

20th February 2018

Freedom of Information Request – Reference No:20180106

REQUEST

I would like to know how many raids relating to suspected cannabis farms have taken place over the last five calendar years (starting 01/01/2013).

Within this information, please provide:

1.

- a) The date of the raid***
- b) The address of the property where it took place***
- c) The quantity of cannabis found and, if possible, the street value***
- d) How many, if any, arrests were made***
- e) Details of any resulting convictions (name of defendant, address, crime charged with and sentence)***

2.

Finally, could you please provide details of any operations to locate cannabis factories using either drones or planes provided by the National Police Air Service. Within this information, please provide:

- a) The date of the flight***
- b) The address of any properties raided as a result***

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.

The following exemptions applies to the disclosure of the information:

Question 1

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. This may include the residents of domestic dwellings.

**Section 30(1)(a) Investigations and Proceedings conducted by the Local Authority
Section 31(1)(a)(b) – Law Enforcement**

These exemptions require the Public Authority to articulate both the Harm and the Public Interest Test.

HARM

When a disclosure is made under the Freedom of Information Act, it is a disclosure to the world via a forces publication scheme and not to a single individual. In view of this, we may publish all information released under the Freedom of Information Act on our website in order that any member of the public who may wish to view the information can have access to it.

Disclosing full details of incidents at a specific locations or relatively small geographical area in given time and date parameters, could be viewed by those involved, living or working in the community as a breach in confidentiality. This could jeopardise the work done within communities to increase the public's confidence in reporting and giving assistance to the Force.

Section 30 - Considerations favouring disclosure:

- There is a legitimate public interest in knowing that the force fulfils its policing functions in the current economic climate effectively and efficiently when dealing with these type of offences.
- 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 30 - Considerations 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.
- Individuals may be reluctant to come forward and provide information if they believe that details relating to the investigation could be released, via an FOI request, whilst an enquiry is ongoing.
- 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 31 - Considerations favouring disclosure:

- A full release of information would show that SYP is proactive in its operational policing
- The public would have a better understanding of this type of incident and how it is protecting the community, we live in.

Section 31 - Considerations favouring non-disclosure:

- Police resources and the Force's ability to operate effectively and efficiently, would be affected as this information can be used by those with criminal intent to determine how proactive South Yorkshire Police are within specific force areas.
- More crime would be committed by those individuals intent on committing offences by changing their behaviour to avoid detection. Which in turn would impact the safety of members of the public and the communities they live in.

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 information is not outweighed by that in maintaining the exemption or exemptions.

The Police Service is charged with enforcing the law, the prevention and detection of crime and protecting the public and the communities we live in.. Whilst there is a public interest in the transparency of policing functions and operations and also providing assurance that the police service is appropriately and effectively resourced in order to enforce the law, there is also a strong public interest in the safeguarding the public.

Having weighed up both parts of the public interest test, I have decided on balance that it is in the public interest not to provide all of the data pertinent to your request.

However, I am prepared to release relevant information that I believe will not engage the above exemptions.

I believe this will still provide meaningful data for your enquiries.

I approached our Data Returns Officer and Administrator for assistance with your request. The CMS system and Connect System is used to record complaints or allegations of those matters, which the Home Office specify should be recorded as 'crimes'. She conducted a search of the two crime management systems. (CMS - our legacy system which provides data up to 4th December 2017 and our new CONNECT system which records crimes from that date onwards) The retrieval and data extraction from the two systems varies greatly and is dependent on the search capabilities and the inputted data. On Connect due to difficulties with the way information has been inputted it means the data extraction is very limited and is currently presented separately.

All our systems are designed and used first and foremost for Policing Purposes .

She was able to provide me with data from which the attached spreadsheets has been compiled and the following explanation of her search criteria:

I cannot provide details of any 'raids' I can only provide details of offences recorded on CMS or CONNECT with the following conditions applied -

CMS DATA

I have provided a count of the offence DRUGS - CLASS B CANNABIS - PRODUCTION (INCLUDES CULTIVATION) OR BEING CONCERNED IN PRODUCTION OF A CONTROLLED DRUG where the is property class of Cannabis, where the offence was recorded on CMS between 01-Jan-2013 and 31-Dec -2017 and recorded with the crime scene premises type – Cannabis Farm.

