

Date: 16 October 2020
Our Reference: FOIA-2020-111

RE: Freedom of Information Act 2000 Request

I write in response to your Freedom of Information Act 2000 (or 'FoIA 2000') request dated 18/09/2020, in which you requested:

'any information/guidelines/manual in relation to what would be expected of a Licensed Search Officer (LSO) (a) when searching a motor vehicle with no regard to the taking of forensic samples and (b) in the same situation but where there was a possibility that DNA or finger prints could be recovered'

When a request for information is made under FoIA 2000, a public authority has a general duty under section 1(1) of the Act to inform an applicant whether the requested information is held. There is then a general obligation to communicate that information to the applicant. If a public authority decides that the information should not be disclosed because an exemption applies, it must, under section 17(1) cite the appropriate section or exemption of the Act and provide an explanation for relying upon it.

It is important to note that a freedom of information request is not a private transaction. Both the request itself and any information disclosed are considered suitable for open publication, that is, once access to information is granted to one person under the legislation, it is then considered public information and must be communicated to any individual should a request be received. In light of this, our responses and disclosures are published on our external website at a later date.

Decision

After conducting careful searches for any information relevant to your request I can confirm that there is information held. Some of this information is readily available in the public domain and was provided to you in my email dated 23 September 2020. In addition, information within the scope of your request is held in the Licensed Search Officer Course Handbook v 6.0. The relevant information has been provided

to you in **Appendix A**. Some of the information has been redacted as we consider the following exemption under the Act is engaged:

- Section 31 – Law enforcement

Section 31 FoIA 2000 states:

(1) Information which is not exempt information by virtue of section 30 is exempt information if its disclosure under this Act would, or would be likely to, prejudice—

- (a) the prevention or detection of crime,
- (b) the apprehension or prosecution of offenders

Some of the information that falls within the scope of your request provides information in relation to police tactics and capabilities. As has been stated above, a disclosure under FoIA 2000 is to be considered as being a disclosure to the world at large. With this in mind, we consider that to disclose this information would enable potential offenders to take measures to counteract these tactical capabilities. While we acknowledge that there is a public interest in the transparency of policing operations and in providing assurance that the police service is appropriately and effectively managing this area of policing, there is a very strong public interest in safeguarding police tactics and capabilities.

Given the harm that could be caused if this information was disclosed, particularly with regard to the prevention and detection of crime and the apprehension of offenders, we do not consider it to be in the public interest to disclose the redacted information at this time.

Your rights are provided in **Appendix B**

Yours sincerely,

Sarah Lawrence | Legal Advisor
Information Management and Legal Team
College of Policing

Email: FOI@college.pnn.police.uk

Website: www.college.police.uk

Appendix A

The following are extracts from the Licensed Search Officer Course Handbook (2018) v 6.0, produced by the College of Policing Police National Search Centre.

4.2 Main principles

The main principles that govern the actions of the finder(s) are:

Safety – The immediate consideration is to ensure that there is no possibility of danger to the search team(s), supporting police personnel or the public.

Forensic recovery – of all exhibits and items of relevance. The absolute integrity of any evidence must be preserved. This includes the preservation of a wide range of forensic traces, the non- contamination of those traces and the appropriate gathering of evidential items.

Chapter 4.11

When it has been confirmed that a find is not a threat to life it is essential that the priority of the finder(s) is to retain all possible forensic evidence.

Forensic evidence plays a vital part in the successful prosecution of terrorists and other criminals.

For such evidence to be admissible and credible in court it must be correctly dealt with: searchers must always be aware of the need for the continuity of evidence and documentation without cross-contamination.

It is the responsibility of the searcher to locate any finds and then carry out the following procedure:

Do not over handle the item (preferably do not handle at all)

Inform the team leader/PolSA. The immediate area should be secured and the find documented

An SO15 Forensic Management Team (FMT) officer should be tasked to deal with the find where practicable. The find should be photographed in situ, seized, labelled and bagged in accordance with evidence-handling procedures.

The search should only continue upon the direction of the Team Leader/PolSA following consultation with the SO15 FMT officer

Vehicle search 6.4 Phase 1 – Initial check

The initial impressions created by a vehicle and its occupants may give a good guide to their integrity. The search may have come as a surprise to the occupants and their level of apprehension may be high. It is important that the search procedures should not give suspects time to compose themselves.

- The **driver** and **passengers** should be removed from the vehicle.
- They and any **property** they have with them should be searched (Attribute property)

Building search Chapter 7.1

The priorities in any search operation are clear:

Safety – in entry, control of occupants and in conducting the search. The immediate consideration is to ensure that there is no possibility of danger to the search team(s), supporting police personnel or the public.

Forensic recovery – of all exhibits and items of relevance. The absolute integrity of any evidence must be preserved. This includes the preservation of a wide range of forensic traces, the non- contamination of those traces and the appropriate gathering of evidential items.

****Redacted under section 31****

8.7 Actions on a find

The actions on a find depend on the type of find and the requirements of the Senior Investigating Officer (SIO). Subject to the requirements of the SIO any finds made can be immediately dealt with as appropriate to the type of find and recovered by the relevant agency, bearing in mind forensic considerations.

Appendix B

Rights

If you are dissatisfied with the handling procedures or the decision of the College of Policing made under the Freedom of Information Act 2000 (the Act) regarding access to information you can request that the decision is reviewed internally.

Internal review requests should be made in writing, within **forty (40) working days** from the date of the refusal notice, and addressed to: FOI team, Central House, Beckwith Knowle, Otley Road, Harrogate, North Yorkshire, HG3 1UF or email: FOI@college.pnn.police.uk

In all possible circumstances the College of Policing will aim to respond to your request for internal review within **20 working days**.

The Information Commissioner

If, after lodging an internal review request with the College of Policing you are still dissatisfied with the decision you may make application to the Information Commissioner for a decision on whether the request for information has been dealt with in accordance with the requirements of the Act.

For information on how to make application to the Information Commissioner please visit their website at <https://ico.org.uk/for-the-public/official-information/>.

Alternatively, write to:

Information Commissioner's Office

Wycliffe House

Water Lane

Wilmslow

Cheshire

SK9 5AF

Phone: 0303 123 1113