

Our Ref: FOI/106/13/JM

Your Ref:

Tel: [REDACTED]

Fax: [REDACTED]

Date: 29 March 2013

[REDACTED] [rampian.pnn.police.uk](mailto:rampian.pnn.police.uk)  
[www.grampian.police.uk](http://www.grampian.police.uk)

Morgane Dussud  
Researcher, Human Rights  
Access Info Europe

By Email

Dear Morgane,

### **FREEDOM OF INFORMATION REQUEST 106/13**

I refer to your email of 22 February 2013, in which you requested information in terms of the Freedom of Information (Scotland) Act 2002.

I have repeated your questions hereunder, for your ease of reference;

#### **1. What legislation governs the use of equipment at the disposal of police forces in protest situations?**

The use of equipment is legislated under Section 17 of the Police Scotland Act 1967 and covered under the ACPOS manual of guidance.

#### **2. What types of equipment are police forces permitted to use in protest situations? (For example: batons, shields, water cannons, rubber bullets, etc.)**

Police Forces are permitted to use all standard Police Officer Safety equipment ranging from their use of tactical communications skills, batons, shields and AP rounds which can only be used as part of a firearms tactic.

#### **3. For all the equipment types available for use by police officers in situations of protest that are supplementary to normal police equipment, please provide me with data including:**

**The number of items in the possession of police forces for each equipment type;**

#### **4. What guidance and training are police provided with on use of equipment for dealing with protest? Please send a copy or direct website link to any guidance documents regarding the use of force in such situations.**

The ACPOS Public Order Manual of Guidance on Standards, Tactics & Training and the NPIA Police Public Order Training Curriculum are the documents which Forces use Nationally for the training of Public Order Officers.

The information which you have requested is held by the Force. However, it is exempt from disclosure in terms of the following section of the Act. Please consider this a refusal notice in terms of section 16 of the Act.

### **Section 35 (1) (a) & (b) – Law Enforcement**

#### **HARM**

To specify the amount of equipment available to the Force in public order situations would provide sufficient details for persons to be aware of Grampian Police's operational capabilities throughout the Force area and could compromise those capabilities and its ability to respond to public order incidents.

Also, to provide a detailed itinerary of all of the equipment available to the Force in protest situations would effectively reveal the maximum number of Officers that could be in possession of such equipment when deployed to an incident.

This could prove to be a useful tactical information to criminals when they are deciding on the type of weapons they choose to carry when involved in any public order or protest.

Therefore the provision of the information requested would, or would be likely to, substantially prejudice the tactical and operational decision making of officers when engaged in the prevention and detection of crime and the apprehension of criminals.

#### **Public Interest Test**

##### **For disclosure**

- Public awareness/Public Debate: it would be in the interest of the public to know about the capacity of the Force to deal with incidents where equipment used in protest situations is required and it would allow for accurate public debate on the matter.

##### **Against disclosure**

- Prevention of crime: it is not in the interest of the public for the Force to be hampered in the prevention and detection of crime. The provision of the requested information could allow criminals to gauge the capability of the Force and assist them in the commission of crime. It is not in the public interest for information to be released into the public domain, which could make it more difficult to apprehend criminals and prevent crime.
- Public Safety: it is not in the interest of the public for their safety to be compromised. The disclosure of information which could allow persons to commit crime would also jeopardise the safety of the public.
- Efficient and Effective Conduct of the Force: it is not in the public interest for the current or future law enforcement role of the Force to be compromised by

the release of information. Providing the requested information could assist criminals in committing crimes and help them in their efforts to avoid apprehension by Police.

### **Balancing test**

Having considered both parts of the public interest test, I conclude that the prevention of crime, public safety and maintaining the efficient and effective conduct of the Force is more important than public awareness and public debate.

### **5. The amount of times that such equipment types have been used in the last five years;**

Deployments will be recorded however the amount of times such equipment has been used is not recorded. Therefore, this information cannot be provided in terms of section 17 (1) (b) of the Freedom of Information (Scotland) Act 2002 - information not held.

### **6. Has the police or government compiled any evaluation reports on the policing of protests in the past five years? If so, please send a copy of the evaluation documents or direct me to the direct on-line link.**

I am aware of several documents that are available on the internet in relation to Policing of Protests these being:

The 2009 HMIC report on Adapting to Protest.

The 2009 HMIC report on Adapting to Protest – Nurturing the British Model of Policing.

The 2010 ACPOS and NPIA Manual of Guidance on keeping the Peace.

The 2011 HMIC report on Policing Public Order.

The 2011 HMIC report on Rules of engagement: A review of the August 2011 disorders.

The HMIC reports are all available on the HMIC website, with the Manual of Guidance on Keeping the Peace being available on the NPIA website.

Please do not hesitate to contact me should you have any queries. However, if you are not satisfied with the way in which your request has been dealt with, you are entitled, in the first instance, to request a review of the decision made by the Force. Should you wish to proceed, please write to Iain Gray, Head of Information Disclosure Unit, Grampian Police, Woodhill House, Westburn Road, Aberdeen, AB16 5AB, within 40 working days of receiving this letter, stating clearly that you request a review and the decisions you wish reviewed.

If, after having been informed of the review decision you are still not satisfied, you are entitled to apply to the Scottish Information Commissioner for a decision within six months of the date of the review response. Contact details are Office of the Scottish Information Commissioner, Kinburn Castle, Doubledykes Road, St Andrews, Fife, KY16 9DS, telephone 01334 464610.

Yours sincerely,

Mrs Jody McKenzie  
Compliance Manager  
Information Disclosure Unit