



## FREEDOM OF INFORMATION REQUEST



**Request Number:** F-2012-01473

**Keyword:** Crime

**Subject:** Drugs in Coalisland

### Request and Answer:

I am writing to confirm that the Police Service of Northern Ireland has now completed its search for the information.

I have today decided to:

- disclose information in response to questions 1, 2, 3, 5 and 6 in full; and
- fully exempt information in response to question 4 pursuant to the provisions of Section 30, 38 and 40 of the Act.

### Question 1

During 2011 in Coalisland, I would like to know the estimated total value of drugs seized by police.

### Answer

During 2011 the estimated street value of drugs seized in Coalisland was £50,000.

### Question 2

The number of people arrested for alleged drug-dealing.

### Answer

12 people were arrested for supplying offences (dealing) in Coalisland during 2011.

Please note persons could be arrested for more than one offence (e.g. supplying and possession offences). Where this is the case we have only counted the supply offence arrest as this is the most serious offence and avoids any double counting.

### Question 3

The number of people arrested for alleged drug possession or other drugs offences.

### Answer

6 people were arrested for possession offences in Coalisland during 2011.

As above, please note persons could be arrested for more than one offence (e.g. supplying and possession offences). Where this is the case we have only counted the supply offence arrest as

this is the most serious offence and avoids any double counting.

Please also note, 2011 statistics are subject to change.

#### **Question 4**

For both 2 and 3, what age was each person? Alternatively if you can't answer this, how many were below the age of 20?

#### **Answer**

Section 17(1) of the Freedom of Information Act 2000 requires the Police Service of Northern Ireland, when refusing to provide such information (because the information is exempt) to provide you the applicant with a notice which:

- (a) states that fact,
- (b) specifies the exemption in question and
- (c) states (if not otherwise apparent) why the exemption applies.

The exemption/s, as well as the factors the Department considered when deciding where the public interest lies, are listed below:

Section 30 (1) (a) Investigations and Proceedings Conducted by Public Authorities.

Section 38 (1) (a) (b) Health and Safety

Section 40 (2) (a) (b) by virtue of (3) (a) (i) Personal Information

**Section 40 Personal Information** is a class-based exemption, therefore it is not necessary to evidence the harm caused by disclosure. The data protection rights of a third party would be breached by disclosure, therefore Section 40(2) is an Absolute exemption and a Public Interest Test is not necessary. This is so because personal data is governed by other law (The Data Protection Act 1998). All requests made under FOIA are applicant blind. A request must be treated as such and a public authority will always view any disclosure as into the public domain and not just to an individual.

Personal Data is regulated under the principles of the Data Protection Act 1998 and when information contains personal data about a third party it can only be released if disclosure would not breach any data protection principles.

Principle (1), that personal data is processed lawfully and fairly. Personal data of this nature is recorded and it must be treated in a highly confidential manner and any public disclosure would be unlawful if there is a breach of that law of confidentiality.

When a member of the public provides personal data i.e. their date of birth, to the PSNI they will have an expectation that it will be treated fairly. The Service would be failing in its lawful duty were it to breach the Data Protection Act in order to furnish a disclosure under the Freedom of Information Act 2000. The Service has a duty to protect the personal data of all members of the public and any disclosure of this type of data into the public domain that relates or could be used to identify persons who have been involved in an incident will be unfair to any individual concerned. The public must have confidence that their information is treated sensitively and appropriately.

Section 38 is a prejudice based and qualified exemption, therefore both a Harm Test and Public Interest Test are necessary. Section 30 is a class based exemption, therefore, a Public Interest Test must be carried out.

#### **Harm Test - Section 38**

The PSNI is charged with enforcing the law, preventing and detecting crime and protecting the communities we serve. There has been a recent public outcry against drugs within Coalisland and community tensions are high. To release information which would identify individuals who are involved with the drug problem in this community could worsen the situation as people may try to

take justice into their own hands. Individuals within the town have been threatened by dissidents with punishment attacks. Any release of information regarding their personal details or the fact that they were arrested may assist dissidents in identifying them and targeting them, which would place these individuals and/or their families in danger.

## **Public Interest Test**

### Factors Favouring Release – Section 38

Disclosure would lead to better public awareness and debate with regards the policing of drugs crimes within the area.

### Factors Favouring Retention – Section 38

The release of information relating to individuals arrested for their alleged involvement could lead to reprisal attacks, posing a significant risk to all members of the community. To reveal personal details such as ages of individuals, could assist dissidents in targeting people who may, or may not, be involved in drug crime.

### Factors Favouring Release – Section 30

There is a strong public interest in seeing that justice is done. Release of this information could satisfy this interest.

### Factors Favouring Release – Section 30

This information is being held by the PSNI for the purposes of an ongoing investigation. Release of the information at this stage could lead to the collapse of the investigation, undermine an individual's right to a fair trial and hinder the prevention and detection of crime.

### Decision

There is always a strong public interest in the accountability of the Service and seeing that justice is done, however, balanced against this is the importance of public safety and the ability of the police to prevent and detect crime.

Release of the information requested in question 4 would be likely to have a detrimental effect to an ongoing investigation and therefore the PSNI's future law enforcement capabilities.

Disclosure would be likely to increase the danger to the community in Coalisland and place individuals at risk. The police will never release information that is likely to endanger the safety of any individual.

The PSNI regularly keeps the public informed through press releases and are currently working with the community to tackle the problem of drugs in the area. It is not in the public interest to place information into the public domain which may heighten community tensions.

It is for these reasons that the public interest must favour withholding the requested information.

You have asked, should this information be exempt, to be provided with the number of individuals arrested for drugs offences in 2011. I can advise that of the people arrested in Coalisland for drugs offences in 2011, 3 of them were under the age of 20, ie of the 18 people referred to in questions 2 and 3 above, 3 of them were under the age of 20.

## **Question 5**

The number of drugs raids carried out.

## **Answer**

26 house searches and 1 area search have been carried out during the period in question.

**Question 6**

The number of incidents allegedly involving drugs that were reported to the police.

**Answer**

There were 40 incidents allegedly involving drugs reported to police.

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

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](mailto: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](http://www.psni.police.uk)

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