Please note – I cannot confirm under what circumstances this premises type has been recorded and to my knowledge, we do not have an up to date definition of Cannabis farm however I have provided an extract provided by the Audit and Governance unit as below –

The definition of a cannabis farm is:

Any premises, whether commercial or residential, shall be deemed a cannabis farm if it has the following:-

The premises, or part therein, has been adapted to such an extent that normal usage would be inhibited and usually present within the premises, or part therein, are items solely concerned for the production of cannabis, i.e.:

*Hydroponics system
High intensity lighting
Ventilation / Extraction fans
Any other associated equipment, and / or
Electricity meter bypassed (abstraction of electricity)*

However again I cannot confirm that this method has been applied when recording this premises type.

Of the count of offences, I have provided a break down of the property possessed by the unit of measure and the value possessed and whether this is estimated – all values were estimated in this data set.

Please note a count of the offence alone DRUGS - CLASS B CANNABIS - PRODUCTION (INCLUDES CULTIVATION) OR BEING CONCERNED IN PRODUCTION OF A CONTROLLED DRUG is expected to exceed a count of offences where the premises type – Cannabis Farm has been applied, also I haven't provided any data based on the MO - DRUGS - COMMERCIAL CULTIVATION OF CANNABIS.

CONNECT DATA –

I have searched CONNECT for the offence - Production or being concerned in production of a controlled drug - Class B – Cannabis where the offence was recorded between 04-Dec-2017 and 31-Dec-2017.

Question 1d- I approached our Custody Handling System Administrator to assist with your request. This system records Arrest data. She carried out a search of the system and provided me with information, she also advised that while she can supply stats of persons arrested for cannabis the system does not supply if the arrest was a result of a planned raid or routine investigation.

She has however provided stats of any arrest title where “Cannabis” is involved.

Question 1e - Please note that South Yorkshire Police does not hold ‘conviction’ data (outcomes at court), the Ministry of Justice would be better placed to provide you with any further information in this respect.

You may want to approach the CPS directly regarding this enquiry:

<https://www.cps.gov.uk/freedom-information>

Question 2

In addition, in regard to any information relating to the covert use of Unmanned Aerial Vehicles (UAVs), South Yorkshire Police neither confirms nor denies that it holds any other information relevant to the request by virtue of the following exemptions:

Section 23(5) - Information supplied by, or concerning, certain security bodies

Section 24(2) - National Security

Section 31(3) - Law Enforcement

Section 23 is an absolute class-based exemption and there is no requirement to conduct a harm or public interest test.

Sections 24, and 31 are prejudice based qualified exemptions and there is a requirement to articulate the harm that would be caused in confirming or denying that any other information is held as well as carrying out a public interest test.

HARM

As you may be aware, disclosure under FOIA is a release to the public at large. Whilst not questioning the motives of the applicant, confirming or denying that any other information is held regarding the use of this specialist equipment for covert practise, would show criminals what the capacity, tactical abilities and capabilities of the force are, allowing them to target specific areas of the UK to conduct their criminal/terrorist activities. Confirming or denying the specific circumstances in which the Police Service may or may not deploy UAS, would lead to an increase of harm to covert investigations and compromise law enforcement. This would be to the detriment of providing an efficient policing service and a failure in providing a duty of care to all members of the public.

The threat from terrorism cannot be ignored. It is generally recognised that the international security landscape is increasingly complex and unpredictable. Since 2006, the UK Government have published the threat level, based upon current intelligence and the UK continues to face a sustained threat from violent extremists and terrorists and the current UK threat level is set at 'severe'.

It is well established that police forces use covert tactics and surveillance to gain intelligence in order to counteract criminal behaviour. It has been previously documented in the media that many terrorist incidents have been thwarted due to intelligence gained by these means.

