



FREEDOM OF INFORMATION REQUEST



Request Number: F-2018-00128

Keyword: Crime

Subject: Cannabis Factory Raids

Request and Answer:

Your request for information below has now been considered. In respect of Section 1(1)(a) of the Freedom of Information Act 2000 (FOIA) I can confirm that the Police Service of Northern Ireland does hold the information you have requested however it is estimated that the cost of complying with your request for information would exceed the “appropriate costs limit” under Section 12(1) of the Freedom of Information Act 2000.

Request 1

Please can you provide me with some information on cannabis factories?

I would like to know how many raids relating to suspected cannabis farms have taken place over the last five calendar years (starting 01/01/2013).

Within this information, please provide:

- a) The date of the raid
- b) The address of the property where it took place
- c) The quantity of cannabis found and, if possible, the street value
- d) How many, if any, arrests were made
- e) Details of any resulting convictions (name of defendant, address, crime charged with and sentence)

Finally, could you please provide details of any operations to locate cannabis factories using either drones or planes provided by the National Police Air Service. Within this information, please provide:

- a) The date of the flight
- b) The address of any properties raided as a result

Answer

Section 17(5) of the Freedom of Information Act 2000 requires the Police Service of Northern Ireland, when refusing to provide such information (because the cost of compliance exceeds the appropriate limit) to provide you the applicant with a notice which states that fact.

It is estimated that the cost of complying with your request for information would exceed the “appropriate costs limit” under Section 12(1) of the Freedom of Information Act 2000. Section 12 of

FOIA allows a public authority to refuse to deal with a request where it estimates that it would exceed the appropriate limit to either comply with the request in its entirety or confirm or deny whether the requested information is held. The estimate must be reasonable in the circumstances of the case. The 'appropriate limit' is currently £600 for central government and £450 for all other public authorities including PSNI. The relevant Regulations which define the appropriate limit for section 12 purposes are The Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulation 2004 SI 2004 No 3244. These are known as the 'Fees Regulations' for brevity.

Regulation 4(3) of the Fees Regulations states that a public authority can take into account the costs it reasonably expects to incur in carrying out the following permitted activities in complying with the request:

- (i) determining whether the information is held;
- (ii) locating the information, or a document containing it;
- (iii) retrieving the information, or a document containing it; and
- (iv) extracting the information from a document containing it.

Under those regulations PSNI can calculate the time spent on each of these permitted activities at £25 per hour (thus if the activity(s) takes more than 18 hours PSNI will be in excess of the 'appropriate limit').

The information is not held in a central location within PSNI and I contacted the relevant Departments. The information is held electronically but also requires manual intervention. For PSNI Statistics Branch to provide Request D the number of arrests made in connection to cannabis farm incidents would require each record and any related incidents being read through on NICHE to identify custody records and whether the arrests within those records relate to the cannabis farm. There are currently 400+ incidents for the time period requested (please note that this figure is provisional) and it is estimated it would take an estimated 67 hours for this request alone, which would be in excess of the FOI legislative cost of 18 hours.

In accordance with the Freedom of Information Act 2000, this letter should be considered as a Refusal Notice, and the request has therefore been closed.

You may wish to submit a refined request in order that the cost of complying with your request may be facilitated within the 'appropriate limit'. In compliance with Section 16 of the Act, I have considered how your request may be refined to bring it under the appropriate limit it may be possible to provide the number of incidents involving the seizure of cannabis plants where this met the criteria to allow it to be classified as a cannabis farm, according to the following 2012 NPCC definition of commercial cannabis cultivation:

Cultivation of cannabis should be regarded as 'commercial' if:

- Twenty-five or more cannabis plants, at any stage of growth, are being or have been grown
- Any premises shall be deemed a cannabis farm if the premises, or part therein, have been adapted to such an extent that normal usage would be inhibited and usually present within the premises, or part therein, are items solely concerned for the production of cannabis, i.e.: hydroponics system, high intensity lighting, ventilation/extraction fans, any other associated equipment, and/or abstraction of electricity.

Requests 1A, B and C (in some cases an estimate only is available, e.g. potential capacity of 25 or over)

Submission of a refined request would be treated as a new request, and considered in accordance with the Freedom of Information Act 2000, including consideration of relevant Part II exemptions.

If you have any queries regarding your request or this 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.

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.