



Making Northern Ireland Safer For Everyone Through Professional, Progressive Policing

## FREEDOM OF INFORMATION REQUEST



**Request Number:** F-2008-03911

**Keyword:** Operational Policing

**Subject:** GARDA ENTERING NORTHERN IRELAND

### Request:

**Under which circumstances Garda can enter and carry out police work in Northern Ireland.**

In the investigation into the Quinn killing in South Armagh it was reported (this would be about 6 months ago) that Garda were calling into homes in South Armagh for information.

Can you confirm under which circumstances Garda can enter and carry out police work in Northern Ireland.

Specifically can you confirm

**Question 1** - Which specific legislation enables this from a Northern Ireland perspective?

**Question 2** - Does it need to be agreed by Chief Constable and Garda Commissioner or at a lower level?

**Question 3** - Is there a record of the number of time this occurs, what is that number and when was the first time it actually happened?

**Question 4** - Is there a specific list of activities that can be carried out?

**Question 5** - Are there reciprocal arrangements with the Republic of Ireland and are there any instances of PSNI officers operating in the Republic?

### Answer:

This is to inform you that the Police Service of Northern Ireland has now completed its search for the information you requested. The decision has been taken to disclose the located information to you in full.

**Answer 1** - The spirit of Mutual Co-operation between EU member states is enshrined in a number of European Council Framework decisions. For example ' The Simplifying and Exchange of information and intelligence between law enforcement authorities for the EU' issued 18th December 2006.

There are varying tiers of assistance available to law enforcement agencies. Enquiries can take place on a Police to Police basis directly; some are carried out in a more formal manner by way of Letter of Request which will in general, pass through the Judicial and Prosecutorial Authority of each country for formal approval. This mutual assistance work is governed by the Crime (International co-operation) Act 2003.

Dealing specifically with the Northern Ireland and Republic of Ireland relationship. Legislation exists which allows each jurisdiction the ability to treat and deal with a specific range of offences committed in the others jurisdiction as if it had occurred in their own. In Northern Ireland the legislation is the Criminal Law Act 1975 and in the Republic of Ireland, the Criminal law Jurisdiction Act 1976. A schedule within each piece of legislation outlines the offences to which this legislation applies.

**Answer 2** - No it is not necessary to have it agreed by the Chief Constable and Garda Commissioner. The circumstances of each case will inform the necessity for such enquiries. Prior approval of Senior Police for such a request would be normal practice.

**Answer 3** - There is no record maintained of the number of times this has occurred since the legislation was introduced.

**Answer 4** - There is no specific list of activities that can be carried out. Under mutual assistance, the requesting state can request a wide range of matters such as search, seizure, interview and confiscation. It is for the receiving state to decide what will be addressed from the request.

**Answer 5** - Yes, there are reciprocal arrangements with the Republic of Ireland and there are instances of the PSNI officers operating in the Republic. In a recent Northern Ireland murder investigation the suspect was detected by Garda Officers in the Donegal area of the Republic of Ireland and arrested for the murder by virtue of the Criminal Law Jurisdiction Act 1976. The suspect was interviewed by Garda Officers, supported by PSNI Officers, was subsequently charged with the offence of murder and will face trial in the Republic of Ireland (The defendant may elect for trial in the other jurisdiction under this legislation). Consultation at Senior Police level as well as Prosecutorial authorities was necessary to achieve this outcome.

In the spirit of mutual police to police co-operation, arrangements could be made for PSNI Officers, accompanied by Garda Officers investigating offences, to call at homes along the border in Northern Ireland to conduct enquiries. Clearly the Garda officer has no jurisdiction as a Police Officer in Northern Ireland hence the need to be accompanied by PSNI Officers. It is no different to PSNI Officers conducting enquiries in Hong Kong accompanied by Hong Kong Police Officers, which has been the case.

It should be pointed out that specifics about what occurred in the case of the Quinn murder would be referred to investigating police. In general terms, the enquiries outlined in the enquiry should be both achievable and appropriate in terms of the seriousness of the investigation and the administration of justice.

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 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](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 all PSNI replies under Freedom of Information will be released simultaneously 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.