are distributed within an area of policing. Confirmation would inform the public of future plans with regards to armed response. This would provide transparency with regard to the use of public funds inasmuch as the funds are being used correctly and appropriately ensuing Armed Policing is being appropriately used.

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

Whilst there is a public interest in providing reassurance that the Constabularies are appropriately and effectively dealing with threats posed by terrorist organisations, there is a strong public interest in safeguarding national security and the welfare and safety of the general public.

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, as well of the safety of their officers and staff. The only way of reducing risk is to be cautious with what is placed into the public domain. Confirmation or denial has the potential to undermine ongoing and future operations to protect the Security of the United Kingdom, e.g. counter terrorism activity. The risk of significant harm or even death to the community at large would be increased.

Therefore by confirming or denying that information exists relevant to this request would harm the close relationship that exists with such organisations, where trust and confidence has been build up.

Section 31

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

There is a public interest in the community being made aware of all the facts relating to Armed Policing in order to ensure complete openness and transparency as there is often speculation and rumour with regard to the use of firearms within the Police Service. In this case revealing whether or not there are plans to increase the numbers of firearms officers would provide transparency and may enhance public debate into this type of policing.

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

The deployment of authorised firearms officers is measured and authorised by chief officers after careful consideration in order to protect the public and apprehend individuals who use lethal weapons as part of their criminality. To confirm whether information is or is not held would reveal tactical capability and would place the Constabularies at a tactical disadvantage. In addition, confirmation or denial may also 'create' a fear of crime within the general public relating to armed policing.

Norfolk and Suffolk Constabularies have 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 undermine the security of the National Infrastructure, offenders, including terrorist organisations, could use this to their advantage which would compromise public safety and more worryingly encourage offenders to carry out further crimes.

The risk to public safety cannot be ignored and the Constabularies have a responsibility to ensure safety of individuals is protected at all times, as detailed within the harm.

Balancing Test

Whilst there is a public interest in the transparency of policing resources for specialist departments and providing reassurance that the Police Service is appropriately and effectively placing resources into these areas of policing, there is a strong public interest in knowing that policing activity with regard to the delivery of law enforcement is appropriate and balanced, this will only be overridden in exceptional circumstances.

In addition, public safety is of paramount importance and any information which would place individuals at risk and compromise the National Security of the United Kingdom, no matter how generic, is not in the public interest. The effective delivery of operational law enforcement and the National Security of the UK is crucial and of a fundamental duty to Constabularies. Any disclosure would have a negative impact on law enforcement and national security.

As much as there is a public interest in knowing that the delivery of law enforcement is appropriate and balanced, this will only be overridden in exceptional circumstances. Therefore it is our opinion that for these issues the balance test outweighs the need to confirm whether or not information is held and falls in favour of issuing a neither confirming nor deny refusal.

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

2. The Standard response team shift patterns are attached and are inclusive of training days.

The Constabularies have not provided the shift pattern for the armed response unit as a result of exemptions within the Act.

Section 17 of the Freedom of Information Act 2000 requires that Norfolk and Suffolk Constabularies, when refusing to provide such information (because the information is exempt) are to provide you, the applicant, with a notice which:-

- (a) States that fact
- (b) Specifies the exemptions in question and
- (c) States (if that would not otherwise be apparent) why the exemptions apply.

The information is exempt from disclosure by virtue of the following exemptions:-

Section 24(1) – National Security
Section 31(1)(a)(b) – Law Enforcement

Section 24 and 31 are a qualified prejudice based exemptions and therefore we are obliged to consider the harm in disclosure and conduct a public interest test.

Evidence of Harm

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 in this current environment that the international security landscape is increasingly complex and unpredictable. The current UK threat level from international terrorism, based on intelligence, is assessed as 'severe' which means that a terrorist attack is highly likely. <https://www.mi5.gov.uk/threat-levels>

Providing the requested details would reveal tactical capability and is likely to influence those involved in criminal behaviour, who are prepared to resort to the use of extreme force in order to avoid detection and capture. Fully knowing police capabilities will ensure offenders are armed to overcome the police response.

The prevention and detection of crime is the foundation upon which policing is built and the police have a clear responsibility to prevent crime, arrest those responsible for committing crime or those who plan to commit crime. However, there is also a duty of care to the public at large. The UK Police Service has a positive undertaking to protect the public from harm and that duty of care to all involved, must be the overriding consideration.

Public Interest Test

Section 24 – Factors favouring disclosure

Any disclosure made that would assist in public knowledge of how the Constabulary spends public funds would favour disclosure. This would also support the fundamental purpose of the Freedom of Information Act, which is to be more open and transparent to the way in which Constabulary polices the County, making us more accountable for our actions.

Such information disclosure may also assist in the public being better informed by our workings as Law Enforcers. It will show how we ensure the public is protected and at what level of security we afford to firearms. This would in turn assist in informed public debate about National Security Issues.

