



August 2020

Freedom of Information Request Reference N°: FOI 002262/20

I write in connection with your request for information received by Norfolk Constabulary on the 2nd July 2020 in which you sought access to the following information:

- 1 Does Norfolk Constabulary
 - A own unmanned aerial vehicles (UAVs), commonly known as drones? if so, how many, and what type/make?
 - B sub-contract UAV services from an outside body, company, or other police force for police operations? If so, which body/company/forces and what type/make are used?
- 2 How many times have Norfolk Constabulary used drones for police operations since Jan 2020 (please can you provide monthly figures)? If answering this question would exceed costs limits, a monthly estimate would be sufficient, but please confirm figures are estimated. Can you describe the type of operations in which drones have been used (i.e. public order, missing person search, etc.)?
- 3 Did Norfolk Constabulary utilize the changes brought in by the Civil Aviation Authority (CAA) between 8 April 2020 and 6 May 2020 to allow greater flexibility in the use of UAVs by the police in relation to the Coronavirus outbreak, and if so on how many occasions?
- 4 Have any complaints been lodged with Norfolk Constabulary about their use of UAVs in the last 6 months?

Response to your Request

The response provided below is correct as of 15th July 2020.

Norfolk Constabulary has considered your request and our response is below.

Q1 The Constabulary has 17 drones. Please see details of these below:

MAKE	MODEL
DJI	Inspire 1v2 x 4
DJI	Mavic Pro
DJI	Matrice 210 V2
DJI	Matrice 200
DJI	Sparke
Evolve	Skymantice x 2
Ryze	Tello x 2
Parrott	Anafi SE
DJI	Mavic Enterprise x 3

DJI	Mavic Mini
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The Norfolk Fire and Rescue Service operates under Norfolk Constabulary's permission. They operate an Inspire 1v2 which may be used to assist police operations in search and rescue.

Q2 Please see below breakdown of drone usage between January and June 2020:

Type of Use	January	February	March	April	May	June
Evidential Photography	2	0	1	1	0	3
Live Organised Assembly	0	1	0	0	0	0
Concern for Safety or Suspicious Circumstances	7	3	3	19	23	6
Firearms Incident	1	0	0	5	6	5
Unlicensed Music Event	0	0	1	0	2	6
Wanted Person or Stolen Property Search	3	0	2	5	15	6
Missing Person	14	6	2	16	25	17
Unauthorised Encampment	3	0	0	1	1	1
Hare Coursing / Wildlife/ Rural Crime	4	2	2	1	5	2
Burglary	0	0	5	1	12	1
Fail To Stop and Persons Decamp	5	1	1	4	9	3
Pre-Planned	20	18	12	41	66	22
Training	5	6	10	7	6	5
Total	64	37	38	101	170	80
Total Flights	78	72	91	148	252	114

Some incidents will require multiple flights

Q3 The Constabulary did not utilise the changes brought in by the Civil Aviation Authority.

Q4 No complaints have been received.

In addition to the above with regard to the covert use of UAVs, Norfolk Constabulary will **neither confirm or deny** whether it holds any other information, relevant to the request, by virtue of the following exemptions:

- **Section 23(5) – Information concerning Security Bodies**
- **Section 24(2) – National Security**
- **Section 31(3) – Law Enforcement**

Section 23 is an absolute class based exemption and there is no requirement to evidence the harm in confirming or denying whether any other information is held or conduct a public interest test.

Sections 24 and 31 are prejudice based, qualified exemptions and there is a requirement to articulate the harm that would be caused in confirming or denying whether any other information is held as well as carrying out a public interest test.

Harm for the partial NCND

Any disclosure under the Freedom of Information Act (FOIA) is a release to the public at large and not only to the person requesting the information. Whilst not questioning the motives of an

applicant, consideration has to be given to who would have access to the information. Confirming or denying whether any other information is held, regarding the use of this specialist equipment for covert use, would show those involved in criminal activity, what the capacity, tactical abilities and capabilities of the Police are. This would allow them to target specific areas of the UK to conduct criminal or terrorist activities. Confirming or denying the specific circumstances in which the Police Service may or may not deploy unmanned aerial systems (UAS) would lead to an increase of harm to any 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. It is generally recognised, in the current environment, that the international security landscape is complex and unpredictable. The current UK threat level from international terrorism, based on intelligence, is assessed as 'severe'. This means that a terrorist attack is highly likely. See link below:

<https://www.mi5.gov.uk/threat-levels>

It is well established that police forces use covert tactics and surveillance to gain intelligence in order to counteract criminal behaviour. It has been previously documented in the media that terrorist incidents have been thwarted due to intelligence gained by these means.

Confirming or denying whether any other information is held in relation to the covert use of UAS would limit operational capabilities, as criminals/terrorists would gain a greater understanding of the police methods and techniques. This would enable 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 insurance and law enforcement.

Section 24 – factors favouring the confirmation or denial of whether any other information exists

The 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. Confirming or denying whether any other information is held would lead to a better-informed public.

Section 24 – factors against the confirmation or denial of whether any other information exists

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.

Section 31 – factors favouring the confirmation or denial of whether any other information exists

Confirming or denying whether any other information is held regarding the covert use of drones would provide an insight into the Police Service. 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. Confirming or denying whether any other information is held would ensure transparency and accountability. This would enable the public to see what tactics are deployed by the police to detect crime.

Section 31 – factors against the confirmation or denial of whether any other information exists

Confirming or denying whether any other information is held regarding the covert use of UAS 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 individuals involved in criminal or terrorist activities. Therefore, to confirm or deny whether any other information is held 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.

Confirming or denying whether any other information is or isn't held in relation to the covert use of drones, would hinder the prevention and detection of crime. The Police Service 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 whether any other 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 the Police Service will not divulge whether any other information is or is not held, regarding the covert use of drones, if to do so would place the safety of an individual at risk, undermine National Security or compromise law enforcement.

There is a public interest in the transparency of policing operations and providing assurance that the Police Service is appropriately and effectively engaging with the threat posed by various groups and individuals. However, there is a very strong public interest in safeguarding the integrity of police investigations and operations, in the highly sensitive areas such as extremism, crime prevention, public disorder and terrorism prevention.

As much as there is a public interest in knowing that policing activity is appropriate and balanced, this will only be overridden in exceptional circumstances. The areas of police interest discussed above are sensitive issues that reveal local intelligence. Therefore, it is our opinion that for these issues, the balancing test for confirming or denying whether any other information is held, regarding the covert use of drones, is not made out.

This should not be taken as an indication as to whether any other information is or isn't held.