



Freedom of Information Request Reference N^o: FOI 005345-17

I write in connection with your request for information received by Suffolk Constabulary on the 19 June 2017 in which you sought access to the following information:

1. *"Please can you provide the force's three most recent annual capital expenditure programmes.*
2. *In the years 2014-15, 2015-16 and 2016-17 how much of the force's budget was spent with the technology firm CellXion?*
3. *For each financial year since 2006-7 please tell me how many assault rifles, handguns and tazers (separate figures) were available to the force.*
4. *How many were purchased by the force itself in each year?*
5. *For each year, please tell me how many armed officers are employed by the force as well as the total number of police officers."*

Response to your Request

The response provided below is correct as of 19 June 2017.

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

1. The Constabularies capital programmes are published on the Police and Crime Commissioners website.

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 ban 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.

The information is exempt from disclosure by virtue of the following exemption(s);

Section 21(1) - Information reasonably accessible by other means

Information concerning the capital programmes is published on the Constabularies websites via the following links:

[Norfolk](#)

Link to the Norfolk Capital Programme 2017-2021:

[Norfolk MTFP](#) (Appendix D)

<http://www.norfolk-pcc.gov.uk/documents/finance/budget/2016/17/RevisedPreceptReportPCPanel16February.pdf>
(Appendix D)

<http://archive2016.norfolk-pcc.gov.uk/documents/meetings/police-and-crime-panel/precept-2015-16/PreceptProposal-ReportToPCP03022015.pdf> (Appendix C)

Suffolk

<http://www.suffolk-pcc.gov.uk/decisions/3-2017-medium-term-financial-plan-2017-18-to-2020-21>

<http://www.suffolk-pcc.gov.uk/decisions/3-2016-medium-term-financial-plan-2016-17-to-2019-2020>

<http://www.suffolk-pcc.gov.uk/decisions/4-2015-medium-term-financial-plan-2015-2016-to-2019-2020>

In all cases the capital programme is referred to as Appendix D.

2. In respect payments made to the firm CellXion, Suffolk and Norfolk Constabularies can **neither confirm nor deny** that any information is held as the duty in s1(1)(a) of the Freedom of Information Act 2000 does not apply, by virtue of the following exemptions.

Section 23(5) - Security Bodies

Section 24(2) - National Security

Section 30(3) - Investigations

Section 31(3) - Law Enforcement

This refusal should not be taken to mean that the information you have requested exists or does not exist.

In line with Section 17(1) of the FOIA it is required that we articulate the public interest considerations for the use of NCND within exemptions 24, 30, and 31.

Section 23 is a class based absolute exemption and there is no requirement to consider the public interest test in this area.

Section 30 is a class based qualified exemption and consideration must be given as to whether there is a public interest in neither confirming nor denying the information exists is the appropriate response.

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 not that the information is held as well as carrying out a public interest test.

Harm

By confirming or denying that Norfolk and Suffolk Constabularies hold any information regarding these techniques would in itself disclose exempt information. Stating information is held would confirm usage and the opposite if there is no such information.

Although the techniques are in the public domain, it is how and when they might be used, that are the sensitive issues for the police service. These techniques could be deployed for more high profile sensitive operations, albeit not necessarily in our force area, therefore the NCND is required to protect other forces that may use them.

Any disclosure under FOIA is a disclosure to the world at large, and confirming or denying the use of specialist techniques which may or may not exist, and which (should they exist) the police service may or may not deploy in specific circumstances would prejudice law enforcement. If the requested information were held by the force, confirmation of this fact would reveal that the police has access to sophisticated communications analysis techniques. This would be damaging as it would (i) limit operational capabilities as criminals/terrorists would gain a greater understanding of the police's methods and techniques, enabling them to take steps to counter them; and (ii) provide an indication to any individual who may be undertaking criminal/terrorist activities that the police service may be aware of their presence and taking counter terrorist measures.

Conversely, if information were not held by the force, and a denial were issued, this would reveal to those same individuals that their activities are unlikely to have been detected by the police. It may also suggest (whether correctly or not) the limitations of police capabilities in this area, which may further encourage criminal/terrorist activity by exposing a potential vulnerability. Disclosure of the information could confirm to those involved in criminality or terrorism that they are or have been the subject of such activity, allowing them to gauge the frequency of its use and to take measures to circumvent its use. Any compromise of, or reduction in technical capability by forces would substantially prejudice the ability of forces to police their areas which would lead to a greater risk to the public.

This detrimental effect is increased if the request is made to several different law enforcement bodies. In addition to the local criminal fraternity now being better informed, those intent on organised crime throughout the UK will be able to 'map' where the use of certain tactics are or are not deployed. This can be useful information to those committing crimes of drugs and terrorist activities.

For example, to state that no information is held in one area and then exempt information held in another, would itself provide acknowledgement that the technique has been used at that second location. This could have the likelihood of identifying location-specific operations, enabling individuals to become aware of whether their activities have been detected. This in turn could lead to them moving their operations, destroying evidence, or avoiding those areas, ultimately compromising police tactics, operations and future prosecutions.

