



**SUFFOLK  
CONSTABULARY**  
*Taking pride in keeping Suffolk safe*

## **Freedom of Information Request Reference N°: FOI 001630-20**

I write in connection with your request for information received by Suffolk Constabulary on the 13 May 2020 in which you sought access to the following information:

1. *“Are you able to let me know how many Covid-19 related arrests your force has processed so far for breaches of the Covid-19 lockdown rules between March 1st and May 11th.*
2. *Please tell me what was the age of the youngest and oldest persons arrested.*
3. *Please tell me how many COVID-19 related formal complaints have been made against officers.*
4. *Please also confirm how many people, if any, have been detained because they were suspected of being infected.*
5. *Please confirm if your police force has used drone surveillance in the policing of Covid-19.”*

## **Response to your Request**

The response provided below is correct as of 18 May 2020

Suffolk Constabulary has considered your request for information and the response is below.

1. The information requested follows a scheduled publication strategy put in place by the National Police Chiefs Council (NPCC) and Suffolk Constabulary. The information requested will therefore be available on the respective websites either currently, or at future planned publications of regular intervals.

Section 17 of the Freedom of Information Act 2000 requires that Suffolk Constabulary, 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 exemptions;

**Section 21(1) – Information reasonably accessible by other means**



The below links relate to the information currently being proactively published under the publication strategy of the NPCC, which includes Fixed Penalty Notices (FPNs) issued by force area, CPS Charges by Force area, inclusive of the summary of charge and Prohibition Notices issued By Force area.

<https://news.npcc.police.uk/releases/police-chiefs-keep-reporting-crime-to-us-during-coronavirus-outbreak-we-are-still-here-for-you>

The Constabulary has extended the publication strategy to include additional datasets including crime, arrest and charge data. This is further broken down by age, gender and ethnicity.

This information is published on the Constabulary's disclosure log pages at the following location:

<https://www.suffolk.police.uk/services/freedom-information/disclosure-logs/2020-disclosure-logs>

2. As per question 1
3. The Constabulary has received a total of 5 COVID-19 related formal complaints against officers.
4. There were 2 arrests where the Primary Arrest Offence is Coronavirus Act 2020 Schedule 21 - Offence relating to potentially infectious person(s). The age of those persons was 21 and 64.
5. With regards to overt use of drones, Suffolk Fire and Rescue pilots have not carried out any drone flights in relation to surveillance/enforcement of the Covid19 regulations, including the period of 1st – 11th May 2020

In addition to the above with regard to the covert use of drones, Suffolk Constabulary will **neither confirm or deny** whether it holds any other information, relevant to the request, by virtue of the following exemptions:-

**Section 23(5) – Information concerning Security Bodies**

**Section 24(2) – National Security**

**Section 31(3) – Law Enforcement**

Section 23 is an absolute class based exemption and there is no requirement to evidence the



harm in confirming or denying whether any other information is held or conduct a public interest test.

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 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, consideration has to be given to who would have access to the information. Confirming or denying whether any other information is held, regarding the use of this specialist equipment for covert use, would show those involved in criminal activity, what the capacity, tactical abilities and capabilities of the Police are. This would allow them to target specific areas of the UK to conduct criminal or terrorist activities. Confirming or denying the specific circumstances in which the Police Service may or may not deploy unmanned aerial systems (UAS) would lead to an increase of harm to any covert investigations and 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 threat from terrorism cannot be ignored. It is generally recognised, in the current environment, that the international security landscape is complex and unpredictable. The current UK threat level from international terrorism, based on intelligence, is assessed as 'severe'. This means that a terrorist attack is highly likely. See link below:-

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

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

Confirming or denying whether any other information is held in relation to the covert use of UAS would limit operational capabilities, as criminals/terrorists would gain a greater understanding of the police methods and techniques. This would enable them 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. 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. It would have the likelihood of identifying location-specific operations which would ultimately compromise police tactics, operations and future

prosecutions, as criminals could counteract the measures used against them.

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 insurance and law enforcement.

Section 24 – factors favouring the confirmation or denial of whether any other information exists

The information, if held, simply relates to national security and confirming or denying whether it is held would not actually harm it. The public are entitled to know what public funds are spent on and what security measures are in place. Confirming or denying whether any other information is held would lead to a better informed public.

Section 24 – factors against the confirmation or denial of whether any other information exists

Confirming or denying whether any other information is held would render security measures less effective. This would 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 31 – factors favouring the confirmation or denial of whether any other information exists

Confirming or denying whether any other information is held regarding the covert use of UAS would provide an insight into the Police Service. This would enable the public to have a better understanding of the effectiveness of the police and about how the police gather intelligence. It would greatly assist in the quality and accuracy of public debate, which could otherwise be steeped in rumour and speculation. Where public funds are being spent, there is a public interest in accountability and justifying the use of public money.

Some information is already in the public domain regarding the police use of this type of specialist equipment. Confirming or denying whether any other information is held would ensure transparency and accountability. This would enable the public to see what tactics are deployed by the police to detect crime.

Section 31 – factors against the confirmation or denial of whether any other information exists

Confirming or denying whether any other information is held regarding the covert use of UAS would have the effect of compromising law enforcement tactics and would also hinder any future investigations. In addition, confirming or denying methods used to gather intelligence for an investigation would prejudice that investigation and any possible future proceedings.

It has been recorded that FOIA releases are monitored by individuals involved in criminal or terrorist activities. Therefore to confirm or deny whether any other information is held would lead to law enforcement being undermined. The Police Service is reliant upon all manner of techniques during operations and the public release of any modus operandi employed, if held,



would prejudice the ability of the Police Service to conduct similar investigations.

Confirming or denying whether any other information is or isn't held in relation to the covert use of UAS, would hinder the prevention and detection of crime. The Police Service would not wish to reveal what tactics may or may not have been used to gain intelligence, as this would clearly undermine the law enforcement and investigative process. This would impact on police resources and more crime and terrorist incidents would be committed, placing individuals at risk. It can be argued that there are significant risks associated with providing information, if held, in relation to any aspect of investigations or of any nation's security arrangements so confirming or denying whether any other information is held, may reveal the relative vulnerability of what we may be trying to protect.

#### Balance Test

The security of the country is of paramount importance and the Police Service will not divulge whether any other information is or is not held, regarding the covert use of UAS, if to do so would place the safety of an individual 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. However, there is a very strong public interest in safeguarding the integrity of police investigations and operations, in the highly sensitive areas such as extremism, crime prevention, public disorder and terrorism prevention.

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. The areas of police interest discussed above are sensitive issues that reveal local intelligence. Therefore it is our opinion that for these issues, the balancing test for confirming or denying whether any other information is held, regarding the covert use of UAS, is not made out.

**This should not be taken as an indication as to whether any other information is or isn't 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/>



Suffolk Constabulary is 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.



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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 Suffolk Constabulary to review their decision.

Ask Suffolk Constabulary to look at the decision again.

If you are dissatisfied with the decision made by Suffolk Constabulary under the Freedom of Information Act (2000), regarding access to information, you must notify Suffolk Constabulary that you are requesting a review within 40 working 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 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 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