

Request Number - 01/FOI/22/132
Date of Decision - 30 January 2023
Subject Area - Operational
Decision - Partial Disclosure - s.31 Law Enforcement

Request

May you please give me a list of the Lincolnshire Police Vehicle Fleet from January 1st-December 31st, 2022? That includes vehicles before January 1st, 2022 that are still used in 2022.

Details

Date: January 1st-December 31st, 2022

1. Model Year
2. The Vehicle Make & Model
3. Type of Vehicle (Example-Saloon, Wagon etc)
4. Van's Wheelbase, Roof Size and Numbers of Wheels
5. Number of Doors (Example: 3-Door, 5-Door etc)
6. Registration Number Plate
7. The Role of the Vehicle (Including Force Firearms Response)
8. Roof Number The Year the Vehicle was Commissioned
9. Video Camera (Yes or No

Reply

- 1/2. Please see attached '01-FOI-22-132a – Fleet Vehicles (Jan 2022 – Dec 2022)' Tab 1.

These figures are in relation to OVERT vehicles.

Any information in respect of COVERT vehicles is exempt under S31 Law Enforcement (see note below)

3. Please see attached '01-FOI-22-132a – Fleet Vehicles (Jan 2022 – Dec 2022)' Tab 2.

These figures are in relation to OVERT vehicles.

Any information in respect of COVERT vehicles is exempt under S31 Law Enforcement (see note below)

4. No information held.

This information is not held in a recordable format.

5. Please see attached '01-FOI-22-132a – Fleet Vehicles (Jan 2022 – Dec 2022)' Tab 3.

Lincolnshire Police in complying with their statutory duty under sections 1 and 11 of the Freedom of Information Act 2000 to release the enclosed information will not breach the Copyright, Designs and Patents Act 1988. However, the rights of the copyright owner of the enclosed information will continue to be protected by law. Applications for the copyright owner's written permission to reproduce any part of the attached information should be addressed to The Force Solicitor, Lincolnshire Police, PO Box 999, Lincoln LN5 7PH

These figures are in relation to OVERT vehicles.

Any information in respect of COVERT vehicles is exempt under S31 Law Enforcement (see note below)

6/8.

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 or deny 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 applied, Section 17 of FOIA requires that we provide the applicant with a notice which:

- a) states that fact
- b) specifies the exemption(s) in question and
- c) state (if that would not otherwise be apparent) why the exemption applies.

Lincolnshire Police are refusing to disclose the information you have requested by virtue of the following exemptions;

Section 31 – Law Enforcement

(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,
- (c) the administration of justice,
- (d) the assessment or collection of any tax or duty or of any imposition of a similar nature,
- (e) the operation of the immigration controls,
- (f) the maintenance of security and good order in prisons or in other institutions where persons are lawfully detained,
- (g) the exercise by any public authority of its functions for any of the purposes specified in subsection (2),
- (h) any civil proceedings which are brought by or on behalf of a public authority and arise out of an investigation conducted, for any of the purposes specified in subsection (2), by or on behalf of the authority by virtue of Her Majesty's prerogative or by virtue of powers conferred by or under an enactment, or
- (i) any inquiry held under the [F1Inquiries into Fatal Accidents and Sudden Deaths etc. (Scotland) Act 2016] to the extent that the inquiry arises out of an investigation conducted, for any of the purposes specified in subsection (2), by or on behalf of the authority by virtue of

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Her Majesty's prerogative or by virtue of powers conferred by or under an enactment.

- (2) The purposes referred to in subsection (1)(g) to (i) are—
- (a) the purpose of ascertaining whether any person has failed to comply with the law,
 - (b) the purpose of ascertaining whether any person is responsible for any conduct which is improper,
 - (c) the purpose of ascertaining whether circumstances which would justify regulatory action in pursuance of any enactment exist or may arise,
 - (d) the purpose of ascertaining a person's fitness or competence in relation to the management of bodies corporate or in relation to any profession or other activity which he is, or seeks to become, authorised to carry on,
 - (e) the purpose of ascertaining the cause of an accident,
 - (f) the purpose of protecting charities against misconduct or mismanagement (whether by trustees or other persons) in their administration,
 - (g) the purpose of protecting the property of charities from loss or misapplication,
 - (h) the purpose of recovering the property of charities,
 - (i) the purpose of securing the health, safety and welfare of persons at work, and
 - (j) the purpose of protecting persons other than persons at work against risk to health or safety arising out of or in connection with the actions of persons at work

Evidence of Harm

Disclosures under the Freedom of Information Act are effectively disclosures to the world, and while the motives of most requesters are likely to be without ulterior motive, the information is then available for those who would wish to use the information to gain an advantage over our ability to exercise our core function of Law Enforcement.

