



Our Ref: 000376/21

Your Ref:

Address Correspondence to: Information Management

Date 23 February 2021

### **Freedom of Information Act 2000**

I write further to your request for information received 01/02/2021.

I note you seek access to the following information:

*Please can you supply a breakdown in electronic form (email or pdf) - arranged by calendar year - of the number of Drug Dealing Telecommunications Restriction Orders your force has successfully applied for between 2018 and 2020?*

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 31(3) Law enforcement;

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

Section 23 of the Freedom of Information Act is an absolute exemption, and therefore does not require a public interest test to be conducted.

Section 31, however, is a Qualified Prejudice-based exemption and does require a public interest test.

### **Harm**

The Harm Test process requires the Police to consider any possible harm that might arise as a result of placing the requested information into the public domain. This process considers the potential harm to:

- Individuals
- The community as a whole
- The wider policing service

- Other bodies

Drug-dealing remains a prevalent crime across the UK, involving large amounts of money, impacting upon the quality of life in communities and causing other crimes and anti-social behaviour. Drug-dealing networks can be very complex and consequently police operations to counter such activity require considerable resources, planning and sensitivity in order to be successful. High-level drug-dealing is often carried out by sizeable organised crime groups (OCGs) that likewise have considerable resources at their disposal and plan their activities in detail, making the work of the police more difficult. Giving such OCGs any information which may assist them in analysing or pre-empting police activity would clearly give them an advantage, helping them to evade detection and undermining the ability of the police service to enforce the law and protect communities.

Placing information into the public domain concerning the numbers of drug-dealing telecommunications restriction orders applied for and granted would be of assistance to OCGs as responses from different forces around the country, and requests made at different times or for similar information relating to different types of statistics, would allow comparisons to be made, and therefore analysis as to which police force areas have the highest and lowest indications of counter-drug-dealing activity. The OCGs would accordingly be able to give themselves the best chances of evading detection by concentrating their activities in areas where counter-drug-dealing policing is weakest.

## **Section 31 (Law Enforcement)**

### **Factors favouring disclosure**

Disclosure of information relating to the numbers of drug-dealing telecommunications restriction orders applied for and/or granted would show that the Police is being open and accountable in respect of its law enforcement activities, thereby demonstrating how public funds are being utilised.

### **Factors favouring non-disclosure**

Disclosure of information relating to the numbers of drug-dealing telecommunications restriction orders applied for and/or granted would allow organised crime groups to use that and similar information from other police forces to geographically 'map' relative levels of police activity relating to counter drug-dealing. This would give the criminal fraternity an advantage, assisting them in planning their activities so as to best evade detection. Consequently this would have a negative impact upon the police's ability to enforce the law.

### **Balance Test**

When balancing the public interest it is necessary to consider the release of the requested information into the public domain. The public interest is not what interests the public, but what would be of tangible benefit to the public as a whole. In this instance, the strongest argument for disclosure, that of openness and accountability on the part of the Police, is outweighed by the strongest argument against disclosure, i.e. the potential impact upon the ability of the police to enforce the law.

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

Leicestershire Police in complying with their statutory duty under sections 1 and 11 of the Freedom of Information Act 2000 to release the enclosed information will not breach the Copyright, Designs and Patents Act 1988. However, the rights of the copyright owner of the enclosed information will continue to be protected by law.

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