Confirming or denying that any other information is held in relation to the covert use of UAS would limit operational capabilities as criminals/terrorists would gain a greater understanding of the police's methods and techniques, enabling them to take steps to counter them. It may also suggest the limitations of police capabilities in this area, which may further encourage criminal/terrorist activity by exposing potential vulnerabilities. This detrimental effect is increased if the request is made to several different law enforcement bodies. In addition to the local criminal fraternity now being better informed, those intent on organised crime throughout the UK will be able to 'map' where the use of certain tactics are or are not deployed. This can be useful information to those committing crimes. It would have the likelihood of identifying location-specific operations which would ultimately compromise police tactics, operations and future prosecutions as criminals could counteract the measures used against them.

Any information identifying the focus of policing activity could be used to the advantage of terrorists or criminal organisations. Information that undermines the operational integrity of these activities will adversely affect public safety and have a negative impact on both national security and law enforcement.

Public Interest Test

Factors favouring Neither Confirming Nor Denying for Section 24

The information if held simply relates to national security and confirming or denying whether it is held would not actually harm it. The public are entitled to know what public funds are spent on and what security measures are in place, and by confirming or denying whether any other information regarding the covert use of UAS is held, would lead to a better-informed public.

Factors against Neither Confirming Nor Denying for Section 24

By confirming or denying whether any other information is held would render Security measures less effective. This would lead to the compromise of ongoing or future operations to protect the security or infra-structure of the UK and increase the risk of harm to the public.

Factors favouring Neither Confirming Nor Denying for Section 31

Confirming or denying whether any other information is held regarding the covert use of UAS would provide an insight into the Police Service. This would enable the public to have a better understanding of the effectiveness of the police and about how the police gather intelligence. It would greatly assist in the quality and accuracy of public debate, which could otherwise be steeped in rumour and speculation. Where public funds are being spent, there is a public interest in accountability and justifying the use of public money.

Some information is already in the public domain regarding the police use of this type of specialist equipment and confirming or denying whether any other information is held would ensure transparency and accountability and enable the public to see what tactics are deployed by the Police Service to detect crime.

Factors against Neither Confirming Nor Denying for Section 31

Confirming or denying that any other information is held regarding the covert use of UAS would have the effect of compromising law enforcement tactics and would also hinder any future investigations. In addition, confirming or denying methods used to gather intelligence for an investigation would prejudice that investigation and any possible future proceedings.

It has been recorded that FOIA releases are monitored by criminals and terrorists and so to confirm or deny any other information is held concerning specialist covert tactics would lead to law enforcement being undermined. The Police Service is reliant upon all manner of techniques during operations and the public release of any modus operandi employed, if held, would prejudice the ability of the Police Service to conduct similar investigations.

By confirming or denying whether any other information is held in relation to the covert use of UAS would hinder the prevention or detection of crime. The Police Service would not wish to reveal what tactics may or may not have been used to gain intelligence as this would clearly undermine the law enforcement and investigative process. This would impact on police resources and more crime and terrorist incidents would be committed, placing individuals at risk. It can be argued that there are significant risks associated with providing

information, if held, in relation to any aspect of investigations or of any nation's security arrangements so confirming or denying that any other information is held, may reveal the relative vulnerability of what we may be trying to protect.

Balance test

The security of the country is of paramount importance and the Police Service will not divulge whether any other information is or is not held regarding the covert use of UAS if to do so would place the safety of an individual at risk, undermine National Security or compromise law enforcement.

Whilst there is a public interest in the transparency of policing operations and providing assurance that the Police Service is appropriately and effectively engaging with the threat posed by various groups or individuals, there is a very strong public interest in safeguarding the integrity of police investigations and operations in the highly sensitive areas such as extremism, crime prevention, public disorder and terrorism prevention.

As much as there is public interest in knowing that policing activity is appropriate and balanced this will only be overridden in exceptional circumstances. The areas of police interest discussed above are sensitive issues that reveal local intelligence and therefore it is our opinion that for these issues the balancing test for confirming or denying whether any other information is held regarding the covert use of UAS, is not made out.

However, this should not be taken as necessarily indicating that any information that would meet your request exists or does not exist.