

Corporate Information Management Department

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Private

Mr Chris Jones

chris@statewatch.org

Our Reference 872/13

Your reference

Date

07 November 2013

Dear Mr Jones

I write in connection with your request for information dated 11th October concerning UAVs (Unmanned Air Vehicles).

Your request for information has now been considered and some of the information asked for is below. Specifically you asked:

Q1. The minutes of a meeting of the force's Chief Office Group from 25 March 2011 state that Rod Hansen updated the group on "an opportunity for a short term trial of Unmanned Airborne Vehicles". Could you please provide information on:

(a) From where this opportunity came, i.e. government, industry, ACPO;

The opportunity to trial UAVs came from industry.

(b) Whether the short term trial took place, and if so further details (e.g. time, place, purpose, model and manufacturer of UAV used);

Some research and a demonstration of the equipment were carried out.

(c) Whether the trial, if it took place, led to any subsequent acquisition or use by the force of UAVs.

Q2. If Avon and Somerset police have used or plan to use UAVs in any other trials or other capacity (i.e. operational use), could you please provide:

(a) Dates, times and locations;

(b) The purposes for which they were/are to be carried out;

(c) The manufacturer and model of the UAV used/to be used.

No information is held in relation to question 1(c) and question 2.

In addition, Avon and Somerset can neither confirm nor deny that it holds any other information relevant to this part of your request by virtue of the following exemptions:

Section 23(5) - Information supplied by, or concerning, certain security bodies

Section 24(2) - National Security

Section 31(3) - Law Enforcement

Section 23 is an absolute class-based exemption and therefore there is no requirement to conduct a harm or public interest test

Sections 24, and 31 are prejudice based qualified exemptions and there is a requirement to articulate the harm that would be caused in confirming or denying that any other information is held as well as carrying out a public interest test.

Overall harm for the partial NCND

As you may 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 this specialist equipment 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 UAV's, 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. It is generally recognised that the international security landscape is increasingly complex and unpredictable. Since 2006, the UK Government have published the threat level, based upon current intelligence and that threat has remained at the second highest level, 'severe', except for two short periods during August 2006 and June and July 2007, when it was raised to the highest threat, 'critical', and in July 2009, when it was reduced to 'substantial'. Nevertheless, the UK continues to face a sustained threat from violent extremists and terrorists and the current UK threat level is set at 'substantial'.

It is well established that police forces use covert tactics and surveillance to gain intelligence in order to counteract criminal behaviour. 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 any other information is held in relation to UAV's would limit operational capabilities as criminals/terrorists would gain a greater understanding of the police's 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. This 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.

Factors favouring confirmation or denial for S24

The 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 UAV's is held would lead to a better-informed public.

Factors against confirmation or denial for S24

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 confirmation or denial for S31

Confirming or denying whether any other information is held would provide an insight into the police service. This would enable the public to have a better understanding of the effectiveness of the police and about how the police gather intelligence. This would greatly assist in the quality and accuracy of public debate, which would otherwise likely 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 confirmation or denial for S31

Confirming or denying that any other information is held regarding UAV's, 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 tactics would lead to the 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 them to conduct similar investigations.

By confirming or denying whether any other information is held in relation to UAV's would hinder the prevention or detection of crime. The Police Service 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 other 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 other information is or is not held 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 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 much as there is public interest in knowing that policing activity is appropriate and balanced this will only be overridden in exceptional circumstances. The areas of police interest is a sensitive issue that reveals local intelligence therefore it is our opinion that for these issues the balancing test for confirming or denying whether any other information is held regarding UAV's, is not made out.

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

Yours sincerely

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Freedom of Information Officer

Corporate Information Management Department

Please note:

1. Requests and responses may be published on Avon and Somerset Constabulary's website (within 24 hours), some of which may contain a link to additional information, which may provide you with further clarification.
2. Whilst we may verbally discuss your request with you in order to seek clarification, all other communication should be made in writing.
3. Avon and Somerset Constabulary provides you with the right to request a re-examination of your case under its review procedure (copy attached).

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Avon and Somerset Constabulary

Working to make the communities of Avon and Somerset feel safe and be safe