



Our Ref: 002402/20

Your Ref:

Address Correspondence to: Information Management

Date 05 August 2020

Dear Sir / Madam,

Freedom of Information Act 2000

I write further to your request for information received 20/07/2020.

I note you seek access to the following information:

- *From 2011 to present, training dates of College of Policing's courses for UCOs re. Intimate sexual relationships with those infiltrated / targeted.*
- *From 2011 to present, number and/or percentage of UCOs trained each year about intimate sexual relationships with those targeted.*
- *From 2011 to present, case studies used in UCO training course content for modules relating to intimate sexual relationships with those targeted;*
- *From 2011 to present, evidence of evaluations of the above courses.*

Following receipt of your request, searches were conducted within Leicestershire Police to locate information relevant to your request.

Your request for information has now been considered and the information asked for is as follows: -

Leicestershire Police do not hold any information in relation to question 1 of your request. Training in this area is done collaboratively and any future training will be done in accordance with the College of Policing Standards.

The information you have requested in questions 2-4 of your request is considered exempt by virtue of the below.

Section 17 of the Freedom of Information Act 2000 requires Leicestershire Constabulary, when refusing to provide such information (because the information is exempt) to provide you the applicant with a notice which: (a) states that fact, (b) specifies the exemption in question and (c) states (if that would not otherwise be apparent) why the exemption applies.

The exemption(s) applicable relate to your request are as follows:

- Section 24 – National Security
- Section 31 – Law Enforcement
- Section 38 - Health and Safety

These sections are qualified and require us to carry out a harm and public interest balancing test before they can be relied upon.

Overall Harm

The public expect police forces and other law enforcement agencies (LEAs) to use all powers and tactics available to prevent and detect crime or disorder and maintain public safety. There are a number of covert tactics available and undercover policing is one of them. Applied correctly, and supported by appropriate training, it is a proportionate, lawful and ethical tactic which provides an effective means of obtaining evidence and intelligence.

Undercover policing is only used as defined within relevant legislation, i.e. the Regulation of Investigatory Powers Act 2000 and any undercover officer is bound by a Code of Ethics.

The College of Policing Authorised Professional Practice for Undercover Policing details the principles and standards for undercover officers; the legal framework which underpins their use and sets the standards of professional practice.

Modern-day policing is intelligence led which is particularly pertinent with regard to undercover policing. In this case the applicant is asking for details on training of UCOs in relation to intimate sexual relationships which may appear benign. However, by disclosing the information force by force would enable a mosaic picture to be compiled which, when included with other less sensitive information already in the public domain, would create sufficient data to expose the identity of course participants and therefore expose the identity of undercover operatives.

The general public per se are aware that undercover operatives are used by forces and it is publicly acknowledged that role plays and case studies are used as part of their training. To provide any specific information included within these scenarios or case studies would create risk for the UCOs who deploy in life threatening situations which would include situations involving National Security.

The prevention and detection of crime is the foundation upon which policing is built and the threat from terrorism cannot be ignored. It is generally recognised that the international security landscape is increasingly complex and unpredictable. The current UK threat level from international terrorism is Substantial which means an attack is likely.

In order to counter criminal and terrorist behaviour in relation to covert policing, it is vital that the police have the ability to train their officers, working through case studies and scenarios discreetly with only the trainers and the delegates aware of the information shared during a course. This would ensure all officers are fully trained so that they are able to conduct their role as undercover officers appropriately and in line with their responsibility as Officers of the Crown.

People who take on the role of a UCO (which can also be read as a CHIS) place themselves at considerable risk, while their continued cooperation is of great importance to the effectiveness of investigation and law enforcement work. All organisations have a responsibility to protect the identity of individuals working in these roles, and others who may be affected by any disclosure, no matter how generic that disclosure would be.

Finally, disclosure would identify tactics used by UCOs which may place their lives in danger.

Public Interest Test

The public interest is not what interests the public, but what will be of greater good if released to the community as a whole. It is not in the public interest to disclose information that may compromise Leicestershire Police's ability to fulfil its core functions.

