

From: FIID (FOI) [REDACTED]@tayside.pnn.police.uk
Subject: FOI 119-13
Date: March 22, 2013 at 5:09 PM
To: Morgane Access Info [REDACTED]@access-info.eu



NOT PROTECTIVELY MARKED

Our Ref: FOI 119-13

E-Mail: [REDACTED]@tayside.pnn.police.uk for all correspondence relating to FOI requests

Dear Applicant,

I refer to your request of 22 February, 2013 for information under the Freedom of Information (Scotland) Act 2002 which, for the avoidance of doubt, I reproduce below.

Having considered your request in terms of the above Act, I would respond as follows:

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

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

In relation to the above 2 questions, I would advise you that Tayside Police adheres to the Manual of Guidance on Keeping the Peace as endorsed by ACPOS (Association of Chief Police Officers in Scotland). This document is freely available in the public domain and may be accessed via the following link:

<http://www.statewatch.org/news/2012/jan/uk-manual-public-order-2010.pdf>

I would refer you in particular to pages 132 and 133 where the ACPOS overview may be found and also to pages 95 to 111 inclusive where details of the tactical options are held.

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:

a) The number of items in the possession of police forces for each equipment type:

I regret to advise you that I have decided to refuse to provide you with the information requested as I consider it to be exempt from disclosure. Accordingly, in terms of Section 16 of the Freedom of Information (Scotland) Act 2002, this represents a refusal notice.

Section 16 requires Tayside Police, when refusing to supply such information, to provide you with a notice which (a) states that it holds the information, (b) states that it is claiming an exemption(s), (c) specifies the exemption(s) in question, and (d) states, if not otherwise apparent, why the exemption(s) applies.

I can confirm that Tayside Police holds the information requested and the exemptions I consider to be applicable to this information are as follows:

Section 35(1)(a)&(b) - Exempt Information - Law Enforcement

Information is exempt information if its disclosure under this Act would, or would be likely to, prejudice substantially the prevention or detection of crime, or the apprehension or prosecution of offenders.

This is a prejudice-based non-absolute exemption which not only requires me to detail the harm in the disclosure of the information sought, but also to carry out a public interest test to establish where the balance of public interest lies in its disclosure (detailed below).

Disclosure of the requested information would give an indication of the current operational capabilities of Tayside Police in this area, and would indicate the Force's ability to respond to incidents which demand this type of police response. This information could then be used by individuals intent on wrong-doing to gauge with some accuracy the likelihood of the deployment of any supplementary equipment against them during a protest situation. This would allow such individuals to take steps to prepare for such deployment which would provide them with a tactical advantage when planning such events.

Section 39(1) - Exempt Information - Health, Safety and the Environment

Information is exempt information if its disclosure under this Act would, or would be likely to, endanger the physical or mental health or the safety of an individual.

This is a class-based non-absolute exemption which also requires me to carry out a public interest test to establish where the balance of public interest lies in the disclosure of the information (detailed below).

Disclosure of the requested information would give individuals intent on committing disorder a potential tactical advantage, leaving both police officers and members of the public at risk from injury. Not only would this be detrimental to public safety, but would also be likely to endanger the physical or mental health or the safety of an individual.

Public Interest Test

Considerations favouring Disclosure:

Accountability for Public Funds - Where public funds are being spent, there is a public interest in accountability and justification.

Public Awareness - There is a public interest in disclosing information that would allow the public to understand how effective the Force is in responding to threats requiring a police response of this nature, particularly with regard to public safety.

Considerations favouring Non-Disclosure:

Public Safety - There is no public interest in disclosing information which would place police officers and members of the public at an increased risk of injury. Public safety is of paramount importance to the policing purpose and must be considered in respect of every information disclosure.

Efficient and Effective Conduct of the Force - There is no public interest in disclosing information which would compromise the current or future law enforcement role of the Force.

Balancing Test

At this time of financial constraints, budget cuts and ever-increasing scrutiny of policing, it is undoubtedly in the public interest to understand not only how money is being spent (as

is undoubtedly in the public interest to understand not only how money is being spent (on resources, equipment etc), but also how the police are responding to disorder situations.

However,
because of the harm that would result if the information was disclosed, on balance it remains in the
public interest to withhold this information to ensure that the police are able to continue to
respond
to such situations, and protect the public and officers effectively.

b) The amount of times that such equipment types have been used in the last 5 years
I would advise you that the number of times is 0.

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.

I would advise you that in Tayside, although there is no specific training provided on use of equipment for dealing with protest, our Officers are trained to deal with Non-Compliant demonstrations and this would be covered through Officer Safety Training in general.

5) Has the police or government compiled any evaluation reports on the policing of protests in the past 5 years? If so, please send a copy of the evaluation documents or direct me to the direct on-line link.

After making enquiries with an appropriate Officer, I would advise you that they are not aware of any such reports.

I trust the enclosed information will be of assistance to you. 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 request such a review, please write to me within 40 days of receiving this communication. I will arrange for a senior officer, who has not been involved in my decision making process, to conduct a review as required by the Act.

If, after having been informed of the review panel's decision, you are still not satisfied, you then have six months in which you are entitled to apply to the Scottish Information Commissioner for a decision. The contact details for the Scottish Information Commissioner are Office of the Scottish Information Commissioner, Kinburn Castle, Doubledykes Road, St Andrews, Fife, KY16 9DS, telephone 01334 464610.

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Please note that on 1 April 2013 the Chief Constable of the new Police Service of Scotland comes under Freedom of Information (FOI) legislation.

The creation of the new single police force means that whilst the various ways we provide information, eg letter, email etc remain the same, all force-specific FOI postal and email addresses, eg [REDACTED] tayside.pnn.police.uk will cease to exist.

From 1 April 2013:

Email requests should be addressed to:

[REDACTED] scotland.pnn.police.uk

Written requests should be addressed to:

Police Service of Scotland
Freedom of Information Central Processing
173 Pitt Street
GLASGOW
G2 4JS

Regards, Norma

Norma Brady
Freedom of Information Officer
Force Crime & Intelligence Division
Tayside Police

Email: [REDACTED]@tayside.pnn.police.uk

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This communication is intended for the person(s) or organisation named and may be in nature, legally privileged and protected in law. If you are not the intended recipient please advise us immediately and do not disclose, copy or distribute the contents to any other person. Failure to comply with these instructions may constitute a criminal offence. You should be aware that all Tayside Police email communications may be subject to disclosure under the Freedom of Information (Scotland) act 2002.

