



Your reference: N/A

Our reference: FOI_24_0504

E-mail: FOI
@gloucestershire.police.uk

Direct dial: 01452 754304

Postal Address: As above

Date: 05/06/2024

Dear

Gloucestershire Constabulary Freedom of Information request FOI_24_0504

On 05/05/2024 you sent an email constituting a request under the Freedom of Information Act asking the following:

I am writing under the Freedom of Information Act 2000, I request the following information:

The number of crimes committed against members of parliament reported from the 1st January 2016 to 30th April 2024 broken down by year.

For each report detail:

- the nature of the alleged crime
- the gender of the alleged victim
- if an individual has been arrested and/or charged with the crime
- the gender of the alleged criminal

This information should be made available to me in a spreadsheet

Clarification was received on 10/05/2024 requesting "Apologies for the inconvenience but I have a number of clarifications to make to this FOI request could I please alter the time frame to begin from 16 June 2016? Could I please obtain numbers for both incidents and crimes?"

Section 1 of the Freedom of Information Act 2000 (FOIA) places two duties on public authorities. Unless exemptions apply, the first duty at Section 1(1)(a) is to confirm or deny whether the information specified in a request is held. The second duty at Section 1(1)(b) is to disclose information that has been confirmed as being held. Where exemptions are relied upon s17 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) states (if that would not otherwise be apparent) why the exemption applies.

Gloucestershire Constabulary can neither confirm nor deny whether information relevant to this request is held, 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 23(5) Information supplied by or concerning certain Security Bodies
Section 30(3) Investigations
Section 31(3) Law Enforcement
Section 38(2) Health and Safety
Section 40(5) Personal Information

Sections 23 and 40 are class based absolute exemptions and there is no requirement to evidence harm or consider the public interest test.

Section 30 is a class based qualified exemption and consideration of the public interest must be given as to whether neither confirming nor denying the information exists is the appropriate response.

Sections 31 and 38 are prejudice based qualified exemptions and any prejudice (harm) that confirming or denying information is held would cause must be articulated as well as the public interest considerations.

Harm in Confirming or Denying that Information is held

The College of Policing has an Authorised Professional Practice on Intelligence Management which is a national standard adhered to by all police forces across England and Wales. These are four products which are the deliverables of intelligence led policing. Each product has a defined purpose and provides recommendations for making decisions and options for action. These four products are strategic assessment; tactical assessment; subject profile and problem profile.

This APP can be viewed at the below link:

<http://www.app.college.police.uk/app-content/intelligence-management/intelligence-products/#content-of-the-strategic-assessment>

It is a business process with an intention to provide focus to operational policing and to achieve a disproportionately greater impact from the resources applied to any problem. It is dependent on a clear framework of analysis of information and intelligence allowing a problem solving approach to law enforcement and crime prevention techniques.

In addition, the College of Policing also publish an Authorised Professional Practice for Investigation which provides guidance on the key roles and principles on the process of criminal investigation. It includes guidance for both reactive and proactive investigations, from volume crime to major crime, see below link:

<https://www.app.college.police.uk/app-content/investigations/victims-and-witnesses/>

It clearly states within this APP that when working with victims the success of any investigation depends largely on the accuracy and detail of the material obtained from them. Although in part some questions submitted for this request are statistical, confirmation or denial to the world that any information is held would undermine the confidentiality expected by a victim who reports to the police that they have been the subject to a crime or threat and have reported this to police.

Confirmation or denial that information is held relevant to this request would undermine both the APP for Intelligence Management and Investigations. The impact of confirming or denying whether information is held relating to this request, i.e. whether any incidents or crimes have been recorded by Gloucestershire Constabulary, has potential to undermine the flow of information (intelligence) by the Police Service relating to allegations of crime. It also would undermine the tactical purpose of reporting the incident, by highlighting to an offender whether their activities had been reported to the police thus hindering law enforcement. This harm is magnified when the questions are posed to all forces nationally as individual force confirmation or denial would result in a mapping effect being created of the intelligence picture across UK police forces in relation to MP security.

Finally, and more importantly, through prejudice to the investigative process and revelation of the intelligence picture both at force level and nationally, Gloucestershire Constabulary risk compromising the health and safety of an individual, placing them in grave danger.

Public Interest Considerations

Section 30

Factors favouring complying with Section 1(1)(a)

Confirming or denying whether information exists relevant to this request would lead to a better informed general public by identifying that Gloucestershire Constabulary robustly investigate crimes against Members of Parliament. This fact alone may encourage individuals to provide intelligence in order to assist with investigations and promote public trust in providing transparency and demonstrating openness and accountability into where the police are currently focusing their investigations.

