

Data Protection Office

Police Headquarters, Saunders Lane, Hutton, Preston PR4 5SB

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Email: FOI@lancashire.police.uk



Agnes Elong

Sent via email to: request-733078-dd93dfa1@whatdotheyknow.com

Date: 28 April 2021

Dear Ms Elong

FREEDOM OF INFORMATION APPLICATION REFERENCE NO: DPO/FOI/000746/21

Thank you for your request for information received by Lancashire Constabulary on 03/03/2021 which was as follows:

Q1 *do you have other vehicles, besides 2014-2018 BMW X5 (F15) that you used as Armed Response Vehicles for the Lancashire Constabulary Firearms Unit?*

Q2 *If you do, can you please give me the information of the other Armed Response Vehicles?*

Details

Year Model

Make/Manufacturer

Model

Marked or Unmarked

Q3 *Type of Vehicle (Cars) (Coupe, Estate/Caravan/Country Tourer/Grand Tourer/Wagon, Fastback/Grand Sport/Hatchback Liftback, Saloon/Sedan etc...) Vans (Combi, Minibus, Panel Van) Wheelbase (Long, Medium, Short) Roof Size (High, Low, Medium or Jumbo) Number of Wheels (4,6 or 10 wheels)*

Q4 *Types of 2019-present BMW X5 (G05)*

For Example: sDrive25d, xDrive30d, xDrive40d, xDrive30d xLine, xDrive40i, xDrive45e, X5 Metc..

Q5 *Number of the Police Vehicle*

For Example: We have 12 2018 BMW 5 Series Touring for the Lancashire Constabulary Firearms Unit

If Lancashire Constabulary Firearms Unit or Lancashire Constabulary in general used 2019-present BMW X5 (G05) as their Armed Response Vehicles, can you please give me the date of when did you purchase those vehicles? Date- Day, Month and Year

Part 2

Q6 *When did Lancashire Constabulary had Armed Response Vehicles for the Firearms Unit? (Date or Year)*

Q7 *What major event led to the formation of the Lancashire Constabulary Firearms Unit or it was just because a rising number of gun crimes in the county of Lancashire?*

Section 1 of the Freedom of Information Act 2000 (FOIA) places two duties on public authorities. Unless exemptions apply, the first duty at s1(1)(a) is to confirm whether the information specified in a request is held. The second duty at s1(1)(b) is to disclose information that has been confirmed as being held. Where exemptions are relied upon Section 17 of the FOIA requires that we provide the applicant with a notice which: a) states that fact; b) specifies the exemptions in question and c) state

(if that would not otherwise be apparent) why the exemption(s) applies.

Your request has now been considered and the information you are seeking is held, some of which can be found below:

Questions 2 (year of vehicle) 3, 4 and 5

Unfortunately, it is not possible to provide a full response to this request as to reveal details relating to the number of specific firearms vehicles, the year commissioned, body structure and wheelbase is deemed to be exempt from disclosure under the Freedom of Information Act 2000 by virtue of the following listed exemption:

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

Section 31 is a qualified and prejudice-based exemption which means there is a requirement to identify and evidence the harm that would be caused by disclosure as well as considering the public interest.

Evidence of Harm

It must be remembered that any disclosure under the Freedom of Information Act must be treated as a disclosure to the world rather than to a particular applicant. To reveal details relating to the number of specific firearms vehicles, the year commissioned, body structure and wheelbase would provide offenders with a detailed fleet list of specific vehicle details. They could then use this information to identify vehicles and take evasive action to avoid detection which would negatively impact our ability to prevent and detect crime and as a result crime could escalate. Disclosure could also demonstrate our operational capacity and reveal tactical resources available to the force.

What might be considered by some as harmless information released under the FOIA, when incorporated with other available information can be analysed to create a detailed intelligence picture, which can then be used by those engaged in criminal activity to disrupt the prevention and detection of crime.

Public Interest Test

Factors favouring disclosure

The public are entitled to know how resources are distributed within an area of policing. The release of the number of specific firearms vehicles, the year commissioned, body structure and wheelbase would inform the public that Lancashire Constabulary has an appropriate level of fleet resources. This would provide transparency with regard to the use of public funds in as much as the funds are being used correctly and appropriately to enable the prevention and detection of crime.

Factors against disclosure

The police service has a responsibility to ensure it has the resources in place to deliver effective law enforcement ensuring that the prevention and detection of crime, apprehension or prosecution of offenders, and administration of justice is carried out appropriately. The disclosure of detailed fleet information could enable those involved in committing offences to alter their habits or plans to evade detection. Disclosure of this information may prejudice police activities; this obviously increases the risk of crime being committed. A disclosure which compromises police resources could affect the force's overall ability to prevent and detect crime. The release of this particular information would provide a tactical advantage to offenders which would negatively impact on public safety and undermine the policing purpose.

Disclosing the details relating the number of specific firearms vehicles, the year commissioned, body structure and wheelbase would provide sufficient information to those involved in criminal activity of the capabilities available to the force. This could result in them taking steps to evade detection and to destroy evidence if they believe that their movements are being monitored.

Balancing Test

Whilst there is a public interest in the transparency of policing, it must be remembered that the police service's ability to deliver effective law enforcement is of paramount importance.

When considering the points against disclosure, we feel at this moment in time, to disclose information regarding the number of specific firearms vehicles, the year commissioned, body structure and wheelbase would inevitably have a negative impact on the operational delivery of effective law enforcement.

Therefore, on this occasion it is not felt that the case for disclosure of this information is made out. This letter serves to act as a Refusal Notice for this aspect of your request, as per Section 17 (1) of the Act.

Question 1

Yes

Question 2

Make/Manufacturer: BMW

Model: X5

Marked or Unmarked: Marked

Question 6

The Lancashire Constabulary had a Firearms Department prior to 1987 and then moved to a model of armed response vehicles.

Question 7

Information not held.

The FOIA places an obligation on the Lancashire Constabulary to confirm whether recorded information is held, and then provide that information (subject to exemptions). It does not however extend to requests for explanations or the creation and provision of responses to general or hypothetical questions. In accordance with the FOIA question 7 is not recorded information held by the Constabulary.

If you are unhappy with the service you have received in relation to your request and wish to make a complaint or request an internal review of our decision, you should write to the Data Protection Officer, Data Protection Office, Police Headquarters, Saunders Lane, Hutton, Preston PR4 5SB or alternatively send an email to FOI@lancashire.police.uk. Details of the Constabulary's Freedom of Information Complaint Procedures can be found attached to this email.

If you are not content with the outcome of your complaint, you may apply directly to the Information Commissioner for a decision. Generally, the Information Commissioner's Office cannot make a decision unless you have exhausted the complaints procedure provided by Lancashire Constabulary. The Information Commissioner can be contacted via the following link:

<https://ico.org.uk/global/contact-us/> or by telephone on 0303 123 1113.

The Information Commissioner's Office request that you do not contact them by post during the Coronavirus pandemic as their offices are closed.

Yours sincerely

Information Access Team

Data Protection Office