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Information Department

Your Ref: Our Ref: FOI 1309/17 Date: 12/02/2018

Contact Name: Tel. Extension: 545251 Telephone No: 101

Dear Mr Sutherland,

I write in connection with your request for information relating to the Brighton and Hove Albion v Crystal Palace game.

I can confirm your request has now been considered and I am not obliged to supply the information you have requested although information relating to your request is held.

Section 1 of the Freedom of information Act 2000 (FOIA) places two duties on public authorities. Unless exemptions apply, the first duty at s1(1)(a) is to confirm or deny whether the information specified within a request is held. The second duty at s1(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) state (if that would not otherwise be apparent) why the exemption applies.

Section 17 of the Freedom of Information Act 2000 requires Sussex Police, when refusing to provide such information (because the 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 exemption applies.

The exemption(s) applicable to the information refused are;

Section 30 Investigations and Proceedings conducted by a Public Authority – a qualified class-based exemption that requires consideration of the following Public Interest Test (PIT)

Factors favouring Disclosure

Confirming that information exists relevant to this request would lead to a better informed public improving their knowledge and understanding of the investigatory process and may encourage individuals to provide intelligence in order to assist with investigations and reduce crime, which could assist with the apprehension and prosecution of offenders. As all police investigations are publicly funded, disclosure of the information held would provide transparency with regard to the allocation of force budgets and operational procedures. This in turn would highlight where police resources are being targeted and the public are entitled to know how public funds are spent, particularly in the current economic climate.

Factors against Disclosure

Confirmation that information is held would prejudice how investigations are carried out in the future. This would hinder the prevention and detection of crime and affect Sussex Police law enforcement capabilities. Confirmation would also undermine the partnership approach to investigations and similar operations.

Police investigations are conducted with due regard to the confidentiality and privacy of victims, witnesses and suspects. Such investigations may also involve the use of policing tactics or techniques that, if widely known, would hinder the ability of the police service to prevent and detect crime. In the future.

For these reasons the police service will, in most cases, apply exemptions to prevent the release of information concerning investigations and proceedings it undertakes when requested under the Freedom of Information Act 2000.

Balancing Test

The points above highlight the merits of refusing disclosure of the information pertinent to this request under FOI Act 2000. The Police Service is charged with enforcing the law, preventing and detecting crime and protecting the communities we serve. As part of that policing purpose, various tactical tools may be used to gather information relating to investigative activity.

On balance it is my opinion that the factors against disclosure outweigh those of disclosing the information sought under this Act.

In accordance with Section 17(5) of the Freedom of Information Act 2000, this letter acts as a Refusal Notice.

I have however shown below press releases and an on demand press release relating to this matter which may be of further interest to you.

7 December 2017

Apology following Albion v Palace weapons report

The reference to weapons being found discarded at the stadium following the Brighton v Crystal Palace match on November 28 was based on information logged by our officers on the night and done so in good faith.

Subsequently, it has been established that no such items were physically recovered at the stadium or in the city. We accept that this information was incorrect and the tweet published earlier today by one of our officers was wrong.

Sussex Police apologises to both clubs and their supporters.

ON DEMAND STATEMENTS

08/12/2017 16:21

Chief Superintendent Neil Honnor, football policing gold commander for Sussex and Surrey, said: "We received intelligence relating to weapons and pyrotechnics, which were reported in good faith following the match, but which we now accept were only partially correct in that there were pyrotechnics.

"We also acknowledge that an error was made in relation to responding to a reporter's enquiry about this, but that was addressed very quickly and an apology has been made to him.

"There were a small number of violent and disorderly supporters who we are working to identify through post-incident investigation and where we can prosecute, we will. Two stewards who were injured by those people on the night are thankfully recovering from their injuries.

"A number of those supporters let off smoke grenades and loud bangers which caused concern and distress. They are not welcome, their behaviour will not be tolerated and we would urge people to assist us all in identifying the offenders and putting a stop to their criminal activities."

30/11/2017 10:01

Sussex Police are viewing CCTV and video from a wide variety of sources with a view to identifying and taking action against those involved in the disorder on Tuesday night.

28/11/2017 23:45

Sussex Police will be undertaking a full debrief and a review of the policing operation in conjunction with Brighton and Hove Albion following the match against Crystal Palace on Tuesday (November 28).

Police dealt with a number of incidents of disorder and described the operation as 'challenging', but without major incident

By 11.30pm, six people had been arrested. A 26-year-old man from South Croydon and a 15-year-old boy from Brighton were both arrested on suspicion of throwing or discharging a missile. A 51-year-old man from Worthing and a 30-year-old man from Horley were both arrested on suspicion of using threatening, abusive or insulting words or behaviour. A 45-year-old man from Portslade was arrested on suspicion of being a football spectator failing to comply with a banning order and a 41-year-old man from St Leonards-on-Sea was arrested on suspicion of homophobic abuse.

28/11/2017 21:27

Admittance to the ground is a matter for Brighton and Hove Albion FC and is not a policing decision.

There have been a number of arrests. Details of these will be made available following the conclusion of the operation.

28/11/2017 11:04

At 6.55am on Tuesday (28 November) we received a report that overnight, red paint had been splashed over a mural on the wall of Gelato Gusto, Gardner St, Brighton.

It has been recorded as criminal damage.

Anyone with information can contact Sussex Police on <https://sussex.police.uk/appealresponse> or call 101, quoting serial 160 of 28/11.

The motive is not known and there have been no arrests.

If Asked : No record at this time of any individual graffiti overnight in the city having been reported to the police.

27/11/2017 14:42

Chief Inspector Simon Nelson, who is leading the policing operation for the Brighton and Hove Albion v Crystal Palace match on Tuesday (November 28), said: "There will be an increased police presence around the ground, in the city and in neighbouring towns.

"Security within the ground remains the responsibility of the club, supported by us.

"Sussex Police has been working with partners, including the Albion, British Transport Police and other emergency services colleagues and we are looking forward to a safe and enjoyable match for everyone attending. However, we will take all reasonable steps to avoid disorder and anyone intent on causing trouble risks being arrested or ejected and can expect to miss the game."

Yours sincerely

Roger Brace
FOI Officer

To: Robert Sutherland
By: e-mail

Right of Appeal

Sussex Police provides you the right to request a re-examination of your case by the Force Information officer under its internal review procedure by e-mail to foi@sussex.pnn.police.uk

If you decide to request such a review and having followed Sussex Police's full process you are still dissatisfied, then you have the right to direct your comments to the Information Commissioner who will give it consideration. The Information Commissioner can be contacted at: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF or via <http://www.ico.gov.uk/>

