



[REDACTED]

Date: 20<sup>th</sup> June 2023  
Our ref: GSA 699/23

[REDACTED]

**FREEDOM OF INFORMATION REQUEST REFERENCE NO: GSA 699/23**

I write in connection with your request for information dated 03/02/2023, received by Greater Manchester Police (GMP) for the following information:

*This is a request under the Freedom of Information Act.*

*Please could you supply me with the following information:*

- 1**      *How many BMW vehicles with an N57 engine the does the force have and use? These will include, but not be limited to, such models as the 330, 330d, 530d, 5 series etc. (All forces have been issued with guidance about cars with this engine, so the force will know which cars have it).*
- 2**      *For what purpose are these cars used?*
- 3**      *What restrictions, if any, has the force imposed on usage of these cars? Eg, including, but not limited to, setting an upper speed limit or advising drivers not to sit with the engine idling.*
- 4**      *What special maintenance of these cars, if any, has been implemented? Eg, including, but not limited to, more frequent oil changes or inspections.*

*I would be grateful if you could supply the information as soon as possible. If you can supply some but not all of the information, please supply what you can.*

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[REDACTED]

[REDACTED]

### **Result of Searches**

Following receipt of your request searches were conducted within Greater Manchester Police (GMP). However, I am not obliged to provide all the information requested as exemption applies to questions 1 and 2.

Section 17 of the Freedom of Information Act 2000 requires Greater Manchester Police, when refusing to provide such information (because this information is exempt) to provide you, the applicant, with a notice which: (a) states that fact, (b) specifies the exemption in question and (c) states (if that would not otherwise be apparent) why the exemptions apply.

### **Section 31(1)(a) – Law Enforcement**

Section 31 is a qualified, and prejudice-based exemption. Therefore, the harm should be articulated, and arguments given as to the public interest test.

### **Evidence of Harm**

To disclose any of the above requested information would cause subsequent harm to the Police service's ability to protect the public it serves and would prejudice its ability to perform core functions such as the prevention and detection of crime. Releasing such specific information about the number of vehicles affected and their roles would give individuals the intelligence required to disrupt police activity and give away the Police capability to criminals within Greater Manchester.

The disclosure of information which would undermine the Police service's ability to serve the public in preventing and detecting crime can only be considered as being harmful to the public

### **Public Interest Test**

#### **Factors in Favour of Disclosure**

The disclosure of this information would lead to a better awareness of the Police Vehicle resources in the Force area and provide information and reassurance to the public that adequate resources are in place to protect the Community.

#### **Factors against Disclosure**

The disclosure of the details requested would compromise law enforcement tactics by identifying policing capabilities and resource, enabling criminals to easily identify vehicles that may be limited in their abilities to pursue. As a result, this would enable more crime to be committed and have an impact on police resources, thereby hindering the prevention and detection of crime

### **Balance Test**

The Police Service is charged with enforcing the law, preventing and detecting crime and protecting the communities we serve. Whilst there is a public interest in the transparency of policing activity and providing assurance that the police service is appropriately and effectively resourced, there is a very strong public interest in safeguarding the integrity of police tactics and capabilities in order to ensure that the protection of the public is safeguarded. Therefore, it is our opinion that the balance of the public interest favours withholding the information.

## **Results for Remaining questions**

### **Question 3**

- The vehicle must be driven in accordance of, and observe the speed limit of the road on which it is travelling.
- The vehicle must not be used in a response role.
- The public warning equipment (PWE) must not be used.
- The usage of such vehicles for any specific role must be individually risk assessed.

### **Question 4**

- All fleet vehicles are maintained in accordance with manufacturers guidelines as a minimum and vehicles are scheduled and maintained at the intervals advised.
- In relation to maintenance of the N57 engine variant specifically, the vehicles are subject to scheduling in accordance with manufacturer guidelines, or oil service via the condition based service (CBS) software installed in the vehicle.
- An additional oil monitoring process has been implemented on the back of routine maintenance to identify and monitor any issues which may present at an early stage.

With regard to police vehicles used for covert policing purposes and in accordance with Section 17(1) of the Freedom of Information Act, Greater Manchester Police can neither confirm nor deny that it holds the information as it believes the duty in s1(1)(a) of the Freedom of Information Act 2000, does not apply, by virtue of the following exemption: Section 31(3) - Law Enforcement. Section 31 is a qualified exemption and as such there is a requirement to articulate the harm and conduct a test of the public interest in confirmation or denial.

### **Overall Harm**

Any information disclosed under the Freedom of Information Act is not just released to the individual applicant but to the world at large. To confirm or deny that any other information is held in relation to this request would reveal whether or not police forces use BMW vehicles in covert roles. Such awareness would reveal tactical capability and is likely to influence those in the criminal fraternity to take additional measures in order to avoid detection and capture. In addition, by fully knowing whether or not these vehicles are used may also put the general public at risk of harm if criminals who might otherwise be engaged in criminal activities and suspect they are under police surveillance, to target specific makes and models of vehicles they believe are being used by the police or law enforcement partners.

**Factors favouring disclosure for Section 31** - Greater Manchester Police is publicly funded and the public have a right to know whether or not Greater Manchester Police use such vehicles particularly given the well-publicised issue regarding the BMW N57 model.

**Factors favouring non-disclosure for Section 31** - Confirming or denying whether or not Greater Manchester Police use such vehicles in a covert capacity and/or have taken precautionary measures to limit their use in pursuits as a result (such as restricting them to non-blue light response within National Speed limits, or placing them into a reserve capacity) would undermine policing and have a negative effect on the prevention and detection of crime and the apprehension and prosecution of offenders.

It is widely known that police forces use ARVs and unmarked covert vehicles as part of their delivery of effective operational law enforcement, however disclosure of any information with regard to make and models that are used would reveal tactical resources available to the force and would undermine ongoing investigations.

### Balancing test

The police service is tasked with protecting the community and solving crime and should not disclose information that would jeopardise this. Confirming or denying the requested information would mean that criminal investigations would be less effective and the small increase in public awareness would not be adequate compensation for such an impact. It is therefore decided that this information will not be provided. Having taken the above into account, I am satisfied that in respect of this request, the public interest lies in non-disclosure of the information requested with regard to covert police vehicles.

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