



Our Ref: 003300/20

Your Ref:

Address Correspondence to: Information Management

Date 08 October 2020

Dear Sir/Madam,

Freedom of Information Act 2000

I write further to your request for information received 05/10/2020.

I note you seek access to the following information:

How do I find out if Paul Bostock has now been released from prison following serving a life sentence for double murder? How do I find out where he has been working and can I get transcripts from his police interviews?

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 I am unable to supply the information you have requested.

I can confirm, pursuant to s1 (1)(a) of FOIA that this Force does hold the information you have requested.

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 30 (1) (a)(b)(c) - Investigations
- Section 31 – Law Enforcement
- Section 40 (2) – Personal Information

Reason for Decision

You have asked for a wide range of information to be disclosed that was formulated as part of a murder and the steps taken following the conviction and imprisonment of the Offender. The information you have requested consists of a range of internal documents. As you have requested the information under the Freedom of Information Act 2000 consideration has to be given to the fact that the legislation is

applicant blind. As a result, any disclosure has to be treated as if it was being sent to the public at large as opposed to a specific individual when considering the harm in disclosure.

I am satisfied that all of the above exemptions are engaged on this occasion and that none of the information you have requested is suitable for release under the Freedom of Information Act 2000.

I will now turn to the application of these exemptions to your request in order to provide the reasoning behind my decision.

Section 31 is a prejudice based, qualified exemption and there is a requirement to articulate the harm that would be caused as well as carrying out a public interest test.

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. Detailed information pertaining to the investigation of a murder enquiry is rarely disclosed so that the tactics, resources and intelligence used do not become public knowledge thereby rendering them ineffective.

Section 31 – Evidence of Harm

Under the Act, we cannot, and do not request the motives of any application for information. We have no doubt that the vast majority of requests made under the Act are legitimate.

However, in disclosing information to one applicant, we are expressing a willingness to provide it to anyone in the world. This means that a disclosure to a genuinely interested and concerned person automatically opens it up for a similar disclosure, including those who would use the information to gain an advantage over the police.

In considering whether or not this information should be disclosed, consideration has been given to the potential harm that could be caused by disclosure.

Effective policing requires the active participation of a wide number of agencies in order for it to be successful. As a result, during the course of an investigation, information is discussed and provided with the confidence that it will be treated confidentially. If a disclosure was made under the Act that broke this confidence, it would mean that information is not discussed and would severely impact on the process of law enforcement.

To release this information into the public domain would therefore clearly impact on our law enforcement capabilities with regards to future cases.

Section 31 – Considerations favouring disclosure

There is a public interest in disclosure of the requested information as it would allow the public to discuss the conduct of the investigation and would therefore raise the Force's accountability. It would also aid transparency and allow any failings to be discussed in the public domain.

Disclosure would also enable the public to see how public funds are spent during the course of a high profile investigation and would demonstrate the effective partnership work the Force undertakes with external agencies such as the Crown Prosecution Service.

Section 31 – Considerations favouring non - disclosure

I am of the opinion that it is not in the public interest to disclose sensitive information that relates to a high profile murder investigation on this occasion. The information requested contains a wealth of information that if disclosed, would reveal police tactics and evidence gathering techniques along with other information which is vital to Law Enforcement.

Information such as interview transcripts will contain information relating to the ways in which the investigation was conducted. If this was released into the public domain, it would allow those like minded to commit crime to be aware as to how this type of investigation is conducted. It would therefore give them an added advantage should they wish to impede a future investigation and would significantly weaken our law enforcement capabilities.

Application of Section 30 – Investigations

Section 30 is a class based exemption which means that I am not required to demonstrate the harm that disclosure would cause. However, I am still required to conduct a public interest test which highlights the factors for and against disclosure.

Considerations favouring disclosure

There has already been some information about this investigation placed into the public domain through media articles. The public would therefore have a genuine interest in being informed about the full circumstances of this investigation. This would enable the public to have satisfaction that the investigation was conducted properly.

Some information relating to this case and any recent information can be found on the below links:

<https://www.dailymail.co.uk/news/article-8623687/Familys-fury-Satanist-double-killer-cleared-release-jail.html>

<https://www.itv.com/news/central/2020-09-18/this-guy-is-still-a-danger-to-society-victims-family-devastated-at-decision-to-free-killer>

Considerations favouring non-disclosure

As previously stated, the disclosure of the requested information would have a direct impact on our future law enforcement capabilities as it would reveal both tactical information as well as information that would undermine our partnership approach to investigations.

Although the criminal proceedings have been completed I see no tangible benefit to the community at large if this information was released on this occasion.

Application of Section 40 – Personal Information

Section 40 (2) states the following

- (2) Any information to which a request for information relates is exempt information if;

(a) it constitutes personal data

and

(3)(a) the disclosure of such information to a member of the public would contravene (i) any of the data protection principles.

This exemption applies because the right given under the Act to request official information held by public authorities does not apply to personal data. This exemption is an absolute exemption and as a result I am not obliged to consider the harm which disclosure would cause or to conduct a public interest test.

To disclose the information that you have requested would identify individuals to whom the information relates. Disclosure would therefore breach the first Data Protection Principle, namely that information must be processed lawfully and fairly.

Conclusion

I believe that on balance it is **not** in the public interest to release information which you have requested on this occasion for the reasons stated above. I appreciate that this is not the decision you had hoped for but I must consider the wider position under the Freedom of Information Act 2000 which I feel necessitates the need to refuse your request under this legislation.

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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