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23rd May 2018

Our Ref: Hertfordshire FOI2018/02266, Cambridgeshire FOI2018/02255, Bedfordshire FOI2018/02257

**REQUEST UNDER THE FREEDOM OF INFORMATION ACT 2000 Ref No: FOI2018/02266**

I write in connection with your request for information received on 27th April by Hertfordshire and Cambridgeshire Constabularies and Bedfordshire Police. I note you seek access to the following information:

**The number of applications made for drug dealing telecommunications restriction orders between 27 April 2017 and 26 April 2018.**

**The number of applications for drug dealing telecommunications restriction orders which were granted between 27 April 2017 and 26 April 2018.**

I am required by the Freedom of Information Act 2000 (The Act) to handle all requests in a manner that is blind to the identity of the requestor. Any information released in response to a request is regarded as being published and therefore, in the public domain without caveat.

Hertfordshire Constabulary, Cambridgeshire Constabulary and Bedfordshire Police are a collaborated Information Management Department and this response is on behalf of all 3 Forces.

**Response** – Hertfordshire Constabulary, Cambridgeshire Constabulary and Bedfordshire Police neither confirms nor denies that it holds information 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 23(5) – Information supplied by, or concerning, certain Security Bodies  
Section 31(3) – Law Enforcement

Section 23 is a class based absolute exemptions. This means that the legislators have identified that there would be harm in disclosure and there is no need to evidence this or carry out a public interest test.

Section 31 is a prejudice based qualified exemption, which requires the prejudice (harm) to be evidenced and a public interest test to be carried out.

**Prejudice (Harm) Test**

Hertfordshire and Cambridgeshire Constabularies and Bedfordshire Police were recently involved in the clampdown on county drug lines, which was coordinated by the Eastern Region Special Operations Unit (ERSOU). This Operation saw 31 warrants carried out, 82 arrests made, 13 weapons seized, and Class A drugs with an estimated street value of £26,000 and more than £40,000 in cash recovered. Full article provided in the link below:

<https://www.herts.police.uk/News-and-appeals/More-than-80-people-arrested-following-regional-week-of-action-to-tackle-county-drugs-lines-ALL>

Any confirmation or denial of applications for Drug Dealing Telecommunication Restriction Orders (DDTRO) will directly undermine investigations and operations such as the one detailed above. This area of policing involves complex serious criminal activity where vulnerable individuals are often targeted. Confirmation or denial of the information you have requested will prejudice the Forces on-going commitment to protect the communities we serve.

The harm is escalated, if this request is received by every Force in the country. Criminal fraternities can map Force activity and involvement in DDTRO's, which will give them the advantage to prepare a contingency if they suspected they

could be subject to such an order. This directly undermines the purpose of a DDTRO which is only effective if there is 'no notice' given to successfully disrupt county lines drug dealing. This point was also observed in the debate by Baroness Williams of Trafford and the full article is provided below:

<https://hansard.parliament.uk/lords/2017-11-29/debates/2B3C77E0-8D2B-438B-9D2D-C196802C9100/DrugDealingTelecommunicationsRestrictionOrdersRegulations2017>

### **Public Interest Test – Section 31**

#### **Factors in favour of compliance with Section 1(1)(b)**

Drug networking directly impacts local communities and better awareness of the issue may reduce crime or lead to more information from the public. Confirmation or denial of DDTRO applications will also allow the public to form an opinion if the Force is effectively disposing its duties and the public can also take steps to protect themselves.

#### **Factors against compliance with Section 1(1)(b)**

Disclosure of information for a complex area of policing will have an adverse effect on any local investigations by raising suspicion and undermining the on-going operations which will weaken the police response. Confirmation or denial of DDTRO applications will hinder the prevention and detection of crime as highlighted in the Prejudice (Harm) test, which will place more local communities and vulnerable individuals at risk. Policing is an intelligence led operation and is the basis for making such applications. By giving criminal fraternities Intel to predict and avoid the police response will impact on police resources and undermine the partnership approach to law enforcement.

### **Balance Test**

After consideration of the factors of the public interest test carried out, it is clearly weighed in favour of not disclosing the information that is held. Whilst there is a public interest in transparency and the effective law enforcement of drug crime, the ability for the police to respond covertly to prevent further crime and protect communities significantly outweighs the public interest.

The 3 Forces publicise sufficient information concerning their commitment to drug crime which will allow the public to reach a sufficient conclusion to the effectiveness of the Forces commitment. Further to the link provided above, please see the links below published on the forces websites;

<https://www.cambs.police.uk/information-and-services/Drug-networking>

[https://www.bedfordshire.police.uk/Search-Results?search\\_keywords=drugs](https://www.bedfordshire.police.uk/Search-Results?search_keywords=drugs)

Should you have any further enquiries concerning this matter please do not hesitate to contact me quoting the above reference number.

Yours sincerely

Sonia Chopra-Miah  
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Hertfordshire Constabulary provides you the right to request an independent review of this response under its review procedure. If you require such a review you must notify us within two months from the date of this letter. After lodging a complaint with Hertfordshire Constabulary if you are still dissatisfied with the decision you may make an application to the Information Commissioner. For information on how to make a complaint please visit their website at <https://ico.org.uk/concerns/> or contact them on 0303 123 1113.