

20th June 2019

Freedom of Information Request – Reference No:20191209

REQUEST

1. How many arrests the force has carried out in relation to sex work/prostitution offences, including but not limited to:

- *Loitering or Soliciting for Prostitution*
- *Keeping a Brothel*
- *Paying for Sexual Services*
- *“Kerb Crawling”*
- *Advertising - Placing of Adverts in Telephone Boxes*
- *Advertising - Placing of Advertisements in Newspapers*
- *Exploitation of Prostitution - Causing or Inciting Prostitution for Gain: Section 52 Sexual Offences Act 2003*
- *Controlling Prostitution for Gain: Section 53 Sexual Offences Act 2003*
- *Trafficking for Sexual Exploitation: Section 2 Modern Slavery Act 2015*
- *Sexual Exploitation of Children*
- *'Sex for Rent' Arrangements and Advertisements*

For each offence description listed, I would like to know the number of arrests for each year, broken down for 2015/16/17/18/19 respectively.

2. For each arrest, I would like to know the following:

- a. *The outcome of the investigation*
- b. *The gender of the person arrested, their age and nationality*
- c. *Whether the arrest resulted in a referral to immigration authorities/officers*
- d. *Where the arrest did result in a referral to immigration authorities, what the outcome of that investigation was*

For questions 1 and 2, please provide the answer in an xlsx format, with column headings as follows:

Force Name – Year - Offence Description – Investigation Outcome – Gender of Arrested Person - Age - Nationality – Immigration Referral Y/N – Outcome of Immigration Referral

3. How many operations/raids/crackdowns has the force carried out in relation to issues around sex work/trafficking/prostitution? Please provide for each year between 2015-2019:

- a. *The date of the operation and its name*
- b. *The purpose of the operation*
- c. *The number of arrests as a result of the operation and what those arrests were for*
- d. *How many officers were involved in carrying out the operation*

Please provide information for question 3 in a separate worksheet within the same Excel document with column headings as follows:

Force Name – Year – Date of Operation – Name of Operation – Purpose of Operation – No of Arrests – No of Officers

4. How many PSPOs/ASBOs/FPNs has the force issued (or being involved in the issuing of) in relation to sex work between 2015-2019? For each instance, please breakdown what the orders were issued for and what the terms of them were, in a separate worksheet as follows:

Force Name – Year – PSPO or ASBO – Terms – Amount requested in fines or FPNS

6. Which external charities/support agencies or organisations does the force refer/signpost sex workers to?

CLARIFICATION

Please could you clarify the following point(s): -

Your extensive request for information on this subject covers a number of different systems and departments. A number of the Questions will exceed the 18hr time limit allowed by the FOI Act.

Q1/2 – Arrests are recorded by the Arrest title, to search for any other offences which have an element of Sex work/prostitution would require every arrest in the time period specified. Also an individual may be arrested for a number of offences but not charged with all of them.

It may be more useful for you to have Crime Stats. From the Crime System we can provide Offences/outcome/gender/age and nationality.

For the immigration element this would exceed the 18hr limit - PVP Unit have advised previously that we don't track referrals against crime types. Please see the below link.

<https://www.southyorkshire.police.uk/find-out/accessing-information/request-information-under-the-freedom-of-information-act/sharing-information-with-immigration-ref-20190526/>

Q3 - this would exceed the 18hr limit. Please see the below link.

<https://www.southyorkshire.police.uk/find-out/accessing-information/request-information-under-the-freedom-of-information-act/raids-arrests-cautions-ref-20190043/>

Q6 – I anticipate this would also exceed the time limit. As it would require contacting any department or team that has dealings in this subject area to see if they refer/signpost people to.

FROM THE REQUESTER

Thank you for the advice in terms of refining my request.

For questions one and two, I'm happy for you to conduct your searches on the basis of the offences listed, which align with the CPS' description of sex work offences.

I have access to published crime statistics but for both recorded crime and crime outcomes, the only available offence is soliciting - I imagine that the other offences are probably included under 'other' but are not broken down, hence my FOI.

I accept that the information regarding immigration referrals may result in a refusal but would ask if you could reconsider your advice in terms of question six.

You say the question which asks that you check which agency sex workers are referred to may hit the 18 hours time limit, but I'd like to know a bit more about how you believe that would be the case. I accept that you will have to check with relevant departments but I'm not sure how that would amount to a significant amount of time - I'd be grateful if you could that explain further.

I look forward to hearing from you with as full a response as you can provide.

RESPONSE

Section 17 of the Freedom of Information Act 2000 requires South Yorkshire Police, 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 that would not otherwise be apparent) why the exemption applies.

Section 40(2) Personal Information.