Section 24 Considerations Favouring Disclosure

As stated within the harm, there is information within the public domain confirming that UCOs receive training as part of their role and that in itself favours disclosure.

In addition, disclosure of the information could assist public debate into whether enough resources and finances are being ploughed into the training of these UCOs from a national security perspective.

Section 24 Considerations Favouring Non-Disclosure

Taking into account the current security climate within the United Kingdom, no information which may aid a terrorist should be disclosed. To what extent this information may aid a terrorist is unknown, but it is clear that disclosure would impact on an individual force's tactical vulnerability.

The public entrust the Police Service to make appropriate decisions with regard to their safety and protection. The only way of reducing risk is to be cautious with what is placed into the public domain.

The cumulative effect of terrorists gathering information from various sources about UCOs would be detrimental, as highlighted within the harm above. The more information disclosed over a period of time would provide a more detailed account of the tactical infrastructure of not only a force area but also the country as a whole.

Any incident that results from such a disclosure would by default affect National Security.

Section 31 Considerations Favouring Disclosure

There is always a call for openness and transparency in relation to how funds are spent. Disclosing information relating to courses delivered to UCOs as part of their development in the role, would provide the openness and transparency required to improve public debate, that Leicestershire Police are proactively training their UCOs relating to intimate sexual relationships when undertaking the role of a UCO.

Section 31 Considerations Favouring Non-Disclosure

Leicestershire Police, other law enforcement agencies and the Police Service generally work together to ensure the effective delivery of operational law enforcement. Disclosing the information requested in this case would enable terrorists and those intent on committing offences to try to use the information to gain an insight into covert policing numbers and ultimately the capability of these units which could be used as an advantage over Leicestershire Police. Furthermore, this information to all intents and purposes is classed as operational intelligence and extremely sensitive and the disclosure of which would compromise the effective delivery of operational law enforcement, which may or may not be covert.

Section 38 Considerations Favouring Disclosure

Disclosure would provide the general public with an awareness of what is expected of UCOs while they are deployed.

Section 38 Considerations Favouring Non-Disclosure

As stated within the harm UCOs place themselves at considerable risk and the safety of our officers and staff is of paramount importance. To disclose the information requested, to the world, would undermine the capability of these operatives and has the potential to highlight human vulnerabilities of the operatives thereby placing their safety at risk.

Conclusion

The points above highlight the merits for disclosing and withholding the requested information. 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, specialist roles, such as UCOs are developed to target precise areas of policing.

Whilst there is a public interest in the transparency of policing and how public funds are allocated there is a very strong public interest in safeguarding the intricacies and tactical capabilities surrounding law enforcement and terrorism.

Furthermore, we also need to take into account the victims of crime. Public safety is of paramount importance and any information which would place individuals at risk and compromise National Security, no matter how generic, is not in the public interest. The effective delivery of operational law enforcement and the National Security of the United Kingdom is crucial and of utmost importance to Leicestershire Police.

Therefore, at this moment in time, it is our opinion that for these issues the balance test for disclosure of the information is not made out.

Further to the above Leicestershire Police can neither confirm nor deny that it holds any other information with regard to an exempt body as the duty in Section 1(1)(a) of the Freedom of Information Act 2000 does not apply by virtue of the following exemption:

- Section 23(5) Information supplied by, or concerning, certain Security Bodies

Section 23 is a class based absolute exemption and there is no requirement to consider the public interest in this case.

Confirming or denying the existence of whether any other information is held would contravene the constrictions laid out within Section 23 of the Freedom of Information Act 2000 in that this stipulates a generic bar on disclosure of any information applied by, or concerning, certain Security Bodies.

Leicestershire Police provides you the right to ask for a re-examination of your request under its review procedure. Letters should be addressed to Information Manager, Corporate Services Department at the above address. If you decide to request such a review and having followed the Force's full process you are still dissatisfied, then you have the right to direct your comments to the Information Commissioner who will give it consideration.

Yours sincerely

Freedom of Information Officer
Leicestershire Police

Leicestershire 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

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