



Our Ref: 003046/20

Your Ref:

Address Correspondence to: Information Management

Date 06 October 2020

Dear Sir/Madam,

Freedom of Information Act 2000

I write further to your request for information received 14/09/2020.

I note you seek access to the following information:

Was Leicestershire Police contacted by West Yorkshire Police in regard to operation painthall? If So I would like to see any correspondence and files relating to the operation,

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

The Leicestershire Police Service can neither confirm nor deny that it holds the information you requested as the duty in s1(1)(a) of the Freedom of Information Act 2000 does not apply, by virtue of the following exemptions:

- Section 23(5) Information relating to the Security bodies;
- Section 30(3) Investigations;
- Section 31(3) Law enforcement;
- Section 40(5) Personal Information;

This should not be taken as conclusive evidence that any information that would meet your request exists or does not exist.

Sections 23 and 40 are absolute exemptions which means that the legislators have identified that harm would be caused by release and there is no requirement to consider the public interest test.

Sections 30(3), and 31(3) are qualified and require us to carry out a harm and public interest balancing test before they can be relied upon.

Overall harm for the NCND

The College of Policing Authorised Professional Practice for Investigation is a public facing document and 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.

It clearly states within this APP that the successful management of an investigation requires planning, organisation, control and motivation. It should be borne in mind that this recommendation is also particularly relevant for any FOI response. In this case, confirmation or denial to the world that any information is held would reveal which forces have had involvement with Operation Painthall and which forces haven't. This awareness would undermine the investigative process by revealing policing activity.

In addition, the College of Police APP Information Management Module is a national standard adhered to by all police forces across England and Wales. Police information refers to all information obtained, recorded or processed for a policing purpose and includes information which is processed (known as data, including personal data) and information which has been subject to a process of evaluation (known as intelligence).

To confirm or deny whether information is held in this case has the potential to undermine the flow of information (intelligence) submitted by police forces, other law enforcement agencies and members of the public into the Police Service relating to Operation Painthall. Confirmation or denial would also undermine both ongoing investigations, the APP for Investigation and also the APP for Information Management.

In addition, should this operation be compromised this could in turn lead to police officers having to be removed from their frontline duties in order to increase manpower on an investigation.

Factors favouring confirmation or denial for S30

Confirming or denying whether information exists relevant to this request would lead to a better informed general public by identifying that Leicestershire Police robustly investigate any offences reported to them that may have been committed by a convicted individual. This fact alone may encourage individuals to provide intelligence in order to assist with investigations and would also promote public trust in providing transparency and demonstrating openness and accountability into where the police are currently focusing their investigations.

The public are also entitled to know how public funds are spent, particularly in the current economic climate.

The crimes committed by Peter Sutcliffe attracts high profile media and public interest connotations. Confirmation or denial that any information exists could provide reassurance to the general public.

Factors against confirmation or denial for S30

Modern-day policing is intelligence led and Leicestershire Police share information with other law enforcement agencies as part of their investigation process. To confirm or not whether other forces have been involved in this operation, and whether correspondence is held, could hinder the prevention and detection of crime as well as undermine the partnership approach to investigations and law enforcement.

Factors favouring confirmation or denial for S31

There is media speculation and rumour within the public domain relating to Operation Painthall and that in itself can be considered to be a factor for disclosure.

Factors against confirmation or denial for S31

Confirming whether or not information is held in this case would suggest that Leicestershire Police take their responsibility to protect confidential information provided to them seriously and appropriately to ensure the effective delivery of operational law enforcement.

In addition, Leicestershire Police has a duty of care to the community at large and public safety is of paramount importance. If an FOI disclosure revealed information (by citing an exemption or stating no information held) to Peter Sutcliffe's victims or any surviving family/friends of his deceased victims, this could compromise their health and safety by causing undue stress and anxiety.

Leicestershire Police relies on information being supplied by the public and other law enforcement agencies. Irrespective of what information is or isn't held, by applying substantive exemptions would indicate that information is held and may be subject to an ongoing investigation. Such action would act as a deterrent to members of the public which would undermine the flow of intelligence received into Leicestershire Police which would further undermine public safety, with repercussions that could hinder the prevention or detection of crime.

Balance test

The points above highlight the merits of confirming or denying whether information pertinent to this request exists. The Police Service relies heavily on the public, police forces and other law enforcement agencies providing information to assist in criminal investigations and has a duty to protect and defend vulnerable individuals. The public, police forces and agencies have an expectation that any information they provide will be treated with confidence and in line with the APP's mentioned within the harm. Anything which places that confidence at risk, no matter how generic, would undermine any trust or confidence individuals have in the Police Service.

In addition, the effective delivery of operational law enforcement takes priority and is at the forefront of Leicestershire Police to ensure the prevention and detection of crime is carried out and the effective apprehension or prosecution of offenders is maintained. This includes ensuring our relationship with other law enforcement agencies runs smoothly in the joint approach to multi-agency investigations.

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 not made out.

None of the above can be viewed as an inference that any other information does or does not exist.

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

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