



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

Freedom of Information Request Reference N°: FOI 003676-20

I write in connection with your request for information received by Suffolk Constabulary on the 3 November 2020 in which you sought access to the following information:

"I am seeking a copy of your vehicle seizure policy following the discovery of a vehicle in the possession of a party is the subject of a crime report relating to:

a. theft or

b. fraud

and how they are handled. For example:

- 1. Seizure or left with the innocent purchaser (subject to PACE)*
- 2. referral to, engaging with, the Police Property Act*
- 3. attending to improvements made*
- 4. recording the fraud against the innocent purchaser in possession*
- 5. difference in approach where the vehicle is taken by fraud from another (not 'stolen') and is with an innocent purchaser etc.*
- 6. your obligations to the innocent purchaser"*

Response to your Request

The response provided below is correct as of 3 November 2020

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

The Constabulary does not have a policy that specifically addresses the scenarios posed within the request above. However, we have attached our vehicle seizure policy, which discusses generic policy that can be utilised to assist with more specific requirements and reviewed in conjunction with the Road Traffic Act 1998 (Retention and Disposal of Seized Motor Vehicles) Regulations 2005 and the relevant amendments in 2008, which is the legislation the Constabulary will adhere to.

<https://www.legislation.gov.uk/uksi/2005/1606/contents/made>

Certain aspects of the policy have been redacted as a result of exemptions within the Act. Section 1 of the Freedom of Information Act 2000 (FOIA) places two duties on public authorities. Unless exemptions apply, the first duty at s1(1)(a) is to confirm or deny whether the information specified in a request is held. The second duty at s1 (1)(b) is to disclose information that has been confirmed as being held.



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 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 consider the harm in disclosing information concerning this live investigation and conduct a public interest test.

Harm

Where a disclosure is made that will provide information and evidence as to the way in which the Constabulary conducts investigations and identifies specific processes to follow in order to appropriately and lawfully deal with vehicle seizures, there is a clear risk that harm may be caused by disclosing specific requirements and force capabilities, which would include any strengths/weaknesses with regards Law Enforcement.

In this case, the policy contains specific details with regards to operationally and tactfully sensitive information that describes evidential information the Constabularies look for and how such is preserved for evidential purposes. It is imperative that Constabularies are able to maintain effective management of evidence and ensure law enforcement capabilities and responsibilities are not jeopardised by FOI disclosures.

Factors Favouring Disclosure

The provision of the information will ensure the Constabularies are maintaining openness and transparency.

Provision of information concerning policy direction, reassures the public that the Constabulary are managing vehicle recovery and examinations lawfully.

Investigations are expensive and provision of the data will ensure the public can identify where and how public funds are being allocated.



Factors favouring non-disclosure

Any information disclosed that could affect the Constabulary's policies concerning the identification of evidence, would undermine those processes. This would have implications for future policing investigations, should the redacted information provide insight into what evidence is important for the investigative process and enable suspects to tamper with or hide evidence.,

Balancing Test

It can be argued the provision of the policy will show that the Constabulary is appropriately and effectively tackling vehicle recovery and examination. However, the provision of the redacted information contains operationally sensitive information that has not been publicly disclosed in the past, and that will provide tactical information concerning our vehicle recovery processes.

The Constabulary feels to provide the information exempt under Section 31, would have an adverse impact on the future ability to effectively manage vehicle recovery and examinations.

I therefore conclude that the balance of the public interest lays in non-disclosure of the redacted information.

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*

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 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