Disclosing further information in relation to police vehicles may have a detrimental impact on law enforcement which as a consequence might cause harm to individuals and the community. Releasing operational details or strengths/weaknesses within these would give individuals the intelligence required to disrupt police activity and will enhance the capability of criminals to target innocent members of the public. On a national level, criminals would be able to identify force areas where resources are weaker and use this knowledge to their own advantage in furthering criminal activity around the country. The disclosure of information which is likely to

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undermine the Police Service's ability to serve the public in preventing and detecting crime can only be considered as being harmful to the public.

Public Interest Test

Factors favouring disclosure

The public have a legitimate interest in gaining access to information about police vehicles. Release of this information would allow for better public awareness of resourcing and capability of Lincolnshire Police, which in itself would lead to better public debate and participation. It would also help the public become more informed to make decisions about police funding and use of resources.

Factors favouring non-disclosure

As stated previously the release of information regarding police vehicles could compromise Law Enforcement, as it would hinder the future prevention and detection of crime, apprehension/prosecution of offenders and the administration of Justice.

The release of this information would allow individuals who pursue criminal and/or terrorist activity to plan illicit acts more cohesively. Therefore, enabling them to evade detection and capture which would increase the risk to the community from acts of terrorism. This would have a detrimental impact on the level of Service that the Police Force could provide to members of the public in which we serve. Lincolnshire Police would never disclose information that could potentially compromise Law Enforcement.

Therefore, Lincolnshire Police are refusing to disclose the requested information.

7. Please see attached '01-FOI-22-132a – Fleet Vehicles (Jan 2022 – Dec 2022)' Tab 4.

These figures are in relation to OVERT vehicles.

Any information in respect of COVERT vehicles is exempt under S31 Law Enforcement (see note below)

8. No video cameras fitted in provided vehicles.

In relation to all above questions any information in respect of COVERT vehicles or armed response vehicles is exempt under S31 Law Enforcement (see note below)

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 or deny whether the information specified in a request is held. The

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second duty at s1(1)(b) is to disclose information that has been confirmed as being held.

Where exemptions are applied, Section 17 of FOIA requires that we provide the applicant with a notice which:

- a) states that fact
- b) specifies the exemption(s) in question and
- c) state (if that would not otherwise be apparent) why the exemption applies.

Lincolnshire Police are refusing to disclose the information you have requested by virtue of the following exemption;

Section 31 – Law Enforcement

Evidence of Harm

As you may be aware, disclosure under FOIA is a release to the public at large. Whilst not questioning the motives of the applicant, releasing any information held regarding the number of specialist or covert vehicles, would allow criminals to note what capacity and tactical capabilities the force had, allowing them to target specific areas of the UK to conduct their criminal/terrorist activities. This would lead to an increase in harm of attacks 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.

Furthermore, the Police are there to support the public and deliver effective law enforcement. Releasing details regarding the total number of covert vehicles would provide intelligence into what the vehicles were used for and the capabilities of Lincolnshire Police in comparison to other forces. The information could then be used by criminals and allow them to target specific vehicles or avoid vehicles to prevent them from being detected.

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

Public Interest Test

Factors favouring disclosure under Section 31

Releasing information held relating to specialist vehicles, unmarked vehicles would provide an insight into the police resources and enable the public to have a better understanding of the effectiveness of the police.

It would show how public funds are being spent in relation to protecting the public.

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Information would ensure transparency and accountability and enable the public to see what tactics are deployed by the Police Service to tackle/assist in fighting crime.

Factors against disclosure under Section 31

It has been recorded that FOIA releases are monitored by criminals and terrorists and so releasing information held relating to unmarked and covert vehicles would undermine and compromise law enforcement and it would also hinder any local, regional or national operations.

It can be argued that there are significant risks associated with providing information in relation to any aspects that can assist criminal planning and that any nation's security arrangements, by releasing the information, may reveal the relative vulnerability of what we may be trying to protect.

The Police Service would not wish to reveal resource information that would undermine the law enforcement operations and would impact on police resources, as more crime would be committed because criminals/terrorists would know which forces had less/more capability. This in turn would place the public at a greater risk and a fear of crime would be realised, especially for more vulnerable areas.

Balance test

The security of the public and the country is of paramount importance and the Police service will not divulge the resources, if to do so would place the safety of individuals at risk, due to providing freely available (single point) information under such requests and which in turn would compromise law enforcement.

Whilst there is a public interest in the transparency of policing resources and providing assurance that the police service is appropriately prepared 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 resources 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. It is our opinion that for these issues the balancing test for exempting your request for planning information is not made out.

Please also be aware that Police forces in the United Kingdom are routinely required to provide crime statistics to government bodies and the recording criteria is set nationally. However, the systems used for recording these figures are not generic, nor are the procedures used locally in capturing the crime data. It should be noted that for these reasons this force's response to your questions should not be used for comparison purposes with any other response you may receive.

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