



Freedom of Information Request 990/17

Response date: 30th September 2017

1. The number of officers broken down by rank (i.e DC/DS/DI), employed in each Local Policing Area/Command Unit (i.e CID/Local Investigation Officers).
2. The number of officers broken down by rank (i.e DC/DS/DI), employed in each Specialised Investigation Area (i.e Murder Investigation/Financial Crime).

RESPONSE

Please see attachment entitled Response Data 990_17.

Some of the information requested has been redacted as it is exempt by virtue of the following exemptions:

Section 24(1) - National Security
Section 31 (1) (a) – Law Enforcement

Sections 24 and 31 are prejudice based qualified exemptions and there is a requirement to articulate the harm that would be caused in disclosure as well as carrying out a public interest test.

Harm

The current UK Threat Level in regard to possible terrorist attacks is “Severe”, meaning that an attack is highly likely. It should also be remembered that any disclosure under Freedom of Information must be treated as a disclosure to the world rather than to a particular applicant. With this in mind, whilst not questioning the motives of the applicant, it is felt that disclosing the requested details relating to highly specialised areas would reveal tactical capability and police resources, the effect of which is increased if the request is made to several different law enforcement bodies. In addition to the local criminal fraternity and terrorists/terrorist groups now being better informed, those intent on organised crime or committing terrorist activities throughout the UK will be able to ‘map’ the information across the country to judge perceived weaknesses and identify areas more susceptible to attack.

Public Interest Test

Section 24

Factors in favour of disclosure

The information requested relates to specialised areas of Policing. There is public interest in the community being made aware of all the facts relating to areas of Policing where one of the primary functions is to intercept threats to not only the county but the infrastructure of the country and ultimately to keep the public safe and. In the current financial climate of cuts and with the call for transparency of public spending, disclosure could enable improved public debate. To reveal the details of the above mentioned areas/departments would reassure the public that as a force we have the capability and resources to sufficiently safeguard national security and the welfare and safety of the general public.

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Factors in favour of non-disclosure

The risk to public safety cannot be ignored and nor can the threat of terrorism. The police service has a responsibility to ensure it has the resources in place to deal with such threats in order to protect the community from the risk of harm. Revealing details of capabilities would compromise the effectiveness of security measures and assist potential offenders in identifying areas of possible police vulnerability and therefore the risk of offenders being detected for committing such offences will also be lower.

If South Wales Police divulged its tactical capability and police resources in these specialised areas of policing, the risk of significant harm or even death to the community at large would be increased as on going and future operations to protect the security of the United Kingdom would be undermined.

Section 31

Factors in favour of disclosure

As the police service is funded by the public, there is clear public interest in the transparency and openness of policing. This is heightened when disclosure surrounds specialised policing areas designed to improve the effective delivery of law enforcement and keep the public safe. Disclosure would inform and reassure the public that South Wales Police has suitable capabilities and resources in its specialised units in order to fulfil this design.

Disclosure would provide transparency with regards to the use of public funds in as much as the funds are being used correctly and are appropriately distributed across the force. Disclosure would also go some way to ensure complete openness and transparency surrounding certain areas of policing, for example Armed Policing, as there is often speculation and rumour with regard to the use of firearms within the Police Service.

Factors in favour of non-disclosure

As discussed above, any disclosure of this level of detail regarding a number of specialist police resources could be used for criminal activity and would likely assist offenders by giving them the potential to plan informed attacks. For example to disclose our firearms tactical capability would certainly place South Wales Police at a disadvantage and could ultimately give those intent on doing so the opportunity to plan numerous simultaneous attacks which could outstrip our immediate ability to respond. This would clearly increase the risk of harm to the public.

This risk is further increased as anything which adversely affects the performance of the emergency services also has the potential to divert or delay important resources allowing more crime to be committed as the ability to prevent and detect crime is hindered.

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Balance Test

The security of the country is of paramount importance and the police service will not divulge information held if to do so could undermine national security or compromise law enforcement.

Whilst there is a public interest in the transparency of policing capabilities and in this case providing assurance that the police service is appropriately and effectively engaging with the threat posed by the criminal and terrorist fraternity, there is a very strong public interest in safeguarding both national security and the integrity of police investigations and operations in this area, as well as protecting information that could potentially risk the safety of the public.

Therefore we feel the balance does not lie in favour of disclosure at this stage.

In addition to this, South Wales Police can neither confirm nor deny that any other information is held relevant to this request as the duty in Section 1(1)(a) of the Freedom of Information Act 2000 does not apply by virtue of the following exemptions:

Section 30(3) Investigations
Section 31(3) Law Enforcement

Section 30 is a class based qualified exemption and there is a requirement to consider the public interest in ensuring neither confirming nor denying that information exists is appropriate.

Section 31 is a prejudice based qualified exemption and there is a requirement to articulate the prejudice (harm) confirming or denying information exists as well as considering the public interest. Section 31 is a prejudice based qualified exemption and there is a requirement to articulate the Confirmation or denial would be extremely useful to the criminal fraternity and terrorists/terrorist groups as it will enable them to 'map' the information across the UK in order to judge the strengths and weaknesses of each force.

Public Interest Considerations

Section 30 – Investigations & Section 31 – Law Enforcement

Factors favouring Neither Confirming Nor Denying

Confirming or denying whether any other information is held regarding roles within South Wales Police would provide full insight into the police service. This would enable the public to have a better understanding of the effectiveness of the police, how the police gather intelligence and that we have capabilities required to apprehend and prosecute offenders. It would greatly assist in the quality and accuracy of public debate, which could otherwise 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 specialist equipment or roles 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. This would lead to a better informed public which may encourage individuals to provide intelligence in order to assist with the investigations and reduce offending.

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Factors against Neither Confirming Nor Denying

Confirming or denying that any other information is held regarding covert capability would have the effect of compromising law enforcement tactics and would therefore hinder any current or future investigations. In addition, confirming or denying we hold any more information may reveal methods used to gather intelligence for an investigation which would prejudice current 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 covert tactics would lead to law enforcement being undermined. The Police Service is reliant upon all manner of techniques during operations and the public release of whether we hold any other roles, would prejudice the ability of the Police Service to conduct similar investigations.

Confirmation or denial that any other information is held in this case would hinder the prevention and detection of crime as it would outline where we have or have not got the resources to deal with serious crime. The Police Service would not wish to reveal what tactics may or may not be 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.

Balance Test

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.

Whilst members of the public are entitled to know that South Wales Police have the capability and relevant resources to hand when required, it is important to remember that the police service is charged with enforcing the law, preventing and detecting crime and protecting the communities it serves. Any disclosure that would potentially undermine the mechanisms in place to monitor criminal activity and subsequently prevent and detect crime, is not in the public's interest.

It is therefore our opinion that the balancing test for confirming or denying whether any other information is held in this case, is not made out.

No inference can be drawn from this refusal that any other information is or is not held.

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