



13th November 2018

Freedom of Information Request Reference N^o: FOI 003679/18

I write in connection with your request for information received by the Norfolk and Suffolk Constabularies on the 8th October 2018 in which you sought access to the following information:

Original request:-

I am seeking information concerning arrests of children made as part of investigations into drug supply.

Please can you tell me:

- 1 Please state how many minors, aged 10 to 17, have been arrested for offences relating to the supply of controlled drugs between January 2017 and June 2018.
- 2 Please disclose how many of those minors have been charged with an offence and break this down by the age of the suspect, and the offence they were charged with, the class of type of drug involved
- 3 Please state the number of minors arrested by their county of residence (by county, I mean the administrative county of the address you have on record. I will also be happy with either postal town/city if this is easier to provide).
- 4 If possible, please can you offer any explanation as to why children/young people may be involved in this type of illegal activity
- 5 How many of those arrested remain under investigation as of 30 June 2018.

Clarification. I think my use of language was perhaps misleading here.

Therefore, please can you supply the figures (possession and supply) to correlate with Operation Gravity arrests and the equivalent in Suffolk.

Response to your Request

The response provided below is correct as of 24th October 2018.

Norfolk and Suffolk Constabularies have located the following information as relevant to your request.

Research has been undertaken of all arrests regarding either the possession or supply of drugs and where the individual was under 18 years of age. Please note, the figures are based on the primary arrest offence only.

Q1-3 Please see attached spreadsheet.

Q4 The Freedom of Information Act provides the public with a right to submit requests for the publication of recorded information held by a public authority. The Constabularies are only

obliged to consider the publication of recorded information held at the time of receiving a request for that information, and we are not obliged to create information in order to provide a response to a Freedom of Information request.

Q5 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 you, 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 exemptions apply

Norfolk and Suffolk Constabularies will **neither confirm nor deny** whether it holds the information you have requested, as the duty in section 1(1)(a) of the FOIA does not apply, by virtue of the following exemptions:-

- **Section 30(3) Investigations**
- **Section 31(3) Law Enforcement**
- **Section 40(5) Personal Information**

Section 30 is a class based qualified exemption and consideration of the public interest must be given as to whether neither confirming nor denying whether information is held is the appropriate response.

Section 31 is a prejudice based qualified exemption and there is a requirement to articulate the harm that would be caused by confirming or not whether information is held, as well as carrying out a public interest test.

With regard to section 40, disclosure made under the Freedom of Information Act is deemed as a disclosure to the world and cannot be a disclosure of information to any single individual.

This means that once information has been released under the FOIA it becomes a matter of public record and we have a policy of publishing information released on the 'Disclosure Log' section of our force web-site in order to make that information available to any member of the public who may wish to view it.

As information published under the Freedom of Information Act is available to the general public, there are exemptions from publication that allow the Constabularies to waive their duties to confirm if information is held, and to waive our duty to disclose any such information if it is necessary to protect the privacy of identifiable individuals.

Section 40 of the Freedom of Information Act covers information that may be considered to be personal information as defined by the Data Protection Act. Members of the public have a right to privacy, and no information can be published under the Freedom of Information Act if to do so would then place Norfolk or Suffolk Constabulary in breach of the Data Protection Act.

In view of the above, under the terms of the Freedom of Information Act and by virtue of the exemption provided at Section 40(5), which relates to personal information, Norfolk and

Suffolk Constabularies will publicly **neither confirm nor deny** whether any recorded information, relevant to your request, is or isn't held.

Harm in confirmation or denial of whether information is held

Modern day policing is intelligence led and this is particularly pertinent with regard to law enforcement. The public expect police forces to use all powers and tactics, available to them, to prevent and detect crime.

The Constabulary works in partnership with other agencies, some of which may be covert, in order to tackle crime. Confirming or denying whether information exists, in relation to the number of arrested minors who remain under investigation, would seriously undermine this partnership approach. Not only would ongoing police investigations be compromised but any enquiries or investigations that other agencies may be undertake, would also be compromised.

'County lines' is a national issue involving the use of mobile phone lines by groups to extend their drug dealing business into new locations outside of their home areas. A 'County lines' enterprise almost always involves exploitation of vulnerable persons, which can involve both children and adults who require safeguarding. Confirming or denying whether any arrested minors are still under investigation could highlight to offenders who 'run' the gangs (essentially gang leaders) involved in 'county lines' that the police are aware of the minors continued offending. This awareness may encourage the gang leaders to berate and/or physically harm the minors.

Victims and witnesses would inevitably be less inclined to provide information to the Police if they perceive that the information will be disclosed under the FOIA.

