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5th March 2018

Our Ref: FOI2018/00634

REQUEST UNDER THE FREEDOM OF INFORMATION ACT 2000 Ref No: FOI2018/00634

I write in connection with your request for information received on 5th February. I note you seek access to the following information:

I am sending this request under the Freedom of Information Act to ask for the following information:

- 1) **Could you tell me the total quantity of Fentanyl that has been seized by your police force for the years:**
 - a. 2012
 - b. 2013
 - c. 2014
 - d. 2015
 - e. 2016
 - f. 2017
- 2) **Could you tell me the total quantity of fentanyl analogues not including fentanyl, also known as synthetic opioids (eg alfentanil, sufentanil, remifentanil) that have been seized by your police force for the years:**
 - a. 2012
 - b. 2013
 - c. 2014
 - d. 2015
 - e. 2016
 - f. 2017

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.

Response – Hertfordshire Constabulary 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 exemption/s:

Section 23(5) – Security Bodies
Section 30(3) - Investigations
Section 31(3) – Law Enforcement

Section 23 is a class based absolute exemption and there is no requirement to evidence the prejudice (harm) or to consider the public interest.

Section 30 is a class based qualified exemption and there is no requirement to evidence the prejudice (harm) but the public interest must be considered.

Section 31 is a prejudice based qualified exemption and there is a requirement to evidence the prejudice (harm) and the public interest must be considered.

Prejudice (Harm) test section 31

Confirming if information is held or not held relating to Fentanyl would identify whether the Constabulary has been taking local level action regarding its distribution. The effects of Fentanyl as a recreational drug is highly publicised, it is extremely potent and very dangerous. The National Crime Agency has confirmed their involvement in assessing the drug through their website.

Individual's intent on committing crime would be provided with valuable Intel, assisting them in geographically mapping areas seizures have occurred or not occurred. The Constabulary will not support such individuals to organise their criminal activities more efficiently by exposing where national and local investigations and operations are taking place to combat the distribution of this drug.

The distribution of drugs is not completely in isolation and forms part of a wider organised crime network, which will involve other serious crimes. Inferences will be drawn from confirming the absence or presence of information undermining Police work and detection of crime on a local and national level.

Public Interest Test Section 30 and Section 31

Section 30

Factors in favour of compliance with Section 1(1)(a)

To confirm that information is held or not held would enable the local community to understand whether any investigations have or are taking place regarding this particular drug, leading to an increase in understanding. It would also enable the public to understand whether resources are being allocated to combating the distribution of the drug locally.

Factors against compliance with Section 1(1)(a)

To confirm the presence or absence of information would identify which force areas have located Fentanyl and which have not. Being able to map where Fentanyl is being distributed across the country would undermine the Police Force's ability to appropriately investigate crimes associated with its use and distribution. This would undermine local and national level operations which may be taking place. Those distributing Fentanyl would avoid detection and prosecution which would have a negative impact on local communities and reduce Police confidence but increasing fear.

Section 31

Factors in favour of compliance with Section 1(1)(a)

The public will be better informed both nationally and locally and would help identify whether there is a local and national issue with Fentanyl and how extensive that may or may not be, encouraging public debate. The public can take steps to safeguard themselves from exposure to this drug if they know it has been located locally.

Factors against compliance with Section 1(1)(a)

To confirm the presence or absence of information would undermine any local or national level operations that may be or will be taking place in the future to combat this crime. Fentanyl is a highly potent drug and it is of paramount importance that the police service can investigate and disrupt the distribution of it throughout the country. To confirm whether Hertfordshire Constabulary has or has not seized Fentanyl or substances containing Fentanyl would not only affect local level policing decisions, but could also have an impact nationally. This would mean that information is provided to those involved in its distribution and ultimately could mean that organised crime groups may adapt and change tactics which would put the police service at a disadvantage.

Overall Balance Test

There is clearly a public interest in knowing whether Hertfordshire Constabulary has seized Fentanyl, increasing their awareness to take steps to protect themselves. However, the Constabulary would not want to undermine any local or national operations and the detection or prevention of crime which may be taking place to combat the distribution of the drug. If information was released it would directly relate to intelligence and would be of use to criminal groups distributing the drug. Other Law Enforcement agencies may be involved in the disruption of the distribution of the drug and any disclosure by the police service may serve to undermine any on- going operations. The public interest is therefore outweighed by the Police force having the ability to combat the distribution and use of this dangerous drug.

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

Yours sincerely

James Hodson
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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.