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Your Ref:

Our Ref: G239

Date: 25<sup>th</sup> April 2013

Dear Morgane Dussud

**FREEDOM OF INFORMATION (SCOTLAND) ACT 2002 (FOISA)**

Further to your email letter dated 22<sup>nd</sup> February 2013, requesting information under the Freedom of Information (Scotland) Act 2002. I can advise you as follows.

Firstly, can I apologise for not responding sooner.

As you may be aware, as of 1st April 2013, the Police Service of Scotland (PSoS) came into existence and all requests made to individual forces pre 1st April become the responsibility of PSoS to answer. Therefore, the information provided below only relates to the information you sought from the former Fife Constabulary and if you made a similar request to another previous force area, you will receive a separate response in this regard.

The Home Office approved, Association of Chief Police Officers (ACPO) Keeping the Peace Manual governs the use of equipment at the disposal of police forces in protest situation. Guidance is provided within this manual.

A copy of the 'Keeping the Peace Manual' can be found at the following link:

<http://www.acpo.police.uk/documents/uniformed/2010/201010UNKTP01.pdf>

The document found at the following link provides guidance in public order policing, management of operations and deployment of resources at a local, regional and national level.

<http://www.acpo.police.uk/documents/uniformed/2010/201010UNKTP01.pdf>

The document below is specific to firearms, which is another option available to the police service in certain circumstances.

**Manual of Guidance on the Management, Command and Deployment of Armed Officers  
2011 – available on line (endorsed by ACPOS)**

<http://www.acpo.police.uk/documents/uniformed/2011/201111MCDofAO3.pdf>

Both documents above include a summary of the legislative framework within which related police activities are planned and implemented.

The documents above can be found on the Internet and are publicly available therefore by virtue of FOISA, Section 25 Information otherwise accessible applies and this letter constitutes a notice of refusal under Section 16 (4) Refusal of request of the Act.

The Operational Policing Business area that deals with public order has indicated that there is no direct legislation, which governs the use of the equipment available to the police in protest situations. The above documents do, however include guidance on the planning and implementation of policing activities in the context of protest situations. This includes consideration of what is deemed to be proportionate in given situations.

Your third and fourth questions seek information relating to types of equipment held in stock / usage and training given to officers. Some items of equipment are only used by Police Support Unit and Authorised Firearms Officers. To provide details of quantity, type and usage would divulge the capacity and to divulge training information would disclose the capability of Fife Constabulary.  
In considering disclosure;

## **NOT PROTECTIVELY MARKED**

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

Disclosure of the requested information would give an indication of the operational capabilities of Fife Constabulary and would indicate the force's ability to respond to incidents and (through the training material) the method of response. This information could then be used by individuals intent on wrong doing to gauge with some accuracy the likelihood of the deployment of such equipment against them during the commission of crime and the tactic to be used. This would allow such individuals to take steps to prepare for such deployment, which would provide them with a tactical advantage when planning or perpetrating crimes. Furthermore, this would also be likely to endanger not only the officers concerned but also members of the public who could be injured as a result of such action.

### **Section 39 (1) – Health & Safety and the Environment**

Disclosure of the requested information would give individuals a potential tactical advantage and this would leave both police officers and members of the public at risk from injury. This would be detrimental to public safety and would be likely to endanger the physical, mental health or the safety of an individual.

### **Public Interest 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 (on resources and training etc), but also how the police are responding to threats. Providing this information would divulge details of individual forces capability, and through extensive enquiries a national picture could be formed. This could provide criminals with an advantage when planning where to carry out their criminal activities.

The Association of Chief Police Officers Scotland Firearms lead previously expressed concern that if the total quantity of equipment held was released by a number of forces, then this would reveal potential national strategic capability and capacity in relation to operations.

However, because of the harm that may result if this information was disclosed along with the training material/methods, on balance it remains in the public interest to withhold this information to ensure that the police are able to continue to respond to threats, and protect the public and officers effectively.

The information requested at questions 3a and 3b is therefore withheld in terms of Section 35(1)(a) and (b) Law Enforcement and Section 39 (1) – Health & Safety and the Environment, FOISA. For the reasons provided consider this letter a "refusal notice" for your request to provide the information you were seeking in terms of Section 16 (Refusal of Request), Freedom of Information (Scotland) Act 2002.

Fife Constabulary does hold the evaluation report of the Policing of the G20 summit in 2009. This document is titled "Adapting to Protest" it is also publicly available and can be found at;

**<http://www.hmic.gov.uk/media/adapting-to-protest-20090705.pdf>**

Under the terms of the Freedom of Information (Scotland) Act 2002, Section 25 Information otherwise accessible applies and this letter constitutes a notice of refusal under Section 16 (4) Refusal of request of the Act.

To assist you further you may find the following links of interest as they provide details of reports on the policing of protests;

**<http://www.hmic.gov.uk/publication/adapting-to-protest/>**

**<http://www.hmic.gov.uk/media/a-review-of-the-august-2011-disorders-20111220.pdf>**

**<http://www.hmic.gov.uk/media/policing-public-order-20110208.pdf>**

I hope this information is of benefit to you, but if you require any further clarification or assistance, please do not hesitate to contact me either at the address or the email address at the top of this letter.

If you are not satisfied with the way in which I have dealt with your request, 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 working days of receiving this letter. If, after having been informed of the review panel's decision, you are still not satisfied, you are then entitled to apply to the Scottish Information Commissioner for a decision within six months of the date of receipt of the review response. Contact details are: Office of the Scottish Information Commissioner, Kinburn Castle, Doubledykes Road, St Andrews, Fife, KY16 9DS, telephone 01334 464 610.

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Yours sincerely,

Scott Johnston,  
Freedom of Information

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