



Our Ref: 003646/20

Your Ref:

Address Correspondence to: Information Management

Date 19 November 2020

Freedom of Information Act 2000

I write further to your request for information received 02/11/2020.

I note you seek access to the following information:

1. *In the past three years how many reports of county line drug gangs have your force investigated either through tip offs from the public or active policing through informants?*
2. *If you separate these figures into public tip offs and police intelligence, please break these down. If you do not, I am looking for total figures of cases investigated and resolved with outcomes.*
3. *Of these please provide the outcome e.g. charged crown court; no evidence to prosecute; not in the public interest etc. Please also let me know what they were charged with and how they were dealt with e.g. charged with intent to supply class A drugs, crown court etc. or however you record your outcomes.*
4. *Please break these figures down into years i.e. 1 January 2018-31 December 2018; 1 January 2019-31 December 2019; 1 January 2020- 31 October 2020. If you keep your records in financial years please provide it for the financial year 2018-19, 2019-20 and April 2020- 31 October 2020.*
5. *Please break down these figures in their respective years in terms of ethnicity e.g. Asian, Black, White or however you classify your ethnicity.*
6. *We know that children are often groomed or forced to work with these gangs. Under the UN definition a child is anyone under 18. In each year what was the youngest age of child involved in the gang?*
7. *What was the mean average age of a child involved in the gang? If you have age groups and numbers, I can work this out, if you supply the figures in excel.*
8. *When it comes to children, in each year what was the youngest Asian, black and white child involved in a gang? What was the mean average? If you have age groups and numbers, I can work this out, if you supply the figures in excel. I do not believe this will breach GDPR rules.*

Following receipt of your request, searches were conducted within Leicestershire Police to locate information relevant to your request.

The Leicestershire Police Service can neither confirm nor deny that it holds the information you requested as the duty in s1(1)(a) of the Freedom of Information Act 2000 does not apply, by virtue of the following exemptions:

- Section 23(5) Information relating to the Security bodies;
- Section 30(2)(3) Investigations;
- Section 31(3) Law enforcement;
- Section 38(2) Health & Safety;
- Section 40(5) Personal Information;

This should not be taken as conclusive evidence that any information that would meet your request exists or does not exist.

Sections 23 and 40 are absolute exemptions which means that the legislators have identified that harm would be caused by release and there is no requirement to consider the public interest test.

Sections 30(2)(3), 31(3), and 38(2) are qualified and require us to carry out a harm and public interest balancing test before they can be relied upon.

Overall harm for the NCND

County lines gangs have different tiers of management/distribution and it could be harmful to persons involved at lower levels if gangs attempted to determine if CHIS were involved in providing confidential intelligence around these crimes. To confirm information is held, by citing an exemption, or stating no information is held, could be all the information these gangs need to confirm or not their belief that a CHIS provided information. When issuing a full NCND the appropriateness on its use needs to be considered. It is widely known that police forces and other agencies use covert human intelligence sources (CHIS). This information is published within force policies and procedures. An example can be found [here](#).

The public expect police forces and other law enforcement agencies to use all powers and tactics available to prevent and detect crime or disorder and maintain public safety. There are a number of covert tactics available and the use of informants (CHIS) is one of them. Used correctly, in line with the Regulations of Powers Act legislation (part 2), it is a proportionate, lawful and ethical tactic which provides an effective means of obtaining evidence and intelligence.

There is considerable harm attributed to the confirmation or denial of any information relating to the police receiving information from confidential sources. Such information would not exist had CHIS not been required to participate in the effective investigation of criminal matters. The information would only be held if it were obtained and recorded by the force for the purposes of its functions in relation to criminal investigations.

In this case, and irrespective of whether any information relating to this request is or isn't held, confirmation or denial that CHIS has provided information for county line offending is likely to reduce the flow of information to the Police Service and law enforcement agencies; would have a substantial prejudicial impact on the ability of such authorities to collect reliable and accurate intelligence. Furthermore, law enforcement bodies would become dependent on more costly and time consuming methods of collecting intelligence.

Covert Human Intelligence Sources (regardless of their motivation) provide information at particular risk to themselves and their families. As previous cases have shown, where a CHIS is identified it can result in substantial physical harm, or mental trauma resulting from the threat of physical harm. This problem is particularly acute in cases relating to serious organised crime where the threat against individuals is substantial. To confirm or deny whether or not a CHIS has provided intelligence surrounding county lines investigations would place those individual(s) at an increased risk of danger as detailed above.

