



## Freedom of Information Request Reference N°: FOI 000470-20

I write in connection with your request for information received by Suffolk and Norfolk Constabularies on 30 January 2020 which you sought access to the following information:

*“Please provide copies of any policies, processes or other documentation relating to the use of polygraph tests for offenders or suspects, or in relation to police investigations;*

*If your force uses, or has used in the past, or plans to use, polygraph testing, please provide:*

- a) copies of any reports on, or evaluations of, such polygraph tests;*
- b) The number of individuals evaluated by polygraph annually since 2012;*
- c) The questions asked in the polygraph test;*
- d) The polygraph test method(s) used and the use and content of the stimulation test(s);*
- e) The type(s) of polygraph machine used and manufacturer(s);*
- f) The qualifications held by the polygraph test operator(s);*
- g) The percentage of individuals deemed to have failed the polygraph test, or assessed to have a borderline result, annually;*
- h) The policy document governing subsequent decisions, interventions and/or consequences based on the results of a test.”*

## Response to your Request

The response provided below is correct as of 6 February 2020

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

### Suffolk Constabulary

Suffolk Constabulary does not use polygraph currently; however, we have secured funding to recruit two polygraph operatives and will aim to recruit them later this year.

### Norfolk Constabulary

- a) Norfolk Constabulary have been using polygraphs for under a year so at this point there has not been any evaluations undertaken.

- b) As at 3 February 2020, 166 (2019) and 14 (2020) polygraphs have been completed by the Norfolk polygraph team.
- c) There are no specific questions asked in the polygraph test as the questions are case specific for each person.
- d) As per national practice/guidelines and advice, currently police examiners only administer You Phase tests, Air Force Modified General Question Technique (AFMGQT), and a Directed-Lie Screening Test. All examinees of a polygraph will undertake a numbers-based acquaintance test prior to their main exam.
- e) The polygraph software is Lafayette conducted on a standalone Dell laptop.
- f) The polygraph test operators attend a Behavioural Measures UK (BMUK) training course and are American Polygraph Association (APA) accredited.
- g) The number of individuals deemed to have failed the polygraph test, or assessed to have a borderline result, is provided below. Noting these figures are not %s.  
  
2019 – 72 significant response (fail)  
2020 – 4 significant response (fail)
- h) This case-by-case depending on what the outcome of the test is (any pertinent disclosures which need to be acted upon for safeguarding of children/adults) and at the Offender Managers', DC and DS decision. At present, a failed test will be logged on an intelligence report.

In addition to the above, Norfolk and Suffolk Constabulary can **neither confirm nor deny** whether any other information is held, by virtue of the following exemptions:

- Section 23(3) – Security bodies**
- Section 30(3) – Investigations**
- Section 31(3) – Law Enforcement**

Section 23 is an absolute and class-based exemption and there is no requirement to consider the harm or conduct a public interest test.

Sections 30 and 31 are prejudice based qualified exemptions and there is a requirement to articulate the harm that would be caused by the confirmation or denial of whether any other information is held, as well as carrying out a public interest test.

#### Harm for the partial NCND

Any disclosure under the Freedom of Information Act (FOIA) is a release to the public at large and not only to the person requesting the information. Whilst not questioning the motives of an

applicant, confirming or denying whether any other information, relating to the use polygraphs, would show criminals what the capacity, tactical abilities and capabilities of the forces are.

Any information which identifies the focus of policing activity could be used to the advantage of those involved in criminal activity. Information that undermines the operational integrity of policing would adversely affect public safety and have a negative impact on National Security and Law Enforcement.

#### Section 30 – Factors favouring confirmation or denial of whether any other information is held

The public are entitled to know how public funds are spent. Confirming or not whether any other information is held, would lead to a better informed public and result in more accurate public debate.

#### Section 30 – Factors against confirmation or denial of whether any other information is held

The Constabularies have a duty of care to the community at large and public safety is of paramount importance. By its very nature, by confirming or denying that information is held would undermine investigations and prevent 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, police officers, other law enforcement agencies and their employees. If an FOI disclosure revealed information to the world (by citing an exemption or stating no information held) this would assist an offender and would undermine policing by highlighting vulnerabilities force by force.

#### Section 31 – Factors favouring confirmation or denial of whether any other information is held

Confirming or denying whether any other information is or isn't held, would provide an insight into the Police Service. This would enable the public to have a better understanding of law enforcement tactics, the effectiveness of the Police and how evidence is gathered. It would greatly assist the quality and accuracy of public debate which could otherwise be steeped in rumour and speculation.

There is a public interest in accountability and transparency where the use of public funds, to detect crime, is concerned.

#### Section 31 – Factors against confirmation or denial of whether any other information is held

Confirming or denying whether any other information is held, relevant to your request, would have the effect of compromising law enforcement tactics. This would hinder any current or future investigations.

The Police Service is reliant upon all manner of techniques during operations and the public release of any tactics employed, if held, would prejudice the ability of the Police Service to conduct similar investigations.

## Balance Test

There is a public interest in the transparency of policing activities, and providing assurance that the Police Service is appropriately and effectively investigating offences. There is also a very strong public interest in safeguarding the integrity of police investigations and operations.

The Police Service is charged with enforcing the law, prevention 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 undermine any investigations or be detrimental to operational law enforcement.

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 practices and would assist those intent on causing harm.

As much as there is a public interest in knowing that policing activity is appropriate and balanced, this will only be overridden in exceptional circumstances. It is therefore our opinion that for these reasons, the balancing test for confirming or denying whether any other information is or isn't held, is not made out.

***No inference should be taken from this response as to whether any other information is or is not held.***

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](mailto: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](http://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