Section 24 – Factors favouring non-disclosure

A disclosure of any information regarding armed incidents would demonstrate any vulnerability in this area and provide those intent of committing such acts of terrorism with an advantage over the Constabulary, which would obviously hinder any Law Enforcement techniques and leave us vulnerable to repercussion.

All UK police forces have a duty to fulfil their national security functions. The disclosure of this information would increase the risk to the safety of the public. The personal safety of the public is inextricably linked to national security and any information that could identify vulnerabilities would not be disclosed.

Section 31 – factors favouring disclosure

Disclosure of this information would enable the public to know whether the Constabulary has the appropriate capabilities to deal with challenges of using firearms, when appropriate to do so and ensuring that the Constabularies have a sufficient shift pattern to allow for an immediate armed response

Additionally, the disclosure of this information would go some way to showing the public that funds have been spent appropriately.

The information requested relates to a specialised area of 'Armed Policing'. There is a public interest in the community being made aware of all the facts relating to this area of policing in order to ensure complete openness and transparency as there is often speculation and rumour with regard to the use of firearms within the Police Service. This information would go some way to ensuring that debates around these issues are accurate.

Section 31 – factors favouring non-disclosure

The deployment of Firearms Officers is measured and authorised by Chief Officers, after careful consideration, in order to protect the public and apprehend individuals who use lethal weapons as part of their criminality. To disclose details to this regard would identify force vulnerabilities nationally and locally, whether the Constabulary are working to their full capabilities. This would reveal tactical capability and would place the Constabularies at a tactical disadvantage. In addition, disclosure may also 'create' a fear of crime within the general public relating to armed policing.

Balance Test

Whilst there is a public interest in the transparency of policing resources for specialist departments and providing assurance that the Police Service is appropriately and effectively placing resources into Armed Policing, there is a strong public interest in knowing that policing activity with regard to the delivery of law enforcement is appropriate and balanced. This will only be overridden in exceptional circumstances.

Public safety is of paramount importance and any information which would place individuals at risk and compromise the National Security of the United Kingdom, no matter how generic, is not in the public interest. The effective delivery of operational law enforcement is crucial and of paramount importance to the Constabularies. Any disclosure would have a negative impact on law enforcement.

As much as there is a public interest in knowing that the delivery of law enforcement is appropriate and balanced, this will only be overridden in exceptional circumstances

Therefore it is our opinion that for these reasons the balance test for disclosure is not made out.

3. This question is not asking for information that is held, rather requires the Constabularies to formulate an answer based on an opinion, there is no requirement to create information to answer FOI requests.
4. Firearms' training is predominantly within Norfolk and Suffolk although we do travel out of county on occasion. The location of the out of force training will be dependent on the training requirement. For example, we have travelled to Beds/Herts/Cambs last year and will be travelling to Dorset this year.
5. The Constabularies spend a total of 29% of the firearms training budget on firearms training specifically.
6. Yes

Should you have any further queries concerning this request, please contact Clair Pack, FOI Decision Maker, quoting the reference number shown above.

A full copy of the Freedom of Information Act (2000) can be viewed on the 'Office of Public Sector Information' web-site;
<http://www.opsi.gov.uk/>

Norfolk and Suffolk Constabularies are not responsible for the content, or the reliability, of the website referenced. The Constabulary cannot guarantee that this link will work all of the time, and we have no control over the availability of the linked pages.

Your Right to Request a Review of Decisions Made Under the Terms of the
Freedom of Information Act (2000).

If you are unhappy with how your request has been handled, or if you think the decision is incorrect, you have the right to ask the Norfolk and Suffolk Constabulary to review their decision.

Ask Norfolk and Suffolk Constabularies to look at the decision again.

If you are dissatisfied with the decision made by Norfolk and Suffolk Constabularies under the Freedom of Information Act (2000), regarding access to information, you must notify the Norfolk and Suffolk Constabulary that you are requesting a review within 20 days of the date of its response to your Freedom of Information request. Requests for a review should be made in writing and addressed to:

*Freedom of Information Decision Maker
Information Management Department
Suffolk Constabulary
Police Headquarters
Martlesham Heath
Ipswich
Suffolk
IP5 3QS
OR
Email: information@suffolk.pnn.police.uk*

In all possible circumstances Norfolk and Suffolk Constabulary will aim to respond to your request for us to look at our decision again within 40 working days of receipt of your request for an internal review.

The Information Commissioner.

After lodging a request for a review with Norfolk and Suffolk Constabulary, if you are still dissatisfied with the decision, you can apply to the Information Commissioner for a decision on whether the request for information has been dealt with in accordance with the requirements of the Act.

For information on how to make application to the Information Commissioner please visit their website at www.ico.org.uk or contact them at the address shown below:

The Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF
Telephone: 01625 545 700