This is an absolute exemption and therefore a Public Interest Test is not relevant

However, for clarity, I will explain my rationale for engaging this exemption. Section 40(2) provides that information is exempt if it is the personal data of someone other than the applicant and disclosure would breach any of the data protection principles. The term 'personal data' means data that relates to a living individual(s) who can be identified.

Section 44 (1) Prohibition on Disclosures

This too is an absolute exemption and is engaged in respect of Section 2 of the Sexual Offences Act 1992 (as amended by Schedule 6 of the Sexual Offences Act 2003) which gives victims/offenders of specific offences a guaranteed anonymity.

Section 31(1) (a)(b)(c) Law Enforcement

This exemption requires the Public Authority to articulate both the Harm and the Public Interest Test.

Harm

It is important to stress that when a disclosure is made under the Freedom of Information Act, it is a disclosure to the world and not to a single individual. In view of this, we may publish information released under the Freedom of Information Act on our website in order that any member of the public who may wish to view the information can have access to it. This could jeopardise the work done with charities and within communities to increase the public's confidence in South Yorkshire Police and reporting and giving assistance to the Force.

Section 31 Factors favouring disclosure

- There is a legitimate public interest in knowing that the force fulfils its policing functions effectively and efficiently in dealing with particular types of offences and incidents.
- Provision of this data would reassure the public that South Yorkshire Police is actively policing certain types of crimes and that safety of communities is paramount.

Section 31- Factors against disclosure

- Disclosure would lead to a better awareness for the community in relation to this topic, and more people may be prepared to come forward with further information.
- The prevention and detection of ongoing or future crimes may well be compromised.
- Details could result in criminals targetting charities or organisations involved in this type of work.

On Balance

Accountability is a significant factor however, public safety and effective law enforcement is of paramount importance. South Yorkshire Police would not countenance a release of information that would compromise the safety of an individual or undermine the prevention/

detection of crime. I am of the opinion that it is in the public's interest for information to be withheld.

However, I believe by providing certain information and stats in a tabled format will mitigate any concern and not trigger the above exemptions.

Please find attached completed FOI and below explanations.

Please note that no data has been provided for the following offences as they are non-crime recordable;

- ***Loitering or Soliciting for Prostitution***
- ***Advertising - Placing of Adverts in Telephone Boxes***
- ***Advertising - Placing of Advertisements in Newspapers***
- ***'Sex for Rent' Arrangements and Advertisements***

CMS Data

I have provided a count of offences recorded on CMS(ii) crime register for the HO Class codes 24, 27 and 71 and the Offence Code 03608 where a Suspect/Accused is recorded on the offence between statistics date 01-JAN-2015 and 05-DEC-2017.

Of the above, I have further provided data which is a count of Suspect/Accused offenders if recorded with an outcome. Please note that more than one offender may be recorded against an offence, therefore we expect a count of offenders to exceed a count of offences.

CONNECT Data

I have provided a count of offences recorded on CONNECT crime for the HO Class codes 24, 27 and 71 and the Offence Code 03608, between incident created date 04-DEC-2017 and 31-MAY-2019, broken down by offence outcome and offence recorded.

No CONNECT offender data has been provided at this time due to the ongoing issues regarding the recording of offenders in CONNECT as previously stated, PMU has taken the decision that we are unable to provide data regarding suspects i.e. outcomes, ages, gender etc. due to data quality and accuracy issues and because the query would be based on the offender's outcome, we cannot currently fulfil this request for CONNECT. I have provided the offence outcome as an alternative.

This is in line with the below caveat -

South Yorkshire Police consider investigation outcomes with the utmost importance to understand the effectiveness of our activity in relation to victim wishes and criminal justice delivery. Certain data fields within the force's crime reporting system are not all mandatory, therefore we do not recommend the use of offender level outcome to be the most effective way of measuring crime outcomes. Currently we recommend using the outcome of the investigation to be the most accurate way of reporting and presenting this data. This aligns to the data that is reported to the Home Office for purposes of national comparison.

Q6-

<https://www.southyorkshire.police.uk/find-out/crime-prevention-advice/modern-slavery/>

South Yorkshire Police can neither confirm nor deny that any further information is held relevant to your request as the duty in Section 1(1)(a) of the Freedom of Information Act 2000 does not apply by virtue of the following exemption:

Section 23(5) Information supplied by or concerning certain Security Bodies;

Section 23 is a class based absolute exemption and there is no requirement to consider the public interest in this case.

Confirming or denying the existence of whether any other information is held would contravene the constrictions laid out within Section 23 of the Freedom of Information Act 2000 in that this stipulates a generic bar on disclosure of any information applied by, or concerning, certain Security Bodies.

Of course no inference can be drawn from these facts that any information does or does not exist.