



Making Northern Ireland Safer For Everyone Through Professional, Progressive Policing

FREEDOM OF INFORMATION REQUEST



Request Number: F-2009-00924

Keyword: Crime

Subject: DISCOVERY/SEIZURE OF CRYSTAL METHYLAMPHETAMINE

Request and Answer:

Question 1

How many laboratories or facilities producing the drug crystal methylamphetamine ("crystal meth") have been discovered in your force area so far in 2008/09? And how many were found in 2004/05, 2005/06, 06/07 and 07/08?

Question 2

How many seizures of crystal meth in total have been made in the same period? (If possible, please provide the number of incidents and the weight of the crystal meth seized.) And how many were made in 2004/05, 2005/06, 06/07 and 07/08?

Answers 1 and 2

In accordance with the Act, this letter represents a Refusal Notice for this particular request.

The PSNI can neither confirm nor deny that it holds any information and any additional information by virtue of the following exemptions:

Section 23(2) Information Relating to Certain Security Bodies
Section 30(3) Investigations
Section 31(3) Law Enforcement
Section 38(2) Health and Safety

The question asks for information relating to the "discovery" of facilities/labs producing crystal methamphetamine. Disclosures under the Freedom of Information Act are disclosures to the world, not just to the individual making the request. To confirm that any other information is held in relation to this question, even if that information was exempted, or to confirm no information is held, would be to provide intelligence to criminals about the status of police investigations. For example, if Force A had received an intelligence report indicating that a crystal meth lab was operating in a particular premises but had not yet taken action e.g. had not yet searched those premises, even confirming that this information was held could indicate to the individuals or group operating the lab that the police are aware of their illegal activities, giving them the opportunity to frustrate the investigation and avoid capture, for example by moving the lab to a different location or leaving the area altogether. Conversely, if Force B confirmed that it held no information relating to the discovery of crystal meth labs, this would indicate to any criminal in Force B's area engaged in the production of crystal meth that they had not been detected, encouraging them to continue with or even increase their criminal behaviour.

Section 30, Section 31 and Section 38 are qualified exemptions and there is a requirement to consider whether there is any public interest, which may overcome the harm in confirming or denying the existence of such information.

Considerations favouring confirmation or denial of the existence of the information

Accountability, Public Awareness and Debate, Use of Public Funds

Confirming or denying the existence of the requested information would contribute to the accountability of police actions in relation to law enforcement around the illicit production of crystal methamphetamine. This, in turn, would contribute to greater public awareness and allow for informed debate around the use of limited police resources, which, ultimately, are funded by the taxpayer.

Considerations favouring the maintenance of the exclusion of the duty to confirm or deny the information is held

Efficient and Effective Conduct of the Force, Flow of Information to the Service, Interests of Third Parties, Investigations, Public Safety

Confirming or denying the existence of the requested information would damage the efficient and effective conduct of the force by providing intelligence to criminals about the status of police investigations into the production of crystal methamphetamine (Section 30 Investigations) or confirming that no such investigations currently exist (Section 31 Law Enforcement), enabling criminals to take the necessary action to frustrate ongoing investigations, reduce the risk to themselves of detection and potentially increase their criminal behaviour.

If law enforcement relating to the production of crystal methamphetamine is compromised, this puts public safety at risk through the supply of Crystal Methamphetamine, an illegal drug which has been judged sufficiently harmful by the Advisory Council on the Misuse of Drugs to be reclassified from a Class B to a Class A prohibited substance (Section 38 Health and Safety). Additionally, illicit laboratories represent a substantial health and safety threat to communities through their use of toxic, highly flammable and/or corrosive chemicals. Producers of methamphetamine often dispose of chemicals improperly, which can lead to environmental problems (FSS Report on Methylamphetamine, Mike White, 2004, <http://drugs.homeoffice.gov.uk/publication-search/acmd/ACMD-meth-annex-November-2005?view=Binary>)(Section 38 Health and Safety).

Confirming or denying the existence of the requested information could also indicate where Covert Human Intelligence Sources (CHIS) intelligence has been received which could compromise the confidentiality of CHIS (Section 30 Investigations) and subsequently disrupt the flow of information to the service and even potentially put individuals providing intelligence to the police service at risk of reprisals (Section 31 Law Enforcement, Section 38 Health and Safety).

Balance Test

Having balanced the considerations outlined above PSNI has determined that in all the circumstances of the case the public interest in maintaining the exclusion of the duty to confirm or deny the information is held outweighs the public interest in confirming whether the information is held.

The existence of this neither confirm nor deny response should not be taken to indicate that the information you have requested does exist or does not exist.

If you have any queries regarding your request or the decision please do not hesitate to contact 028 9070 0164. When contacting the Freedom of Information Team, please quote the reference number listed at the beginning of this email.

If you are dissatisfied in any way with the handling of your request, you have the right to request a review. You should do this as soon as possible, or in any case within two months of the date of issue of this letter. In the event that you require a review to be undertaken, you can do so by writing to the Head of Freedom of Information, PSNI Headquarters, 65 Knock Road, Belfast, BT5 6LE or by emailing foi@psni.pnn.police.uk

If following an internal review, carried out by an independent decision maker, you were to remain dissatisfied in any way with the handling of the request you may make a complaint, under Section 50 of the Freedom of Information Act, to the Information Commissioner's Office and ask that they investigate whether the PSNI has complied with the terms of the Freedom of Information Act. You can write to the Information Commissioner at Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF. In most circumstances the Information Commissioner will not investigate a complaint unless an internal review procedure has been carried out, however the Commissioner has the option to investigate the matter at his discretion.

Please be advised that PSNI replies under Freedom of Information may be released into the public domain via our website @ www.psni.police.uk

Personal details in respect of your request have, where applicable, been removed to protect confidentiality.