

15th August 2018

Freedom of Information Request – Reference No:20181194

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

Please could you clarify the following point(s): -

From our Custody Handling System , an individual can be arrested for more than one offence at any one time and may or may not be charged for all of the offences .

Would you instead like us to access our Crime Management System which has a better search facility for requests such as this and which is used to record complaints or allegations of those matters, which the Home Office specify should be recorded as 'crimes'

We can provide you figures by offences and outcomes with age and nationality? This may give you more useful information for your research.

Q4 - You may not be aware that Section 8 of the Freedom of Information Act concerns recorded information a public authority may hold. This question appears to be seeking general comment, explanation and opinion which is not covered by the legislation and as such does not meet the criteria for a valid request.

FROM THE REQUESTOR

Thanks for your email requesting clarification.

I would like figures for those arrested for drug offences (even if they were arrested for other offences too, ie possession of a weapon, attempted murder etc)

I understand young people arrested may not always be charged but would like figures of those who have been charged also.

RESPONSE

Section 17 of the Freedom of Information Act 2000 requires South Yorkshire 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.

Q1-Q3

The following exemptions apply to the disclosure of the information:

Section 40(2) Personal Information.

Section 30(1) – Investigations and Proceedings conducted by the Local Authority

Section 31(1) Law Enforcement

Section 40(2) Personal Information

This is an absolute exemption and therefore a Public Interest Test is not relevant. However, for clarity, I will explain my rationale for engaging this exemption.

Section 40(2) provides that information is exempt if it is the personal data of someone other than the applicant and disclosure would breach any of the data protection principles. The term 'personal data' means data that relates to a living individual who can be identified. Information disclosed under the Freedom of Information Act is disclosed into the public domain, effectively to the world, not just to one individual. Although not explicitly naming individuals, the cumulative effect of releasing the arrest title, ages, charges and drug type of such arrests would be likely to lead to the identification of those involved. This would be breaching the right to privacy afforded to persons under the Data Protection Act 1998.

Section 30(1) – Investigations and Proceedings conducted by the Local Authority

Section 31(1) Law Enforcement

Overall Harm

It is important to state that a response to a Freedom of Information request is not just published to the requestor, but also to the world as well, by its possible publication on the forces disclosure log. Therefore, any material provided within a response could be potentially viewed by anyone who wished to see it.

Disclosing specific details of arrests could jeopardise the work done within communities to increase the public's confidence in reporting and giving assistance to the Force and may affect continuing police enforcement and investigations which could compromise any further lines of enquiry and the integrity of any investigations.

Public Interest Considerations

Section 30 – Favouring non- Disclosure

- Any current and/or future investigations could be compromised, by the release into the wider public domain of details concerning individuals involved.

- Any disclosure of information relating to an ongoing investigation would compromise the right for any individual(s) identified from such an investigation to have a fair hearing, and more importantly the rights of a complainant(s) for a resolution

Section 30 – Favouring disclosure

- The public would have a better understanding of how investigations are conducted by South Yorkshire Police and the public funds used to investigate such cases.
- The publishing of information into the public domain, could lead to more people coming forward with information in respect to incidents in their community

Section 31 – Favouring disclosure

- Members of the public would be confident that any reports made to South Yorkshire Police are being attended and dealt with.
- Better public awareness of this type of incident may lead to more information from the public

Section 31 – Favouring non- Disclosure

- Members of the public will not report incidents to the Police for fear of confidentiality
- Damage to the Force's ability to prevent and detect crime if they are not aware what is ongoing in the community.

Balancing Test

I have carefully considered your request for information. The key test when considering the public interest is to establish whether in all the circumstances of the request, the public interest in disclosing the information is not outweighed by that in maintaining the exemption

I am of the opinion that there are a number of reasons for withholding information. Due to the relatively recent time parameters, investigations and enquiries may potentially still be continuing. Also investigations and enquiries may be compromised by releasing specific details of individuals involved. The police force will not divulge any type information that would compromise law enforcement or ongoing investigations or place at risk members of the public or officers.

