

OFFICIAL



Heddlu Police

DYFED-POWYS

FOI Reference: 100/2020

Request:

- 1) Please provide copies of any policies, processes or other documentation relating to the use of polygraph tests for offenders or suspects, or in relation to police investigations;
- 2) If your force uses, or has used in the past, or plans to use, polygraph testing, please provide:
 - a. copies of any reports on, or evaluations of, such polygraph tests;
 - b. The number of individuals evaluated by polygraph annually since 2012;
 - c. The questions asked in the polygraph test;
 - d. The polygraph test method(s) used and the use and content of the stimulation test(s);
 - e. The type(s) of polygraph machine used and manufacturer(s);
 - f. The qualifications held by the polygraph test operator(s);
 - g. The percentage of individuals deemed to have failed the polygraph test, or assessed to have a borderline result, annually;
 - h. The policy document governing subsequent decisions, interventions and/or consequences based on the results of a test.

Response 1 and 2a – h:

I can confirm that there is no information held/recorded as Dyfed-Powys Police does not conduct polygraph testing.

In addition to the above Dyfed-Powys Police Force neither confirms nor denies that it holds any other information relevant to the request by virtue of the following exemptions:

Section 30(3) – Investigations and Proceedings conducted by Public Authorities
Section 31(3) – Law Enforcement

Section 30 is a class based qualified exemption and consideration of the public interest must be given as to whether neither confirming nor denying the information exists is the appropriate response.

Section 31 is a prejudice based qualified exemption and there is a requirement to articulate the harm that would be caused in confirming or not that the information is held as well as carrying out a public interest test.

Harm in Confirming or Denying Information is Held:

Every effort should be made to release information under FOI. However, to confirm or deny the full extent of police actions around the use of certain technologies for purposes other than what is already publically acknowledged, would undermine ongoing investigations, and would reveal policing tactics and techniques used covertly in the prevention and detection of crime.

Revealing if any other information, is held regarding force policies, guidance, and documentation, would help subjects avoid detection, and inhibit the prevention and detection of crime. Providing this level of information, if held, would result in presenting a real risk of identifying the resources available to individual forces to covertly monitor groups or individuals likely to be committing offences within the force area.

It is important covert law enforcement techniques are not disclosed for the above reasons. To do so would disclose tactical information to the detriment of those actual techniques.

If the Police Service denies a tactic or technology is used in one request but then exempts for another, requesters can determine the exempt answer is in fact a technique used in policing. The impact could undermine policing, any on-going investigations and any future investigations, as it would enable targeted individuals/groups to become tactically aware. This would help subjects avoid detection, and inhibit the prevention and detection of crime.

Any information identifying the focus of policing activity could be used to the advantage of criminals or those with a criminal intent. Information that undermines the operational integrity of these activities will adversely affect public safety and have a negative impact on both Police investigations and operational law enforcement.

Section 31(3):

Factors favouring complying with Section 1(1)(a) confirming information is held:

By confirming or denying that information relevant to the request exists, would lead to better public awareness into the intricacies of how operational policing is conducted. This may lead to more information (intelligence) being submitted from the public which may culminate in a reduction of crime.

Factors against complying with Section 1(1)(a) confirming or denying that information is held:

By confirming or denying that information exists (other than what is publically acknowledged) would compromise the effective delivery of operational law enforcement. Tactics could be compromised which could hinder the prevention and detection of crime. More crime could be committed and individuals placed at risk.

Section 30 (3):

Factors favouring complying with Section 1(1)(a) confirming information is held:

Confirming or denying whether information relevant to this request exists would lead to a better informed general public and provide openness and transparency into what investigations the police are currently focusing their activities on. This awareness may encourage individuals to provide further intelligence in order to assist with investigations into this offending and reduce crime. The public are also entitled to know how public funds are spent, particularly in the current economic climate.

Factors against complying with Section 1(1)(a) confirming or denying that information is held

Modern-day policing is intelligence led and, the Police Service share information with other law enforcement agencies as part of their investigative processes. To confirm or not whether information is held relevant to this request would hinder the prevention and detection of crime as well as undermine the partnership approach to investigations and law enforcement.

Balance Test:

The points above highlight the merits of confirming, or denying, whether information pertinent to this request exists (other than published). The Police Service is charged with enforcing the law, prevention and detecting crime and protecting the communities we serve. The Police Service will never divulge whether or not information is held if to do so would undermine any investigations or be detrimental to operational law enforcement.

The public entrust the Police Service to make appropriate decisions with regard to their safety and protection and the only way of reducing risk is to be cautious with any information that is released. Confirming or denying whether information is or isn't held would definitely reveal policing tactics and practices and would assist those intent on causing harm.

Therefore, at this moment in time, it is our opinion that for these issues the balance test for confirming, nor denying, that information is held is made out.

No inference can be taken from this refusal that information does or does not exist.

It should be noted that owing to the systems adopted by Dyfed-Powys Police in relation to the recording of such matters the information provided may or may not be accurate.

(This is a response under the Freedom of Information Act 2000 and disclosed on 25/02/20)