



Date: 09 November 2015

Our Reference: FOIA-2016-0088

(Via [email: request-360444-e76bbcb6@whatdotheyknow.com](mailto:request-360444-e76bbcb6@whatdotheyknow.com))

Dear Mr Jones,

RE: Freedom of Information Act 2000 Request

I write in response to your Freedom of Information Act 2000 (or 'FoIA 2000') request dated **21-09-16**. I note from your request that you seek the following information:

"Could I please request a complete copy of your CENTREX training manual which informs the way in which your police trainees are equipped to deal with conflict situations and situations that require the use of force."

Decision

When a request for information is made under the FoIA 2000 a public authority must inform you, when permitted, whether the information requested is held. It must then communicate that information to you. If a public authority decides that it cannot comply with all or part of a request, it must cite the appropriate section or exemption of the Act and provide you with an explanation.

It is important to note that a FoIA 2000 request is not a private transaction. Both the request itself and any information disclosed are considered suitable for open publication, that is, once access to information is granted to one person under the FoIA 2000, it is then considered public information and must be communicated to any individual should a request be received. Any information released under the FoIA 2000 will also be published on the College of Policing's website at a later date.

It is with the above in mind that I can confirm that searches conducted in response to your request to supply all information held in regards to Centrex training manuals. However, due to the sensitivity of the information requested, the College of Policing has decided to partially refuse your request under the following exemptions:

□ section 31(1)(a) and (b) FoIA 2000 (law enforcement).

Your attention is therefore drawn to the refusal notice provided in Appendix A.

May I take this opportunity to thank you for your interest in the College of Policing. Your attention is drawn to the complaint rights provided in Appendix **B**.

Yours sincerely,

James Rose | Legal Advisor
Ethics, Integrity and Public Interest
Unit College of Policing

[Email: FOI@college.pnn.police.uk](mailto:FOI@college.pnn.police.uk)

Website: www.college.police.uk

Appendix A

Refusal Notice

Applicant Request “Could I please request a complete copy of your CENTREX training manual which informs the way in which your police trainees are equipped to deal with conflict situations and situations that require the use of force.”

Section 31(1)(a)&(b) - Law Enforcement

Section 31 provides –

‘(1) Information which is not exempt information by virtue of section 30 is exempt information if its disclosure under this Act would, or would be likely to, prejudice—

- (a) the prevention or detection of crime,
- (b) the apprehension or prosecution of offenders’

There are two essential elements of the application of this exemption:

1) would disclosure of the information be likely to prejudice the prevention or detection of crime and the apprehension or prosecution of offenders?

if so,

2) does the public interest in maintaining the exemption outweigh the public interest in disclosure?

The provision to refuse access to information under Sections 31(1)(a) and (b) of the Act is both qualified and prejudice based. I am accordingly required to establish the nature of the prejudice/harm that may result from disclosure and where prejudice/harm is established but not certain, determine the likelihood of it occurring. As clarified by the case of *Hogan v IC and Oxford City Council* [2011] 1 Info LR 588, the requisite prejudice must be real, actual or of substance; the exemption is engaged if disclosure is more likely than not to cause such prejudice, or if there is a very significant and weighty chance of it, even if falling short of being more probable than not. In addition, I must conduct a public interest test to determine whether the public interest lies in disclosing or withholding the requested information.

Prejudice/harm considerations

The CENTREX Personal Safety Manual documents detail a range of tactics to be employed in order to bring a safe conclusion to numerous police duties. I am of the view that disclosure of such tactics would be likely

to prejudice the prevention or detection of crime and the apprehension or prosecution of offenders by empowering criminals to successfully defeat police tactics and potentially avoid apprehension. In addition, assisting criminals in potential violent situations to defeat police operational tactics by disclosure of this information poses a risk to the lives of those being apprehended, those in close proximity as well the officers involved.

Furthermore, disclosure of this information would be very likely to limit the effectiveness of these tactics for those forces who currently use them as tactical options and would also be very likely to restrict options for those forces who may wish to adopt the tactics in the future, should the operational focus of the force change.

I consider that it would be inappropriate to release this information given the likely adverse effect of wider dissemination in compromising police use of operational tactics and which would be very likely to undermine the ability of the police to prevent and detect crime and apprehend and prosecute offenders. Please find the public interest test considerations that I have identified and considered in relation to my application of Section 31(1)(a) and (b) of the Act stated below.

Public interest considerations favouring disclosure

There is a clear public interest in making appropriate information available to the public. The release of such information would act to reinforce the commitment of the College of Policing, as an open and transparent organisation, serving to maintain public confidence in both the College and the wider police service generally. Moreover, greater public awareness in the way police forces seek to bring police pursuits to a safe conclusion would provide reassurance and would promote a feeling of safety in the general public.

Public interest considerations favouring non-disclosure

Disclosure of the information requested could result in law enforcement tactics being compromised, which would be likely to hinder the prevention and detection of crime and the subsequent apprehension and prosecution of offenders. It is likely that offenders, with knowledge of police tactics, would alter their behaviour enabling further crime to be committed. In addition, knowledge of police tactics would be likely to instill confidence in an offender, thereby increasing the risk that further crime would be committed. Furthermore, disclosure of police tactics would compromise the ability of the police to bring situations with criminals to a safe conclusion, increasing the risk of harm being caused to those involved, as well as those in close proximity.

Disclosure of information that undermines the operational integrity of police tactics will adversely affect public safety and have a negative impact on law enforcement generally.

Evaluation

The public interest test is not an evaluation of what interests the public but rather consideration of whether the community benefit of possession of the information outweighs the potential harm. On weighing up the competing interests, I find the public interest test favours withholding the requested information. Though I accept that complete transparency in response to requests concerning police processes and actions informs public debate, provides reassurance and promotes confidence in the police service, there is a considerable risk that disclosure of the information requested would hinder law enforcement generally and would increase the risk of harm to individuals. The release of information that is likely to assist an offender in compromising operational tactics and committing further crime cannot be in the public interest and as such I am unable to provide you with the information sought under s31(1)(a) and (b).

Appendix B

Complaint Rights

If you are dissatisfied with the handling procedures or the decision of the College of Policing made under the Freedom of Information Act 2000 (the Act) regarding access to information you can lodge a complaint with the College of Policing to have the decision reviewed.

Complaints should be made in writing, within **forty (40) working days** from the date of the refusal notice, and addressed to: FOI team, Central House, Beckwith Knowle, Otley Road, Harrogate, North Yorkshire, HG3 1UF or [email: FOI@college.pnn.police.uk](mailto:FOI@college.pnn.police.uk)

In all possible circumstances the College of Policing will aim to respond to your request for internal review within **20 working days**.

The Information Commissioner

If, after lodging a complaint with the College of Policing you are still dissatisfied with the decision you may make application to the Information Commissioner for a decision on whether the request for information has been dealt with in accordance with the requirements of the Act.

For information on how to make application to the Information Commissioner please visit their website at <https://ico.org.uk/for-the-public/official-information/>.

Alternatively, write to:

Information Commissioner's Office

Wycliffe House

Water Lane

Wilmslow

Cheshire

SK9 5AF

Phone: +44 (0)1625 545 700