



Our Ref: 004052/20

Your Ref:

Address Correspondence to: Information Management

Date 06 January 2021

Freedom of Information Act 2000

I write further to your request for information received 04/12/2020.

I note you seek access to the following information:

- 1) *Does the constabulary deploy drones or unmanned aerial vehicles?*
- 2) *If a yes, what drones do they possess?*
- 3) *Where were the drones purchased from and for how much?*
- 4) *Who is the relevant person(s) in charge of the drone programme?*

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: -

1. Leicestershire Police currently have a fleet of 5 drones.
2. 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 31 – Law Enforcement

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.

Overall harm for Section 31

Drones are used by Leicestershire Police in accordance with relevant legislation and laws. These are used as part of Leicestershire Polices operational Police duties. Information that exposes details of the

Specific models of Drone used could be used to the advantage of terrorists or criminal organisations and individuals.

Factors favouring disclosure of information for Section 31

The public are entitled to know how public funds are spent and by disclosing this information the public would be able to see where public money is being spent and know that the Police are doing as much as they can to investigate and combat crime/terrorism.

Revealing this information would enable the public to have some reassurance that the force's Drones are robust. This is an issue high on the public agenda and therefore the release of this information would contribute to an informed public debate.

Factors against disclosure of information for Section 31

Disclosure of specific drone make and model would mean that law enforcement tactics would be compromised, which would hinder the prevention and detection of crime. It would expose police resources and create a mosaic effect highlighting 'soft' areas of the country that could be exploited. This would adversely affect public safety and have a negative impact on law enforcement.

Balance test

Whilst there is a strong public interest in the transparency of policing technology, Leicestershire Police will not divulge information if it is likely that it will compromise the work of the Police Service or place members of the public at risk. Disclosure of the requested information could highlight areas that could be exploited by criminals.

This will adversely affect Leicestershire Police's ability to detect and prevent crime, as it may alter the behaviours of those intent on criminal activity. This in itself could put members of the public at risk and hinder Law Enforcement. It is therefore our belief that the balance test lies in favour of not disclosing the information.

3. Leicestershire Police purchased the drones from Coptrz and Heliguy.
4. The person in charge of Leicestershire Police's drone project is Insp Michael Phillips.

The Leicestershire Police Service can neither confirm nor deny that it holds any further information relating to your request 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 24(2) National Security;
- Section 31(3) Law enforcement;

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

Section 23 is an 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 24(2) 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

As you will be aware, disclosure under FOIA is a release to the public at large. Whilst not questioning the motives of the applicant, confirming or denying that any other information is held regarding the use of drones for covert purposes, would show criminals what the capacity, tactical abilities and capabilities of the force are, allowing them to target specific areas of the UK to conduct their criminal/terrorist activities. Confirming or denying the specific circumstances in which the police service may or may not deploy drones, would lead to an increase of harm to covert investigations and compromise law enforcement. This would be to the detriment of providing an efficient policing service and a failure in providing a duty of care to all members of the public.

The threat from terrorism cannot be ignored, and it is well established that police forces use covert tactics and surveillance to gain intelligence in order to counteract criminal behaviour. As such, it has been previously documented in the media that many terrorist incidents have been thwarted due to intelligence gained by these means.

Confirming or denying that Leicestershire Police hold any other information in relation to covert use of drones, or unmanned aerial devices, would limit operational capabilities as criminals/terrorists would gain a greater understanding of the police forces' methods and techniques, enabling them to take steps to counter them. It may also suggest the limitations of police capabilities in this area, which may further encourage criminal/terrorist activity by exposing potential vulnerabilities. This detrimental effect is increased if the request is made to several different law enforcement bodies. In addition to the local criminal fraternity now being better informed, those intent on organised crime throughout the UK, will be able to 'map' where the use of certain tactics are or are not deployed. This can be useful information to those committing crimes. It would have the likelihood of identifying location-specific operations which would ultimately compromise police tactics, operations and future prosecutions as criminals could counteract the measures used against them.

Any information identifying the focus of policing activity could be used to the advantage of terrorists or criminal organisations. Information that undermines the operational integrity of these activities will adversely affect public safety and have a negative impact on both national security and law enforcement.

Factors favouring confirmation or denial for Section 24

Any further information, if held simply relates to national security and confirming or denying whether it is held would not actually harm it. The public are entitled to know what public funds are spent on and what security measures are in place, and by confirming or denying whether any other information regarding the covert use of drones is held, would lead to a better informed public.

Factors against confirmation or denial for Section 24

By confirming or denying whether any other information is held would render Security measures less effective. This would lead to the compromise of ongoing or future operations to protect the security or infra-structure of the UK and increase the risk of harm to the public.

Factors favouring confirmation or denial for Section 31

Confirming or denying whether any other information is held regarding the covert use of drones would provide an insight into Leicestershire Police. This would enable the public to have a better understanding of the effectiveness of the police and about how the police gather intelligence. It would greatly assist in the quality and accuracy of public debate, which could otherwise be steeped in rumour and speculation. Where public funds are being spent, there is a public interest in accountability and justifying the use of public money.

Some information is already in the public domain regarding the police use of this type of specialist equipment and confirming or denying whether any other information is held would ensure transparency and accountability and enable the public to see what tactics are deployed by the Police Service to detect crime.

Factors against confirmation or denial for Section 31

Confirming or denying that any other information is held regarding the covert use of drones for maritime/border surveillance would have the effect of compromising law enforcement tactics and would also hinder any future investigations. In addition, confirming or denying methods used to gather intelligence for an investigation would prejudice that investigation and any possible future proceedings.

It has been recorded that FOIA releases are monitored by criminals and terrorists and so to confirm or deny any other information is held concerning specialist covert tactics would lead to law enforcement being undermined. The Police Service is reliant upon all manner of techniques during operations and the public release of any modus operandi employed, if held, would prejudice the ability of the Police Service to conduct similar investigations.

By confirming or denying whether any other information is held in relation to the use of drones would hinder the prevention or detection of crime. Leicestershire Police would not wish to reveal what tactics may or may not have been used to gain intelligence as this would clearly undermine the law enforcement and investigative process. This would impact on police resources and more crime and terrorist incidents would be committed, placing individuals at risk. It can be argued that there are significant risks associated with providing information, if held, in relation to any aspect of investigations or of any nation's security arrangements so confirming or denying that any information is held, may reveal the relative vulnerability of what we may be trying to protect.

Balance test

The security of the country is of paramount importance and Leicestershire Police will not divulge whether any information is or is not held regarding the use of drones if to do so would place the safety of an individual at risk, undermine National Security or compromise law enforcement.

Whilst there is a public interest in the transparency of policing operations and providing assurance that Leicestershire Police is appropriately and effectively engaging with the threat posed by various groups or individuals, there is a very strong public interest in safeguarding the integrity of police investigations and all areas of operations carried out by police forces throughout the UK.

As much as there is public interest in knowing that policing activity is appropriate and balanced this will only be overridden in exceptional

circumstances. The use of drones in any covert capacity is a sensitive issue that would reveal police tactics and therefore it is our opinion that for these issues the balancing test for confirming or denying whether any information is held regarding the use of drones is not made out.

However, this should not be taken as necessarily indicating that any information that would meet any future request exists 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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