Those determined to identify informants have the ability to use small pieces of information in order to build a more complete picture and it is the cumulative effect

of information disclosures that the Police Service will lead to this prejudice being realised.

Factors favouring confirmation or denial for S30

Confirming or denying that any information exists would lead to a better informed public, improving their knowledge and understanding of how the Police Service utilise the use of Covert Human Intelligence Sources as part of their investigative policing.

The Police Service is charged with enforcing the law, preventing and detecting crime and protecting the communities we serve. Confirming or denying that information exists could promote public trust in providing transparency and demonstrating openness and accountability into how intelligence is gathered for investigative purposes. It could also provide reassurance to the public that the Police Service tasks all reports of a crime seriously and conducts investigations appropriately. To confirm information is held could allow the public to have a better understanding of the effectiveness of the Police Service.

Factors against confirmation or denial for S30

However, by its very nature information held relating to informants is sensitive in nature. Under FOI there is a requirement to comply with Section 1(1)(a) and confirm what information is held. In some cases it is that confirmation, or not, which could disclose facts harmful to informants. In some cases their mere existence can place individuals in grave danger. The only methodology which will provide the required degree of protection to those individuals is if the force takes advantage of its ability under FOI legislation to, when appropriate, not confirm or deny that the information requested is, or is not held. The Police Service will never confirm or deny information is held if in doing so could identify investigative activity and therefore undermine their investigations. To do so would hinder the prevention or detection of crime.

Factors favouring confirmation or denial for S31

There is information within the public domain, such as an article published on the National Crime Agency website titled, 'Intelligence: enhancing the picture of serious organised crime affecting the UK' and that in itself favours confirmation information is held.

Factors against confirmation or denial for S31

Leicestershire Police has a duty of care to the community at large and public safety is of paramount importance. If a FOI disclosure reveals information to the world by not adopting an NCND position, this would compromise the effective delivery of operational law enforcement and would undermine policing as offenders could use this knowledge to their advantage which would compromise public safety and more worryingly encourage offenders to carry out further crimes.

Leicestershire Police relies on information being supplied by the public. Irrespective of what information is or is not held, by applying substantive exemptions would indicate that information is held and therefore confirming that a CHIS located within Leicestershire Police's jurisdiction has provided information to thwart county lines gangs. Such action would act as a deterrent to the public to provide intelligence to the force which would further undermine public safety, with repercussions that could hinder the prevention or detection of crime.

Factors favouring confirmation or denial for S38

Confirming whether information is or is not held would provide reassurance to the general public that Leicestershire Police uses tactical options with regard to the use of Covert Human Intelligence Sources as a means of acquiring intelligence. This

awareness could be used to improve any public consultations; debates in relation to this subject and also allow the public to take steps to protect themselves.

Factors against confirmation or denial for S38

Confirming or denying that information exists could lead to the loss of public confidence in Leicestershire Police's ability to protect the wellbeing of individuals recruited as CHIS as well as members of the community at large.

Leicestershire Police has a duty of care towards any individual who has been recruited as a CHIS. To reveal information via an FOI request which would place the safety of individuals in grave danger, is not in the public interest.

Balance test

The points above highlight the merits of confirming, or denying, whether any information pertinent to this request exists. The Police Service is charged with enforcing the law, preventing and detecting crime and protecting the communities we serve. As part of that policing purpose, various tactical options, including the use of CHIS, may or may not be utilised. The Police Service will never divulge whether or not information pertinent to this request does or does not exist, if to do so would place the safety of an individual(s) at risk, compromise an ongoing investigation or undermine the policing purpose in the effective delivery of operational law enforcement.

Whilst there is a public interest in the transparency of policing operations and investigations, providing reassurance that the Police Service is appropriately and effectively engaging with the threat from criminals, there is a very strong public interest in safeguarding the health and safety of individuals. As much as there is a public interest in knowing that policing activity is appropriate and balanced it will only be overridden in exceptional circumstances.

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.

None of the above can be viewed as an inference that any other information does or does not exist.

Leicestershire Police provides you the right to ask for a re-examination of your request under its review procedure. Letters should be addressed to Information Manager, Corporate Services Department at the above address. If you decide to request such a review and having followed the Force's full process you are still dissatisfied, then you have the right to direct your comments to the Information Commissioner who will give it consideration.

Yours sincerely

Freedom of Information Officer
Leicestershire Police

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