Public Interest Test

Section 30 – factors favouring confirmation or denial of whether information is held

The Police Service is charged with enforcing the law, preventing and detecting crime and protecting the communities we serve. Confirming whether or not any information is held would promote public trust in providing transparency and demonstrating openness and accountability, into how investigations take place, and the use of resources.

It would also provide reassurance to the public that the Constabularies take all reports of crimes seriously and conducts investigations appropriately. To confirm whether information is held would assist the public with a better understanding of the effectiveness of the Constabularies. Increased confidence would lead to more information being provided to the Police to assist with enquiries.

Section 30 – factors against confirmation or denial of whether information is held

Whilst there is a public interest in the transparency of policing and providing assurance, there is a strong public interest in safeguarding the integrity of police investigations and operations and in maintaining confidence in the Constabularies. Confirmation or denial of whether any relevant information is held, in respect of ongoing investigations, would undermine any investigation process and the integrity of police operations.

Victims and witnesses will provide information through the course of investigations and this is done so in the strictest of confidence for the purposes of which it is required. Confirming whether or not information is held could deter members of the public from providing information, in the future, for fear that the details may be released under the Freedom of Information Act. This would impact on the Constabularies ability to prevent and detect crime.

Section 31 – factors favouring confirmation or denial of whether information is held

The public are entitled to know how public funds are spent, particularly in the current economic climate. Confirming or not whether any relevant information is held would ensure that the public are in possession of information which would lead to accurate public debate.

Section 31 – factors against confirmation or denial of whether information is held

Confirming whether any information is or isn't held would impact on any current and future operations carried out by the Constabularies. Any disclosure resulting in less information being received from the public, or other partner agencies, would impact on the Constabularies ability to successfully prevent and detect crime. This would lead to the need for additional public funds.

Balance

Whilst there is a public interest in the transparency of policing operations and providing assurance that the Constabularies are appropriately and effectively investigating offences, there is a very strong public interest in safeguarding the integrity of police investigations and operations.

The points above highlight the merits of confirming or denying whether information pertinent to this request exists. However, the Police Service relies heavily on the public and other agencies providing and sharing information to assist in criminal investigations. The public has an expectation that any information they provide will be treated in confidence. Anything which places that confidence at risk, no matter how general, would undermine any trust or confidence in the Constabularies. As stated within the harm we also have a duty to protect and defend victims and vulnerable individuals.

Having weighed up the factors above, I have decided that the balance lies in favour of neither confirming nor denying whether any relevant information is held.

This should not be taken as an inference as to whether information does or does not exist.

This response will be published on the Constabularies web-site under the Freedom of Information pages:-

<https://www.norfolk.police.uk/about-us/our-data/disclosure-log>

<https://www.suffolk.police.uk/services/freedom-information/disclosure-logs>

Should you have any further queries concerning this request, please contact Amanda Gibson, FOI Decision Maker, quoting the reference number shown above.

A full copy of the Freedom of Information Act (2000) can be viewed on the 'Office of Public Sector Information' web-site;

<http://www.opsi.gov.uk/>

Norfolk and Suffolk Constabularies are not responsible for the content, or the reliability, of the website referenced. The Constabulary cannot guarantee that this link will work all of the time, and we have no control over the availability of the linked pages.

Your Right to Request a Review of Decisions Made Under the Terms of the
Freedom of Information Act (2000).

If you are unhappy with how your request has been handled, or if you think the decision is incorrect, you have the right to ask the Norfolk and Suffolk Constabulary to review their decision.

Ask Norfolk and Suffolk Constabularies to look at the decision again.

If you are dissatisfied with the decision made by Norfolk and Suffolk Constabularies under the Freedom of Information Act (2000), regarding access to information, you must notify the Norfolk and Suffolk Constabulary that you are requesting a review within 40 days of the date of its response to your Freedom of Information request. Requests for a review should be made in writing and addressed to:

*Freedom of Information Decision Maker
Information Management Department
Norfolk Constabulary
Operations and Communications Centre
Jubilee House
Falconers Chase
Wymondham
Norfolk NR18 0WW
OR
Email: freedomofinformation@norfolk.pnn.police.uk*

In all possible circumstances Norfolk and Suffolk Constabulary will aim to respond to your request for us to look at our decision again within 20 working days of receipt of your request for an internal review.

The Information Commissioner.

After lodging a request for a review with Norfolk and Suffolk Constabulary, if you are still dissatisfied with the decision, you can apply to the Information Commissioner for a decision on whether the request for information has been dealt with in accordance with the requirements of the Act.

For information on how to make application to the Information Commissioner please visit their website at www.ico.org.uk or contact them at the address shown below:

The Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF
Telephone: 01625 545 700