

Our Ref: 165-18-417

Your Ref:



**Information Access Team
01483 630007**

03/08/2018

Dear Mark WILDING,

Freedom of Information Request 165-18-417

I write in connection with your request for information received on 27/04/2018

You had asked:

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.

Response:

Surrey 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 exemption and there is no requirement to evidence the harm or consider the public interest.

With Section 31 being a prejudice based qualified exemption there is a requirement to articulate the harm that would be caused in confirming or not whether information is held as well as carrying out a public interest test.

Prejudice (Harm) Test

Any confirmation or denial of applications for Drug Dealing Telecommunication Restriction Orders (DDTRO) will directly undermine. 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.

Surrey Police publicise sufficient information concerning their commitment to drug crime which will allow the public to reach a sufficient conclusion to the effectiveness of the Force's commitment. Please see the links below published on the forces websites;

<https://surrey.police.uk/news/county-lines-drug-dealer-jailed-for-four-years/>

<https://surrey.police.uk/news/20-drug-dealers-jailed-for-nearly-60-years-as-part-of-crack-down-on-cross-border-criminality/>

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

Yours sincerely

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