

Harm

The release of information requested into the manufacturer and model of Unmanned Aerial Vehicles (UAVs) used by West Midlands Police could reveal the capabilities and methodologies of these assets and give important information to terrorists and criminals. The release of this information combined with detailed information readily available on the internet would allow terrorists and other criminals to identify the strengths and weaknesses of the aircraft and they would be able to use information in planning terrorist and criminal acts.

This would therefore both directly and indirectly impact on the prevention and detection of crime, the apprehension of terrorists and criminals, and increase the fear of crime in the community West Midlands Police seeks to serve.

Public Interest Test**Factors favouring Disclosure**

In times of public expenditure cuts the public have an interest in knowing how public money is being spent in ensuring value for money both at the point of purchase and also in respect of what those resources are to be used for.

Factors favouring Non-Disclosure

Disclosure of the make and model of each drone system purchased and the details of the number of drones owned would mean that individuals could research details about them and their capabilities. To disclose these details would highlight the strengths and any possible weaknesses of the equipment would compromise law enforcement tactics which could lead to more crime being committed and individuals being placed at risk. It may also be used by criminals/terrorists in combination with other information they have gathered to try and prejudice law enforcement.

Balance Test

The Police Service is charged with enforcing the law, preventing and detecting crime and protecting the communities we serve. In order to effectively and robustly carry out those duties, external services are utilised which are vital to investigating criminal activity. Weakening the mechanisms used to investigate any type of criminal activity would have a detrimental impact on law enforcement as a whole. Whilst 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 or individuals, 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 release of information will highlight operational methodology that in turn will provide terrorists / criminals with counter measures the decision must be made not to release the information sought regarding manufacturer and model of UAVs in service with West Midlands Police. Therefore, at this moment in time, it is our opinion that the balance test favours against disclosure.

In addition, West Midlands Police can neither confirm nor deny that it holds any further information relating to your request 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) Information relating to the Security bodies;

Section 24(2) National Security;

Section 31(3) Law enforcement;

Section 23 is an absolute exemption which means that the legislators have identified that harm would be caused by release and there is no requirement to consider the public interest test.

Sections 24 and 31 are qualified, prejudice-based exemptions and require evidence of harm and a public interest test to be carried out.

Evidence of harm

As you will be aware, disclosure under FOIA is a release to the public at large. Whilst not questioning the motives of the applicant, confirming or denying that any other information is held regarding the use of drones for covert purposes, would show criminals what the capacity, tactical abilities and capabilities of the force are, allowing 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 drones, would lead to an increase of harm to 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, and it is well established that police forces use covert tactics and surveillance to gain intelligence in order to counteract criminal behaviour. As such, 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 that West Midlands Police hold any other information in relation to covert use of drones, or unmanned aerial devices, would limit operational capabilities as criminals/terrorists would gain a greater understanding of the police forces' methods and techniques, enabling 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 security and law enforcement.

Public Interest Test

Factors favouring Confirming or Denying for Section 24

Any further 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, and by confirming or denying whether any other information regarding the covert use of drones is held, would lead to a better-informed public.

Factors favouring Neither Confirming nor Denying for Section 24

By 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.

Factors favouring Confirming or Denying for Section 31

Confirming or denying whether any other information is held regarding the covert use of drones would provide an insight into West Midlands Police. 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 and confirming or denying whether any other information is held would ensure transparency and accountability and enable the public to see what tactics are deployed by the Police Service to detect crime.

Factors against Confirming or Denying for Section 31

Confirming or denying that any other information is held regarding the covert use of drones for maritime/border surveillance 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 criminals and terrorists and so to confirm or deny any other information is held concerning specialist covert tactics 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.

By confirming or denying whether any other information is held in relation to the use of drones would hinder the prevention or detection of crime. The force 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 that any 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 information is or is not held regarding the use of drones if to do so would place the safety of an individual at risk, undermine National Security or compromise law enforcement.

Whilst there is a public interest in the transparency of policing operations and providing assurance that West Midlands Police is appropriately and effectively engaging with the threat posed by various groups or individuals, there is a very strong public interest in safeguarding the integrity of police investigations and all areas of operations carried out by police forces throughout the UK.

As much as there is public interest in knowing that policing activity is appropriate and balanced this will only be overridden in exceptional circumstances. The use of drones in any covert capacity is a sensitive issue that would reveal police tactics and therefore it is our opinion that for these issues the balancing test for confirming or denying whether any information is held regarding the use of drones is not made out.

However, this should not be taken as necessarily indicating that any information that would meet any future request exists or does not exist.