

Our Ref: 010419/13



Freedom of Information Section
Nottinghamshire Police HQ
Sherwood Lodge, Arnold
Nottingham NG5 8PP

Tel: 101
Ext 800 2507
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05 December 2013

Request under the Freedom of Information Act 2000 (FOIA)

I write in connection with your request for information, which was received by Nottinghamshire Police on 05/11/2013.

Following receipt of your request searches were conducted within Nottinghamshire Police to locate the information you require.

Please find below answers to your questions:-

RESPONSE

1. How many "live" investigations is the Nottinghamshire Police Force currently conducting into organised gangs suspected of sexual exploitation?

2. How many of those "live" investigations that the Nottinghamshire Police Force is currently conducting into organised gangs involve under age victims?

Section 1 of the Freedom of information Act 2000 (FOIA) places two duties on public authorities. Unless exemptions apply, the first duty at s1(1)(a) is to confirm or deny whether the information specified within a request is held. The second duty at s1(1)(b) is to disclose information that has been confirmed as being held. Where exemptions are relied upon Section 17 of the FOIA requires that we provide the applicant with a notice which: a) states that fact, b) specifies the exemption(s) in question and c) state (if that would not otherwise be apparent) why the exemption applies.

Nottinghamshire Police can neither confirm nor deny that any information is held relevant to this request 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 30(3) Investigations

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 regard to ensuring that information exists is the appropriate response.

Sections 30 is a class based qualified exemption and there is a requirement to consider the public interest in ensuring neither confirming nor denying that information exists is appropriate.

Section 31 is a prejudice based qualified exemption and there is a requirement to articulate the prejudice (harm) confirming or denying information exists as well as considering the public interest.

Overall Harm in Confirming or Denying that information is held

Any release under the Freedom of Information Act is a disclosure to the world, not just to the individual making the request. To confirm or not that information is held relating to 'live' investigations into sexual exploitation would be inappropriate. The impact of confirming or denying that information is held has potential to undermine ongoing investigations. This could in turn lead to police officers having to be removed from their frontline duties in order to increase manpower on an investigation into allegations of sexual exploitation. It is publicly acknowledged that the National Crime Agency is a new crime fighting agency with national and international lead and the mandate and powers to work in partnership with other law enforcement organisations to bring the full weight of the law to bear in cutting serious and organised crime, which would include human trafficking for sexual exploitation, child sexual exploitation, drugs, money laundering, etc., see below link:

<http://www.nationalcrimeagency.gov.uk/>

In order to counter criminal offending it is vital that the police have the ability to work together, where necessary covertly, to ensure the successful arrest and prosecution of offenders who commit or plan to commit offences. In order to achieve this goal, it is vitally important that information sharing takes place between police officers, members of the public, police forces as well as other security law enforcement bodies within the United Kingdom. To confirm or deny whether information is held would be extremely useful to those involved in organised criminal gangs and sexual exploitation as it would enable them to geographically map where the police are currently carrying out investigations into the this type of offending against individuals.

Public Interest Considerations

Section 30 – Investigations

Factors favouring complying with Section 1(10)(a) – confirming information is held

Confirmation that information is held would highlight in this case that all allegations of this type of crime are investigated in order to apprehend and prosecute offenders.

In addition, confirming or denying that information exists relevant to this request would lead to a better informed public in relation to the investigations into sexual exploitation that (force name) initiate, which may encourage individuals to provide intelligence in order to assist with the investigations and reduce crime. Confirmation or denial would highlight where police resources are being targeted and the public are entitled to know how public funds are spent, particularly in the current economic climate.

Factors against complying with Section 1(1)(a) – neither confirming nor denying that information is held

Confirmation or denial that information is held in this case would suggest that (force name) take their responsibility to appropriately handle and manage investigations into sexual exploitation by organised gangs flippantly. To disclose where these investigations are being undertaken to the world would seriously undermine the prevention or detection of crime and the force's future law enforcement capabilities.

Section 31 – Law Enforcement

Factors favouring complying with Section 1(1)(a) confirming that information is held

Confirmation that information exists relevant to this request would lead to a better informed public which may encourage individuals to provide intelligence in order to reduce this type of offending.

Although there is media coverage of these types of investigations, confirmation that information exists relevant to this request would lead to a better informed public which may encourage individuals to provide intelligence relation to this type of offending which would assist the investigative process.