Any information identifying the focus of policing activity could be used to the advantage of terrorists or criminal organisations. Information that undermines the operational integrity of these activities will adversely affect public safety and have a negative impact on both national security and law enforcement.

Section 24

Factors favouring confirming or denying whether any other information is held

The public is entitled to know where its public funds are being spent and a better informed public can take steps to protect themselves.

Factors against confirming or denying whether any other information is held

By confirming or denying the use of specialist techniques could render security measures less effective. This could lead to the compromise of ongoing or future operations to protect the security or infra-structure of the UK and increase the risk of harm to the public

Section 30

Factors favouring confirming or denying whether any other information is held

The public is entitled to know what its public funds are spent on. Investigations may be closed and any proceedings may have been completed, and the investigations may have been high profile and had national implications.

Factors against confirming or denying whether any other information is held

By confirming or denying the use of specialist techniques, the force's future law enforcement capabilities would be affected and this would hinder the prevention and detection of crime.

Section 31

Factors favouring confirming or denying whether any other information is held

Better awareness may reduce crime or lead to more information from the public, and the public would be able to take steps to protect themselves. Some information is already in the public domain.

Factors against confirming or denying whether any other information is held

By confirming or denying whether such techniques were used would compromise law enforcement tactics and undermine the partnership approach which would hinder the prevention or detection of crime. This would impact on police resources, more crime would then be committed and individuals placed at risk.

Balance test

The security of the country is of paramount importance and the police service will not divulge whether information is or is not held if to do so could undermine national security or compromise law enforcement. Whilst there is a public interest in the transparency of policing operations and in this case providing assurance that the police service is appropriately and effectively engaging with the threat posed by the criminal fraternity, there is a very strong public interest in safeguarding both national security and the integrity of police investigations and operations in this area.

As much as there is public interest in knowing that policing activity is appropriate and balanced in matters of national security this will only be overridden in exceptional circumstances.

There is also no requirement to satisfy any public concern over the legality of police operations and the tactics we may or may not use. Forces are already held to account by statute, for example the Police and Criminal Evidence Act and the Regulation of Investigatory Powers Act and independent bodies such as Her Majesty's Inspectorate of Constabulary, the Independent Police Complaints Commission and the Office of the Surveillance Commissioner. Our accountability is therefore not enhanced by confirming or denying whether any information is held.

Therefore it is our opinion that for these issues the balancing test for confirming or denying whether any information is held regarding these techniques is not made out. This argument is obviously transferable to all police tactics.

This refusal should not be taken to mean that the information you have requested exists or does not exist.

3. Information concerning the Constabularies previous and current availability of such items has not been disclosed due to exemptions within the Act.

4. Information concerning the number items purchased has not been disclosed due to exemptions within the Act.

With respect questions 3 and 4, Section 17 of the Freedom of Information Act 2000 requires that Suffolk and Norfolk 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.

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

Section 31(1) - Law Enforcement

Section 31 is a qualified and prejudice based exemption and I am therefore obliged to articulate the harm in the information being disclosed and consider the public interest.

Harm

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 when 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.

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.

Revealing the information requested would reveal tactical capability and is likely to influence the 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 police capability will ensure offenders are armed 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 result 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

Factors favouring disclosure

The information requested relates to a specialised area of policing. 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 providing details of the number of specific type of firearms and therefore providing details of the tactical options available within the Firearms teams would provide transparency and may enhance public debate into this type of policing.

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 reveal specific skills, capabilities and tactics required by these officers 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.

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

The disclosure of the number of firearms by the Constabularies would provide an insight into the local capabilities. This information, compared to other forces, would identify which forces are deemed to be more vulnerable and would provide an overview of the national capability.

In respect the purchasing of such items, trends may be recognised over a long period of time, comparisons made against forces (correctly or incorrectly) around capabilities and differences in which data is exempt by each force.

The harm for previous years may be reduced but will still enable inferences to be drawn as to when purchases were made and how this may reflect capabilities. Couple this information for questions 3 and 4 with details of numbers of AFOs a considerable amount of data would be provided publically about which would undermine local and national policing.

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 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.

In addition, we also need to take into account the victims of terrorism. 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. 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 issues the balance test for disclosure is not made out.

Having taken into account all of the points above it is our view that the balancing test for disclosure is not made out.

5. The number of Authorised Firearm Officers (AFOs) is published on a financial year basis by the Home office.

Section 17 of the Freedom of Information Act 2000 required that Suffolk Constabulary, when refusing to provide such information (because the information is exempt) is to provide you the applicant with a notice in 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.

The information is exempt from disclosure by virtue of the following exemption(s);

Section 21(1) - Information reasonably accessible by other means

Information concerning AFO numbers can be found via the following link:

<https://www.gov.uk/government/publications/police-use-of-firearms-statistics-england-and-wales-april-2015-to-march-2016/police-use-of-firearms-statistics-england-and-wales-april-2015-to-march-2016>

The number of police officers employed by the Constabularies is as follows:

As at	Suffolk Constabulary		Norfolk Constabulary	
	Headcount	Strength	Headcount	Strength
31/03/2015	1171	1140.44	1607	1555.58
31/03/2016	1109	1079.30	1552	1501.35
31/03/2017	1087	1058.85	1516	1462.71

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 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