



11th March 2019

Freedom of Information Request Reference N^o: FOI 000599/19

I write in connection with your request for information received by the Norfolk and Suffolk Constabularies on the 11th February 2019 in which you sought access to the following information:

Please note the total number of arrests made by the force in the last complete recording year.

Please provide a breakdown of the results of these arrests in the manner these results are recorded by the force. I anticipate this may include successful convictions, unsuccessful prosecutions, and NFAs.

Finally, please may you inform me of the total number of arrests made after using the facial recognition solution during the last complete recording year.

Please provide a breakdown of the results of these arrests in the manner these results are recorded by the force. I anticipate this may include successful convictions, unsuccessful prosecutions, and NFAs.

Response to your Request

The response provided below is correct as of 4th March 2019.

Norfolk and Suffolk Constabularies have located the following information as relevant to your request.

Please see below tables of arrests and outcomes:-

Norfolk	
Arrests by Disposal	Total
Adult Caution	1097
Adult Conditional Caution	53
Bail to Court - Breach of Bail	1
Bail to Court - Other (non charge)	1
Bail to Court -Under terms of Warrant	5
Bail to Police Station	1824
Charge	5211
Charge - Postal	508
Community Resolution	17
Detained for Court - Breach of Bail	342
Detained for Court - Breach of Injunction	11

Detained for court – Other (non charge)	86
Detained for Court – Under terms of Warrant	612
Detention Refused	54
Escaped	1
Harassment Information	3
Not Recorded	72
Penalty Notice for Disorder	279
Postal Requisition (applied from case)	297
Production Prisoner Returned to Prison	9
Refused Charge (NFA)	3361
Released - as authorised by Immigration Service	8
Released Without Charge - Breach of Peace	186
Released without charge – Breath Alcohol sample too low	49
Released Without Charge - Mental Health Reasons	35
Reported for Process	24
Transferred - to Immigration Service	26
Transferred - to other lawful Detention Authority	186
Transferred - to Police Force	22
Warning Notice - Cannabis Possession	2
Youth Caution	55
Youth Conditional Caution	15
Grand Total	14452

Suffolk	
Arrests by Disposal	Total
Adult Caution	680
Adult Conditional Caution	23
Bail to Court - Other (non charge)	1
Bail to Police Station	1643
Charge	3184
Charge - Postal	1
Community Resolution	45
Court Warrant - Fine Paid	1
Detained for Court - Breach of Bail	138
Detained for Court - Breach of Injunction	5
Detained for court – Other (non charge)	41
Detained for Court – Under terms of Warrant	321
Detention Refused	39
Not Recorded	50
Penalty Notice for Disorder	119
Postal Requisition (applied from case)	677
Production Prisoner Returned to Prison	15

Refused Charge (NFA)	2579
Released - as authorised by Immigration Service	10
Released Without Charge - Breach of Peace	42
Released without charge – Breath Alcohol sample too low	40
Released Without Charge - Mental Health Reasons	14
Reported for Process	18
Transferred - to Immigration Service	54
Transferred - to other lawful Detention Authority	117
Transferred - to Police Force	8
Warning Notice - Cannabis Possession	1
Youth Caution	39
Youth Conditional Caution	14
Grand Total	9919

Please note:- statistical information regarding court outcomes is not held by the Constabularies. This information is held by the HM Courts & Tribunals Service.

The Constabularies do not use overt facial recognition software.

Norfolk and Suffolk Constabularies will **neither confirm nor deny** whether it holds any other information, relevant to your request regarding the covert use of such technology, 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 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 covert use of facial recognition software, would show criminals what the capacity, tactical abilities and capabilities of the forces are. This would allow them to target specific areas of the UK to conduct their criminal/terrorist activities.

Confirming or denying the specific circumstances in which the Police Service may or may not deploy the use of facial recognition, this would lead to an increase in harm to covert investigations and would compromise law enforcement. This would be to the detriment of providing an efficient policing service and a failure in providing a duty of care to all members of the public.

The prevention and detection of crime is the foundation upon which policing is built and the threat from terrorist cannot be ignored. It should be recognised that the international security landscape is increasingly complex and unpredictable. The UK faces a sustained threat from violent terrorists and extremists. Since 2006 the UK Government have published the national threat level based upon current intelligence. Further information can be found via the link below:-

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

The current threat level to the UK from international terrorism is 'severe' which means an attack is highly likely.

It is well established that police forces use covert tactics and surveillance to gain intelligence in order to counter criminal behaviour. It has been previously documented in the media that many terrorist incidents have been thwarted due to intelligence gained by these means.

Confirming or denying whether any other information is or isn't held, relating to your request, would limit operational capabilities as criminals/terrorists would gain a greater understanding of the police's methods and techniques, enabling offenders to take steps to counter them. It may also suggest the limitations of police capabilities in this area, which may further encourage criminal/terrorist activity by exposing potential vulnerabilities. This detrimental effect is increased if the request is made to several different law enforcement bodies. Not only would the local criminal fraternity be better informed, those intent on organised crime throughout the UK will be able to 'map' where the use of such tactics are or are not being deployed. This would be useful information to those committing crimes. It would have the likelihood of identifying location-specific operations and this would ultimately compromise police tactics, operations and future prosecutions.

Any information which identifies the focus of policing activity could be used to the advantage of those involved in criminal and terrorist 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 24 – Factors favouring confirmation or denial of whether any other information is held

The public are entitled to know how public funds are spent and what security measures are in place to counter terrorist activity. Confirming or not whether any other information is held, regarding the use of covert technologies, would lead to a better informed public and result in more accurate public debate. The public may be more vigilant in reporting suspicious activity.

Section 24 – Factors against confirmation or denial of whether any other information is held

To confirm or deny whether any additional information is held, by Norfolk and Suffolk Constabularies, would allow inferences to be made regarding the nature and extent of national security related activities which may or may not take place. This could enable terrorist groups to take steps to avoid detection and therefore the confirmation or denial would be damaging to national security.

Confirming or denying whether any other information is or isn't held would render security measures less effective. This would lead to the compromise of any ongoing or future operations to protect the security and infra-structure of the UK. This would increase the risk of harm to the public.

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, regarding the use of covert technologies, 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.

It has been recorded that FOIA releases are monitored by those involved in criminal and terrorist activities. Therefore to confirm or deny whether any other information is or isn't held, concerning

specialist covert tactics, would lead to the Constabulary's law enforcement being undermined. 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

The security of the Country is of paramount importance and the Police Service will not divulge whether any other relevant information is or isn't held, if to do so, would place the safety of individuals at risk, undermine National Security or compromise law enforcement.

There is a public interest in the transparency of policing operations, and providing assurance that the Police Service is appropriately and effectively engaging with the threat posed by various groups and individuals. There is also a very strong public interest in safeguarding the integrity of police investigations and operations.

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 isn't held.

This response will be published on the Constabularies web-site under the Freedom of Information pages:-

<https://www.norfolk.police.uk/about-us/our-data/disclosure-log>

<https://www.suffolk.police.uk/services/freedom-information/disclosure-logs>

Should you have any further queries concerning this request, please contact Amanda Gibson, 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 40 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
Norfolk Constabulary
Operations and Communications Centre
Jubilee House
Falconers Chase
Wymondham
Norfolk NR18 0WW
OR
Email: freedomofinformation@norfolk.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 20 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