As we have already stated, a Freedom of Information request is not just a release to the person making the request, but also to the world. It cannot be clear at present what effect disclosures made by a Freedom of Information response may have upon such enquiries. With this in mind, I am prepared to disclose some details without triggering any of the above exemptions.

Q4

This question is not a valid request as it is not asking for recorded information but is asking for an explanation to be provided as to why children get involved in this type of activity.

You may not be aware that Section 8 of the Freedom of Information Act concerns recorded information a public authority may hold. This question appears to be seeking general

comment, explanation and opinion which is not covered by the legislation and as such does not meet the criteria for a valid request.

Q5

South Yorkshire Police can neither confirm nor deny that it holds information relevant to your request as the duty in section 1(1)(a) of the Freedom of Information Act 2000 does not apply, by virtue of the following exemptions:

Section 40(5) Personal Information.

Section 30(3) Investigations

Section 31(3) Law Enforcement

Harm

The Police Service is charged with enforcing the law, preventing and detecting crime and protecting the communities we serve. Modern day policing is intelligence led and in order to achieve these objectives South Yorkshire Police works in conjunction with other law enforcement agencies. There is an expectation of confidentiality with all information (intelligence) held by South Yorkshire Police for the purposes of delivering effective operational law enforcement. Confirming or denying whether information is held in relation to the number of arrested minors who remain under investigation at a specific date would undoubtedly compromise ongoing police investigations, some of which may be covert.

Not only would police investigations be compromised but any enquiries or investigations carried out by other agencies involved in county lines may also be weakened. '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 encouraged the gang leaders to berate and/or physically harm the minors.

Public Interest Considerations

Section 30 – Factors favouring complying with Section 1(1)(a)

Confirming or denying whether information relevant to question 5 exists would lead to a better informed general public and provide openness and transparency into how and why South Yorkshire Police robustly investigate all lines of enquiry, some of which may continue following an arrest of an individual.

There is a lot of information in the public domain relating to county lines, gangs and safeguarding, see below link:

<http://www.nationalcrimeagency.gov.uk/publications/620-NCA-Intelligence-Assessment-County-Lines-Gangs-and-Safeguarding/file>

The issue of 'county lines' is at present a high profile subject area. Confirming or denying whether information exists in relation to question 5 could provide reassurance to the general public.

Section 30 – Factors against complying with Section 1(1)(a)

As stated within the harm above South Yorkshire Police share information with other law enforcement and local authority agencies as part of their investigative processes. To confirm or not whether information is held for question 5 would hinder the prevention and detection of crime as well as undermine the partnership approach to investigations, law enforcement and the health and safety of individuals.

Section 31 - Factors favouring complying with Section 1(1)(a)

There is formal acknowledgement within reports relating to vulnerable children being involved in this type of offending and that in itself favours confirmation that information is held. An example of this can be found at the below links:

<https://www.gov.uk/government/news/government-takes-action-on-county-line-drug-gangs>

<https://news.npcc.police.uk/releases/county-lines-urban-drug-gangs-target-coastal-communities>

Section 31 - Factors against complying with Section 1(1)(a)

Confirming whether or not information is held in response of question 5 would suggest that South Yorkshire Police take their responsibility to protect the safety of vulnerable minors seriously. Public safety is of paramount importance and the Police Service has a duty of care to all individuals irrespective of whether they are law abiding citizens or not.

South Yorkshire Police rely on information being supplied by other law enforcement and local authority agencies, as well as from the general public. Confirmation or denial that information is held in respect of arrested minors still being investigated would act as a deterrent to the public to provide information to South Yorkshire Police.

Balancing Test

The points above highlight the merits of confirming or denying that information pertinent to question 5 exists. The Police Service relies heavily on the public and other law enforcement agencies/local authorities providing and sharing information to assist in criminal investigations. As stated within the harm there is a duty to protect and defend victims and vulnerable individuals.

The effective delivery of operational law enforcement takes priority and is at the forefront of South Yorkshire Police to ensure the prevention and detection of crime is carried out and the effective apprehension or prosecution of offenders is maintained.

Therefore, at this moment in time, it is our opinion that for these issues the balance test for neither confirming nor denying that information is held is appropriate in this case.

No inference can be taken from this refusal that information does or does not exist.