The security of Members of Parliament is a high profile topic, largely in part due to the tragic murders of Jo Cox and David Amess. Confirmation or denial that any information exists could provide reassurance to the general public.

Factors against complying with Section 1(1)(a)

Confirmation or denial that information is held in this case would suggest Gloucestershire Constabulary take their responsibility to appropriately handle and manage intelligence supplied to them flippantly.

By its very nature, information relating to the safety of individuals is highly sensitive. Under FOI there is a requirement to comply with Section 1(1)(a) and confirm what information is held. In some cases it is that confirmation, or not, which could disclose facts which would undermine the investigative process and in such cases Gloucestershire Constabulary takes advantage of its ability under FOI legislation to, where appropriate, neither confirm nor deny that information requested is or is not held.

Irrespective of what information is or isn't held, any information which could be used to undermine prosecutions or aid offenders is not in the public interest.

Section 31

Factors favouring complying with Section 1(1)(a)

There is media speculation and rumour within the public domain relating to the security of Members of Parliament and that in itself can be considered to be a factor for disclosure.

Factors against complying with Section 1(1)(a) neither confirming nor denying that information is held

Gloucestershire Constabulary has a duty of care to the community at large, which obviously includes Members of Parliament. Public safety is of paramount importance. If an FOI disclosure revealed information to the world (by citing an exemption or stating no information held) that would undermine an operation and place the safety of an individual at risk, this could be used to an offender's advantage which would compromise public safety, the safety of Members of Parliament and it may also encourage offenders to carry out further crimes.

Gloucestershire Constabulary relies on information being supplied by the public. Irrespective of what information is or isn't held, applying substantive exemptions would indicate that information is held and has been/is currently being investigated. Such action would act as a deterrent to individuals to provide intelligence to the force which would further undermine public safety, with repercussions that could hinder the prevention or detection of crime.

Gloucestershire Constabulary would not wish to reveal who, what and when intelligence is recorded and the extent of their investigations as this would clearly undermine the law enforcement and investigative process and allow criminals to plan their activity to better try to evade detection. This would impact on police resources and more crime and terrorist incidents would be committed, placing individuals at risk.

Confirmation or denial that information is held may hinder and undermine the partnership approach to law enforcement in this complex area.

Section 38

Factors favouring complying with Section 1(1)(a) confirming information is held

Confirmation of whether information is or isn't held would provide reassurance to the general public and Members of Parliament that Gloucestershire Constabulary use tactical options in line with relevant intelligence received into their force. This awareness could be used to improve any public consultations/debates in relation to this subject and also allow the public to take steps to protect themselves.

Factors against complying with Section 1(1)(a) confirming or denying that information is held

Confirming or denying that information exists could lead to the loss of public confidence in Gloucestershire Constabulary ability to protect the wellbeing of the community.

Gloucestershire Constabulary has a duty of care towards Members of Parliament and the general public and to reveal information via an FOI request which would place the safety of individuals in grave danger, is not in the public interest.

Balancing Test

The points above highlight the merits of confirming, or denying, whether any information pertinent to this request exists. The Police Service is charged with enforcing the law, preventing and detecting crime and protecting the communities we serve. As part of that policing purpose, various intelligence may or may not be being handled. The Police Service will never divulge whether or not information pertinent to this request does or does not exist, if to do so would place the safety of an individual at risk, compromise an ongoing investigation or undermine the policing purpose in the effective delivery of operational law enforcement.

Whilst there is a public interest in the transparency of policing operations and investigations, providing reassurance that the Police Service is appropriately and effectively engaging with the threat from criminals, there is a very strong public interest in safeguarding the health and safety of individuals. As much as there is a public interest in knowing that policing activity is appropriate and balanced it will only be overridden in exceptional circumstances.

Therefore, at this moment in time, it is our opinion that for these issues the balance test for confirming, nor denying that information is held is appropriate.

No inference can be taken from this refusal that information does or does not exist.

If you are not satisfied with this response or any actions taken in dealing with your request, you have the right to ask that we review your case under our internal procedure. Please note that a request for an internal review must be made within 20 working days of the response to your original request.

If you decide to request that such a review is undertaken and following this process you are still unsatisfied, you then have the right to direct your complaint to the Information Commissioner for consideration.

The Information Commissioner can be contacted via the following means:

Website - <https://ico.org.uk/>

Call their helpline - 0303 123 1113

Email - casework@ico.org.uk

Post –

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

Yours sincerely,

Disclosure Officer
Gloucestershire Constabulary