

15 November 2024

FOI Ref 17390

Request - You asked us the following:

I would like to make the following Freedom of Information request from your force:

- The number of murder-for-hire (soliciting to murder) plots thwarted/stopped by your police force between October 20, 2019 and October 20, 2024.
- Within those figures, how many plots resulted in an arrest(s) and/or charge(s)
- Was the murder-for-hire plot involving the hiring of hitmen/assassins from outside of the United Kingdom? (YES/NO). If YES, which country?

We received your request on 21/10/2024 and have processed this under the Freedom of Information Act (FOIA).

Staffordshire Police's response to your enquiry is as follows:

Staffordshire Police can neither confirm nor deny whether information relevant to this request is held, as the duty in Section 1(1)(a) of the Freedom of Information Act 2000 does not apply by virtue of the following exemptions:

In accordance with Section 17(1) of the Freedom of Information Act, this letter represents a refusal notice for this particular request.

- Section 30(3) – Criminal Investigations
Section 30 is a qualified and class-based exemption, and, as such, we are required to apply the public interest test.
- Section 31(3) Law Enforcement
Section 31 is a prejudice based exemption and any prejudice (harm) that confirming or denying information is held would cause must be articulated as well as the public interest considerations.

Evidence of Harm

Section 30 and Section 31 are often used in conjunction when applying the neither confirm nor deny stance in order to protect whether or not an investigation may have been conducted.

The Freedom of Information Act is applicant and motive blind. Any information disclosed under the Act is a disclosure to the world at large and would be disclosed to any individual upon request. For this reason a request under the Act cannot be a private transaction. Both the request itself, and any information which may be disclosed, are considered suitable for open publication.

The public expect police forces to use all powers and tactics available to prevent and detect crime and maintain public safety. In this instance, methods to thwart any credible attempts to solicit murder could include covert operational police activity.

To confirm or deny whether information is held in relation to this request would reveal whether Staffordshire Police has or is actively investigating plots that would seek to murder, or at the very least result in endangering the safety and physical health of any individual. Confirmation or denial would therefore be likely to prejudice our law enforcement functions of preventing and detecting crime, and apprehending and prosecuting offenders. Issuing confirmation or denial responses in relation to any investigations that seek to prevent serious crime (especially where murder would result), except for those that have already been publicly confirmed, would enable the public, including criminals, to build up a picture as to where investigations are focused on intelligence gathering and sharing. This would be prejudicial to our policing functions as criminals may take further steps to evade the police, and risks undermining the flow of information by discouraging individuals to come forward or assist with our enquiries if they were to believe that this information may become public.

Public Interest Test

Factors favouring confirming or denying information is held – Section 30(3)

The Police Service has a duty to conduct criminal investigations and by providing information held would assist in meeting current public interest and provide transparency of policing operations.

Factors favouring neither confirming or denying information is held – Section 30(3)

Any information generated by an investigation needs to be treated with sensitivity. In some cases, it is the confirmation, or otherwise, about the nature of investigations which would disclose facts that would prejudice the evidence gathering within an investigation.

In addition, it would not be in the public interest to disclose information (even inadvertently, through a confirmation or denial) which could identify our investigative activity, and subsequently undermine those processes. To do so would hinder the prevention or detection of crime, and apprehension and prosecution of offenders.

Factors favouring confirming or denying information is held – Section (Section 31)(3)

Confirming or denying whether any information is held about investigations of this nature would allow the public to see where public funds have been spent and allow the Police Service to appear more open and transparent in regards to its activities.

Factors favouring neither confirming or denying information is held (Section 31)(3)

To confirm or deny that law enforcement holds information in relation to this matter has the potential to damage Staffordshire Police's ability to prevent and detect crime or apprehend or prosecute offenders in any associated cases. Where confirmation or denial would reveal policing activity that might include covert operations, and where this would, or would be likely to, prejudice such an investigation or the circumstances that underpin any intelligence gathering as a result, public authorities should be alert to the need to apply the NCND provision.

Balancing Test

After weighing up the competing interests I have determined that the Public Interest favours the application of the neither confirm nor deny stance in respect of your request is made out.

I consider that the benefit that would result from issuing a confirmation or denial does not outweigh the considerations favouring the neither confirm nor deny response. This is namely because of the impact it would have on the ability of Staffordshire Police to fulfil our law enforcement functions and conduct any potential investigations, either now or in the future.

To confirm or deny whether we hold this information would do little to further the public interest arguments, and in fact would have a negative impact upon our ability to protect public safety and the promise of confidentiality inherent in our communications with those assisting with our enquiries. It is because of this that I feel the balance falls in favour of the maintenance of this stance, and why these exemptions are engaged and made out in this case.

Freedom of Information Request Appeals Procedure

1. Who Can Ask for a Review

Any person who has requested information from Staffordshire Police, which has been dealt with under the Freedom of Information Act, is entitled to complain and request an internal review, if they are dissatisfied with the response they received.

2. How to Request a Review

Requests for review of a Freedom of Information request must be made in writing within two months of the date of receipt of this email, and should be addressed to:

foi@staffordshire.police.uk

Or by Post to:

Central Disclosure Unit
Staffordshire Police HQ
PO Box 3167
Stafford
ST16 9JZ

The reference number, date of the request and details of why the review is being requested must be included. Requests for review should be brought to the attention of the Central Disclosure Unit within two months of the Force's response to the original FOI request.

3. Review Procedure

Receipt of a request for review will be acknowledged in writing. The review will be conducted by another Decision Maker who is independent from the original Decision Maker. The Central Disclosure Unit will set a target date for a response. The response will be made as soon as is practicable with the intention to



STAFFORDSHIRE
POLICE

complete the review within 20 working days. In more complex cases the review may take up to 40 working days.

The independent Decision Maker will conduct a review of the handling of the request for information and of decisions taken, including decisions taken about where the public interest lies in respect of exempt information where applicable. The review enables a re-evaluation of the case, taking into account the matters raised by the complaint.

4. Conclusion of the Appeal

On completion of the review the Independent Decision maker will reply to the complainant with the result of the review. If the complainant is still dissatisfied following the review they should contact the Information Commissioner to make an appeal. The Information Commissioner can be contacted via the following details:

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

ICO Website for complaints link: <https://ico.org.uk/make-a-complaint/foi-and-eir-complaints/foi-and-eir-complaints/>

Freedom of Information
Central Disclosure Unit