

25th January 2019

**Freedom of Information Request – Reference No:20190088**

**REQUEST**

***I would like to know the following under the Freedom of Information Act. Total breakdown of the number of reported incidents involving drones reported to your force in the last three calendar years, broken down by year.***

- ***Total number of reported incidents for 2018, 2017 and 2016***
- ***Relevant police notes (MO notes) describing the incident***

**RESPONSE**

I approached the administrator for South Yorkshire Police's Incident Management System.

This system records the majority of calls to South Yorkshire Police requiring the specific deployment of police resources, whether reported by members of the public via 999 or 101 or 'happened upon' by officers and staff in the course of their duties.

Each Incident record is a log of events as the incident progresses or unfolds, with very few search fields to extract any meaningful data. As there is no generic incident title that meets the criteria of your request, our administrator has searched for incidents where the keyword 'drone' is mentioned within the free text boxes of the incident log.

**From the incident records provided by the administrator, I have checked which are relevant to your request and provided them on the spreadsheet attached.**

South Yorkshire Police neither confirms nor denies that it holds any further information relevant to the request by virtue of the following exemptions:

**Section 23(5) - Information supplied by, or concerning, certain 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 conduct a harm or 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 that any other information is held as well as carrying out a public interest test.

**Harm for the partial NCND**

As you may 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 this specialist equipment for covert practise, 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 UAS, 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. It is generally recognised that the international security landscape is increasingly complex and unpredictable. Since 2006, the UK Government have published the threat level, based upon current intelligence and that threat has remained at the second highest level, 'severe', except for two short periods during August 2006, June and July 2007, and more recently in May 2017 following the Manchester Bombing, when it was raised to the highest threat, 'critical', it has since been reduced to 'substantial'. Nevertheless, the UK continues to face a sustained threat from violent extremists and terrorists and the current UK threat level is set at 'severe'.

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 many terrorist incidents have been thwarted due to intelligence gained by these means.

Confirming or denying that 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's 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.

### **Public Interest Test**

#### **Factors favouring Neither Confirming Nor Denying for Section 24**

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, and by confirming or denying whether any other information regarding the covert use of UAS is held, would lead to a better-informed public.

#### **Factors against Neither Confirming Nor Denying 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 Neither Confirming Nor Denying for Section 31**

Confirming or denying whether any other information is held regarding the covert use of UAS 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 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 Neither Confirming Nor Denying for Section 31**

Confirming or denying that 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 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 covert use of UAS would hinder the prevention or 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 that 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 UAS 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 the Police Service 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 operations in the highly sensitive areas such as extremism, crime prevention, public disorder and terrorism prevention.

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 areas of police interest discussed above are sensitive issues that reveal local intelligence and 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 UAS, is not made out.

**However, this should not be taken as necessarily indicating that any further information that would meet your request exists or does not exist.**