



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

Freedom of Information Request Reference N°: FOI 004052-20

I write in connection with your request for information received by Suffolk Constabulary on the 7 December 2020 in which you sought access to the following information:

1. *“How many police officers within Suffolk police have been killed and murdered in the course of their duties in each of the last 5 years?”*
2. *How many covert human Intelligence sources within Suffolk police have been killed and murdered in the course of their duties in each of the last 5 years?”*

Response to your Request

The response provided below is correct as of 7 December 2020

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

1. No Suffolk police officers have been killed or murdered during the course of their duties, in the last 5 years.
2. Suffolk Constabulary is unable to confirm whether or not and undercover officers have been killed or murdered in the course of their duties 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 section 1(1)(a) is to confirm or deny whether the information specified in a request is held. The second duty at section 1(1)(b) is to disclose information that has been confirmed as being held.

Where exemptions are relied upon, section 17 of the Freedom of Information 2000 requires the Constabulary to provide you, the applicant, with a notice which:-

- a. States that fact
- b. Specifies the exemptions in question, and
- c. States (if that would not otherwise be apparent) why the exemptions apply

The Constabularies neither confirm nor deny whether information is or isn't held 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 confirmation or denial of whether information is held, as well as carrying out a public interest test.

Evidence of Harm

The public expect police forces and other law enforcement agencies to use all powers and tactics available to prevent and detect crime and disorder and maintain public safety. There are a number of covert tactics available and if used correctly, in line with the Regulation of Investigatory Powers Act legislation, it is a proportionate, lawful and ethical tactic, which provides an effective means of obtaining evidence and intelligence.

There is considerable harm attributed to the confirmation or denial of any such information, in relation to police receiving information from confidential sources. The information would only be held if it were obtained and recorded by the Constabularies for the purpose of its functions in relation to covert operations.

In this case, and irrespective of whether any information relating to your request is or isn't held, confirmation or denial of whether individuals have been killed or murdered in the course of their duties would likely to reduce the flow of information to the Police Service and intelligence agencies. Covert investigations into organised criminality (including that of a terrorist nature), is intrusive, invariably utilising undercover sources. By confirming information is or is not held would amount to confirming active covert operations, thus providing intelligence to mal-actors that this particular tactic has been employed. This in turn risks compromising any ongoing covert investigations and thus any CHIS element within. Equally, denying that information is held would prove problematic if forces go on to hold information in the future which requires protecting.

Therefore, the Constabulary's need to be alert to the consistent use of NCND in such matters. This would have a substantial prejudicial impact on the ability of such authorities to collect reliable and accurate intelligence. Furthermore, law enforcement bodies would become dependent on more costly and time consuming methods of collecting intelligence.

It may be viewed by those not involved in the management of informants that a statistical number in itself is unlikely to cause any such adverse effects. However, the subject has to be viewed more holistically. Individuals who are determined to identify informants have the ability to use small pieces of information in order to build a more complete picture. It is the cumulative effect of information disclosures that the Police Service feels will lead to this prejudice being realised.



Irrespective of what information is or isn't held, to state 'no information held' or cite a substantive exemption would confirm any force areas where there are or have previously been, covert operations.

Public Interest Considerations

Section 24 – factors favouring confirmation or denial of whether information is or isn't held

Confirmation or denial of whether information is or isn't held would lead to a better-informed public, leading to more accurate public debate. There is a public interest in the way the Police allocates resources.

To confirm or deny whether information is or isn't held would enable the general public to hold Suffolk Constabulary to account and to ensure it is done so in line with RIPA legislation and local policies and procedures.

Section 24 – factors against confirmation or denial of whether information is or isn't held

Due to the current security climate within the UK, there should be no confirmation or denial of whether information is held where this may aid an individual involved in terrorist or covert activity. To what extent the confirmation or denial may aid a terrorist is unknown, but it is clear that it would have an impact on Constabularies ability to undertake covert related activity.

To confirm or deny whether the Constabulary holds any information would allow inferences to be made regarding the nature and extent of national security related activities, which may or may not take place in a given area. This could enable terrorist groups to take steps to avoid detection, and as such, confirmation or denial would be damaging to national security.

The public entrust the Police Service to make appropriate decisions with regard to their safety and protection. The only way of reducing risk is to be cautious with what is placed into the public domain and, in circumstances such as these, this is relevant to the confirmation or denial of whether information is or isn't held.

The cumulative effect of terrorists gathering information from various sources would build a picture of vulnerabilities within certain scenarios, such as the use of undercover officers. The more information placed into the public domain over time, even by confirmation or denial, will provide a more detailed account of the tactical infrastructure of not only a force area but also the Country as a whole.

Any incident which results from such a disclosure would by default affect National Security.



Section 31 – factors favouring confirmation or denial of whether information is or isn't held

The College of Policing has acknowledged under an Authorised Professional Practice (APP) the use of undercover police officers and likewise, there have been news articles and documentations in the public domain concerning the use of such tactics in the police service as a whole.

<https://www.app.college.police.uk/app-content/covert-policing/undercover-policing/>

Section 31 – factors against confirmation or denial of whether information is or isn't held

Suffolk Constabulary has a duty of care to the community at large and public safety is of paramount importance. If an FOI disclosure reveals information to the public by not adopting an NCND position, this would not only compromise and undermine the security of the national infrastructure, the effective delivery of operational law enforcement would also be undermined. Offenders, including terrorist organisations, could use this knowledge to their advantage and this would compromise public safety, and could encourage offenders to carry out further crimes.

Constabularies rely on information being supplied by the public. Irrespective of what information is or is not held, by applying substantive exemptions, would indicate whether information is held and therefore whether there have been or are currently, any undercover operations located within the Suffolk force area. Such action would act as a deterrent to the public to provide intelligence to the Constabularies and this would further undermine public safety, with repercussions that could hinder the prevention and detection of crime.

The prevention and detection of crime is the foundation upon which policing is built. The Police Service has a clear responsibility to prevent and detect crime and disorder as well as maintaining public safety, and as such, there are a number of tactics available to the Police Service, including those of a covert nature.

Balance Test

The above points highlight the merits in confirming or denying whether any information, relevant to this request, exists. The Police Service is charged with enforcing the law, preventing and detecting crime and protecting the communities we serve. As part of that policing purpose, various tactical options, including the use of undercover officers, may or may not be utilised. The Police Service will never divulge whether or not information exists, if to do so would place the safety of an individual/individuals at risk, compromise an ongoing investigation or undermine the policing purpose, in the effective delivery of operational law enforcement.



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Whilst there is a public interest in the transparency of policing operations and investigations, providing reassurance that the Police Service is appropriately and effectively engaging with the threat from criminals, there is a very strong public interest in safeguarding the integrity of police operations. As much as there is a public interest in knowing that policing activity is appropriate and balanced, it will only be overridden in exceptional circumstances.

Therefore, at this moment in time, it is our opinion that for these reasons, the balance test for neither confirming nor denying whether information is or isn't held, is appropriate.

No inference should be taken from this refusal as to whether any information does or does not exist.

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