Factors against complying with Section 1(1)(a) neither confirming nor denying that information is held

Confirmation or denial that information is held in this case would suggest that (force name) do not take their responsibility to deliver effect law enforcement appropriately as to confirm or deny information is held would undermine the investigation process which may lead to officer having to be removed from frontline duties to increase manpower on a particular investigation. Such an action would hinder the prevention and detection of crime and the apprehension or prosecution of offenders.

Balancing Test

The points above highlight the merits of confirming or denying whether information exists. Members of the public are entitled to know that Nottinghamshire Police activity targets organised gangs involved in sexual exploitation.

In addition the Police Service is charged with enforcing the law, preventing and detecting crime and protecting the communities we serve. As part of that policing purpose, information is gathered which can be highly sensitive relating to high profile investigative activity.

Weakening the mechanisms used to monitor any type of criminal activity, and specifically organised gang crime particularly in regard to sexual exploitation, would place the victims at an increased level of danger.

In addition any disclosure by Nottinghamshire Police that undermines ongoing investigations, no matter how generic, would undermine any trust or confidence individuals have in us, therefore, at this moment in time, it is our opinion that for these issues the balance test favours neither confirming nor denying that information is held.

No inference can be drawn from this refusal that information is or isn't held.

Complaints Rights

Your attention is drawn to the enclosed review procedure, which details your right of complaint.

Copyright

Nottinghamshire Police in complying with their statutory duty under Sections 1 and 11 of the Freedom of Information Act 2000 (FOIA) 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. Applications for the copyright owner's written permission to reproduce any part of the attached information should be addressed to the Force Solicitor, Nottinghamshire Police, Force Headquarters, Sherwood Lodge, Arnold, Nottinghamshire, NG5 8PP.

I would like to take this opportunity to thank you for your interest in Nottinghamshire Police.

Should you have any further enquiries concerning this matter, please write or contact the Freedom of Information Officer on telephone number 0115 9672507 or e-mail freedomofinformation@Nottinghamshire.pnn.police.uk quoting the above reference number.

Yours sincerely

Disclosure Officer

Are you dissatisfied with your response?

If so, prior to lodging a formal complaint, you are welcome and encouraged to discuss the decision with the case officer that dealt with your request.

Ask to have the decision looked at again

The quickest and easiest way to have the decision reconsidered is to telephone the case officer that is identified at the end of your decision letter.

That person will be able to discuss the decision, explain any issues and assist with any problems.

Formal Independent Review

If you are dissatisfied with the handling procedures or the decision made by Nottinghamshire Police under the Freedom of Information Act 2000, you can request an Independent Review.

Upon receipt for a review of the initial request response, an independent audit officer from Information Management will review the request and assess whether it has been satisfactorily processed in accordance with policy and procedure.

Requests for Independent Reviews requests should be made in writing to-

Force Information Manager
Nottinghamshire Police
Force Headquarters
Sherwood Lodge
Arnold
Nottingham
NG5 8PP

The Audit officer will record and communicate his/her decision to the information requester within 20 working days.

Appeals

If the findings of the formal independent review do not meet your approval, you can register an appeal against the decision.

An investigation will then take place by the Freedom of Information officer, which will be reported and presented to the Internal Appeal Board. This will include a full account of the reasoning for or against disclosure and the application of any relevant exemptions.

The Internal Appeal Board will consist of at least a member of the Chief Officer Team, a member of the Legal Team and the Force Information Manager.

Appeals should be registered in writing to:

Freedom of Information Officer
Nottinghamshire Police
Force Headquarters
Sherwood Lodge
Arnold
Nottingham
NG5 8PP

Alternatively E-mail: Freedomofinformation@nottinghamshire.pnn.police.uk

Or call: 01159672507

Applications to the Information Commissioner

If you then remain dissatisfied, you may make an application to the Information Commissioner for a decision on whether the request for information has been dealt with in accordance with the requirements of the Act.

For information on how to make an application to the Information Commissioner, please visit their website at www.informationcommisioner.gov.uk

Alternatively, Write to:

Information Commissioner's Office
Wycliffe House
Water lane
Wilmslow
Cheshire
SK9 5AF

Or call: 01625 545700.