



Freedom of Information request 794-14

I am requesting the information of what firearms are used by the BTP, and in what situation that some (Specialized weapons, eg: A sniper rifle) would be used. I am asking for the make of weapon and the model, and variant if applicable. (eg: Heckler and Koch G36[c])

With this, I am also asking for the information of vehicles (Manufacturer and model) used by any Officers that are either routinely armed or armed within special situations.

This information is purely out of interest, and for research into the BTP.

RESPONSE

Section 1 of the Freedom of Information Act 2000 (FOIA) places two duties on public authorities. Unless exemptions apply, the first duty at Section 1(1)(a) is to confirm or deny whether the information specified in a request is held. The second duty at Section 1(1)(b) is to disclose information that has been confirmed as being held. Where exemptions are relied upon Section 17 of the FOIA requires that we provide the applicant with a notice which:

- a) states that fact
- b) specifies the exemption(s) in question and
- c) states (if that would not otherwise be apparent) why the exemption applies.

In relation to this particular request, the following exemption applies:

Section 31(1)(a)(b)(c) – Law Enforcement

Your request for the specialist weapons used, in what situations they are used and the vehicles used by armed officers is exempt from release. Section 31 of the Act states that information is exempt if its disclosure under this Act would, or would be likely to prejudice: The prevention or detection of crime, the apprehension or prosecution of offenders and/or the administration of justice.

Section 31(1) is a qualified and prejudice based exemption and therefore the legislators accept that there may be harm if released. The authority has to consider and describe the harm that would occur if the information were released and carry out a Public Interest Test.

Public interest considerations

Factors favouring disclosure

Disclosure would allow for greater public awareness and openness in the way British Transport Police use firearms to police the railways and protect the public. Providing specific information about when firearms are used would allow the public to prepare themselves for these situations and disclosure would give clear guidance to the public in relation to firearms use. This would provide greater confidence in the police and promote a feeling of safety in the general public whilst travelling on the railway network.

Factors favouring non-disclosure

Disclosure of specific information about specialist weapons and when standard and specialist firearms are used would reveal the firearms capability of BTP and would also reveal tactics as to how these resources are used. Detailing situations when we deploy firearms officers and specialist weapons would compromise our ability to police the railway safely by giving an insight into our decision making process. Providing this amount of detail in relation to firearms could provide an advantage to the criminal fraternity when planning criminal activities and may put the safety of police officers and members of the public in jeopardy.

Providing information about what vehicles are used by firearms officers would allow criminal groups to target those vehicles in order to divert resources or hamper the input of firearms officers in serious incidents. Release of this information would jeopardise British Transport Police's ability to prevent and detect crime by identifying specialist units simply by the type of vehicle they drive which in turn could lead to malicious action by criminals to prevent this resource being deployed.

Disclosure of this detail about firearms and firearms officers could threaten the ability of the force to protect the public and respond to criminal activity appropriately.

Harm Test

To disclose information about specialist weapons and vehicles could adversely affect the efficiency and effectiveness of the law enforcement function of British Transport Police. There is a significant risk that the release of the requested information could lead to the compromise of BTP's tactics in relation to the deployment of firearms officers generally and of specialist weapons in particular. Disclosure of this information is likely to threaten the law enforcement function of BTP and put members of the public in danger.

Providing tactical information of this kind could lead to the deliberate, malicious targeting of firearms vehicles and could provide an advantage to criminals in preparing for a police response to a specific incident. This could have a significant detrimental effect on BTP's ability to prevent and detect crime and protect the travelling public.

Balance of the Public Interest

The public interest is not what interests the public, but a test of whether the community benefit of possession of the information outweighs the potential harm.

In this case, we have identified that there would be a small benefit to the public by the release of this information. However, there is a very strong factor favouring non-disclosure, this being the negative impact on the effectiveness of the police force in being able to respond to serious incidents successfully and to prevent malicious action against BTP resources.

If there is a risk that the future law enforcement function of the force could be compromised and public safety put at risk, it cannot be justified that the public interest would be served in releasing this specific information if either of these aspects were to be compromised in any way.

I have determined that the disclosure of the requested information would not be in the public interest. I believe the harm considerations and the importance of the factor favouring non-disclosure outweigh the public interest in disclosing the information. My decision, on balance, is that it would therefore not be in the public interest to release this information.

In accordance with the Act, this letter represents a refusal notice for part of your request.

However, please find below the answers to your other question.

British Transport Police's standard issue firearms are:

- 5.56mm (.223) LMT CQB Carbine
- Glock 17 Generation 4