

Our Ref: IM-FOI-2016-2864  
Date: 19<sup>th</sup> January 2017



## **FREEDOM OF INFORMATION (SCOTLAND) ACT 2002**

I refer to your recent request for information which has been handled in accordance with the Freedom of Information (Scotland) Act 2002.

For ease of reference, your request is replicated below together with the response.

Please note that, where held, the titles of the relevant documents are provided below. Please note that while the documents are Not Protectively Marked, it has been necessary to redact some internal telephone numbers and email addresses. To release these details publicly through FOI legislation could negatively impact on the operational effectiveness of various departments and external partner agencies.

While it is acknowledged that the disclosure of this information would support transparency and better inform the public as to how the Service conducts its business, there are already established routes for the public to make contact with the police and the disclosure of these additional details would not support the effective conduct of public affairs. As a result, section 30(c) of the Freedom of Information (Scotland) Act 2002 is engaged.

**I request the following be released under Section 1 of the Freedom of Information (Scotland) Act 2002.**

### **i) Police Scotland Manual of Guidance on Police Vehicle Pursuits**

Please see the attached Police Vehicle Pursuits Manual of Guidance. Please be aware of section 30(c) exemptions.

Section 7.3, 9.6 & 16.2 have been redacted to protect tactical information. The exemption applied in ii) apply.

### **ii) Police Scotland Armed Policing Operations Standard Operating Procedure**

In terms of Section 16 of the Freedom of Information (Scotland) Act 2002 I am refusing to provide you with the above Standard Operating Procedure (SOP). Section 16 of the Act requires Police Scotland to provide you with a notice which: (a) states that it holds the information, (b) states that it is claiming an exemption, (c) specifies the exemption in question and (d) states, if that would not be otherwise apparent, why the exemption applies.

I can confirm that Police Scotland holds the information that you have requested.

The exemptions that I consider to be applicable to the information requested by you are as follows:

Section 35(1)(a)&(b) – Law enforcement  
Section 39(1) - Health, safety and the environment

Disclosure of the procedures utilised by Police Scotland into the public domain would allow criminals to interpret the capabilities of police officers at any one time to respond and therefore would allow them to make diversionary use of this information to avoid apprehension. As such the disclosure of the information would prejudice substantially the prevention and detection of crime, while jeopardising officer safety and placing the wider public at risk from an increase in crime.

This is a non-absolute exemption and requires the application of the public interest test.

### Public Interest Test

I contend that the full release of the above document would be counterproductive, harmful and most certainly not in the interest of the public.

The primary role of the police is to take appropriate measures to prevent or detect crime and for the apprehension or prosecution of offenders. Disclosure would provide information relating to specific police procedures and tactics undertaken when dealing with armed policing operations and vehicle pursuits, which may appear perfectly reasonable to a law abiding members of the public, however, to those with a mind bent on criminality, the knowledge they gain from such a disclosure could assist individuals to evade detection by impeding the police response.

While it could be argued that public debate and accountability would favour disclosure, Police Scotland needs to consider the impact of release of this information into the public domain. Release of police tactics would undoubtedly result in more crime being committed, as those minded to criminality would be able to make effective use of the information provided, specifically by taking steps to prepare, which would in turn provide them with an advantage when planning and perpetrating crimes.

It is important to remember that the subject matter of a request should not just be of interest to the public, but something which is of serious concern and benefit to the public, not merely something of individual interest. To clarify, public interest does not mean “of interest to the public” but “in the interest of the public”. It is never in the public interest to disclose police tactics and compromise law enforcement which, in turn, may compromise public safety.

When balancing the public interest test we have to consider whether the information should be released into the public domain. Arguments need to be weighed against each other. Police Scotland cannot and will not disclose information which will place the public, and their officers, at risk by undermining their personal security or law enforcement capabilities thereby assisting those intent on committing crime or evading capture.

It is never in the public interest to disclose information which puts individuals at risk or prejudices the ability of the police to prevent and detect crime or apprehend/prosecute offenders. Information released under FOISA, where exemptions apply, will only be done where there is a tangible community benefit which is more powerful than the harm that could be done. This does not apply in this case.

### **iii) Police Scotland Manual of Guidance on Police Vehicle Pursuits Tactics Directory**

This document is still being drafted and as a result we are still working to the ACPOS Manual of Guidance on Police Vehicle Pursuits 2009 - Tactics Directory. We are therefore unable to answer this part of your request as the information is not held. Section 17 of the Freedom of Information (Scotland) Act 2002 is therefore applied – information not held.

#### **iv) Policing Scotland's Roads Manual**

Please see the attached Policing Scotland's Roads Guidance Document. Please be aware of section 30(c) exemptions.

#### **v) Standard Operating Procedure on Warrants**

Please see the attached Warrants SOP. Please be aware of section 30(c) exemptions.

#### **vi) Standard Operating Procedure on the Use of Force**

The information you request is publicly available on the internet, therefore section 25(1) of Freedom of Information (Scotland) Act 2002 applies: information is exempt information if it is otherwise accessible. This is an absolute exemption that does not require the application of a public interest test.

By way of assistance the information you are seeking can be found on the Police Scotland website on the following link:

<http://www.scotland.police.uk/access-to-information/policies-and-procedures/procedures/>

#### **vii) Deaths or Serious Injury in Police Custody Standard Operating Procedure**

Please see the attached Death or Serious Injury in Police Custody SOP. Please be aware of section 30(c) exemptions.

#### **viii) Armed Forces Personnel Standard Operating Procedure**

Please see the attached Armed Forces Personnel SOP. Please be aware of section 30(c) exemptions.

Should you require any further assistance concerning this matter please contact Information Management - Stirling on 01786 456321 quoting the reference number given.

If you are dissatisfied with the way in which your request has been dealt with, you are entitled in the first instance, and within 40 working days of receiving this response, to request a review of our actions and decisions.

Should you wish to do so, please contact us at the following address, stating what has caused your dissatisfaction and what you require us to review:

Information Management (Disclosure), Police Scotland, Clyde Gateway, 2 French Street, Dalmarnock, G40 4EH - [foi@scotland.pnn.police.uk](mailto:foi@scotland.pnn.police.uk)

If you remain dissatisfied following the outcome of that review, you are thereafter entitled to apply to the Scottish Information Commissioner within six months for a decision. You can raise an appeal using the online service at [www.itspublicknowledge.info/Appeal](http://www.itspublicknowledge.info/Appeal) or by writing to Office of the Scottish Information Commissioner, Kinburn Castle, Doubledykes Road, St Andrews, Fife, KY16 9DS, or via email at [enquiries@itspublicknowledge.info](mailto:enquiries@itspublicknowledge.info).

Should you wish to appeal against the Scottish Information Commissioner's decision, there is an appeal to the Court of Session on a point of law only.