

Chief Constable
Chief Constable Robert Carden
Police Headquarters
Carleton Hall Penrith,
Cumbria
CA10 2AU



15th November 2024

Dear

FREEDOM OF INFORMATION REQUEST – FOI 939/24 – Soliciting to murder

I refer to your request for information received on 21st October 2024. I note you seek access to the following information:

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?

Your request for information has been considered and I can confirm that Cumbria Constabulary 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:

- **S30(3) Investigations**
- **S31(3) Law Enforcement**

Section 31 is a prejudice based qualified exemptions and I am therefore required to complete a public interest test and describe the harm in confirming or denying information is held.

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.



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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 [Force Name] 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 Considerations

Factors favouring confirmation or denial – Section 30 - 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 against confirmation or denial – Section 30 - 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.



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Factors favouring confirmation or denial – Section 31 - 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 against confirmation or denial – Section 31 - To confirm or deny that law enforcement holds information in relation to this matter has the potential to damage Cumbria Constabulary'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.

Balance 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 Cumbria Constabulary 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.



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