



Making Northern Ireland Safer For Everyone Through Professional, Progressive Policing

## FREEDOM OF INFORMATION REQUEST



**Request Number:** F-2008-05034

**Keyword:** Organisational Information/Governance

**Subject:** FIREARMS HELD BY PSNI

### Request:

**Question 1.** Current number of police officers in the force and how many are currently firearms trained.

**Question 2.** The total amount of firearms kept by the force (other than firearms that have been seized or held for evidence) that are held for regular or possible future issue to police officers or other persons.

**Question 3.** The total amount of ammunition and calibres (or components if manufactured on site) held.

**Question 4.** The total amount of explosives in Kg (excluding propellant and ammunition components) held and of what categories e.g. training simulators, distraction devices, detonators explosive cord and high explosive.

**Question 5.** Copies of any current report, inventory, stock-keep or stores documents that list the make, model and quantity of firearms, ammunition and explosives held.

**Question 6.** Estimated value of weapons and ammunition held for possible issue.

**Question 7.** How does the total amount of firearms held by the force divide into the following categories?

- Handguns.
- Bolt action rifles.
- Shotguns.
- Self-loading carbines (similar to H&K MP5 etc).
- Full automatic submachine guns (similar to H&K MP5 etc).
- Self-loading rifles (similar to H&K 53 and H&K G36 etc).
- Full automatic rifles (similar to H&K 53, H&K G36, AK47 etc).
- Designated sniper rifles (not suppressed).
- Suppressed or silenced weapons.
- Concealed weapons (similar to H&K MP5 K 'briefcase' or otherwise disguised such as pen guns).
- Weapons described as heavy calibre (similar to Barrett .50" or 12.7mm and larger).

- Riot/baton guns.
- Non-lethal type weapons and type (similar to Taser, man-catching net dispensers etc).
- Belt fed automatic weapons (similar to Minimi, General Purpose Machine Gun etc).
- Military type rocket or grenade launchers.
- Remotely operated weapons systems (ground based or flying).
- Devices capable of dispensing noxious chemicals (excluding personal issue CS canisters).
- Anti-aircraft, anti-vehicle or anti-armour ammunition, weapons, rockets or missiles.

Miscellaneous weapons not covered by the above (by brief description or make and model).

**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 question numbered 1 in full; and
- fully exempt questions numbered 2,3,5, & 6 pursuant to the provisions of section 31 (1)(a)(b)(c) of the Act.

In relation to questions 4 & 7, the Police Service of Northern Ireland can neither confirm nor deny that it holds the information you have requested. However, I can advise you that such information, if it were to exist, would be reasonably expected to be exempted by virtue of section 31(3) Law Enforcement, section 23(5) Information Supplied By or Relating to Certain Security Bodies, and section 24 National Security.

**Answer 1.** It is mandatory for warranted officers in the Police Service of Northern Ireland to be trained in the use of firearms. Currently, there are 8,543 warranted officers.

**Answers 2,3,5 & 6.** The information requested in questions 2,3,5 & 6 is exempted under section 31 (1) (a) (b) (c) Law enforcement. Section 17 of the Freedom of Information Act 2000 requires the Police Service of Northern Ireland, when refusing to provide 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 information you have requested in questions 2,3,5 & 6 is exempt from disclosure by virtue of section 31(1) (a) (b) (c) Law Enforcement as it discloses tactical information. Section 31 is a Prejudice - based, Qualified exemption.

**Answers 4 & 7.** In relation to questions 4 & 7, the Police Service of Northern Ireland can neither confirm nor deny that it holds the information you have requested. However, I can advise you that such information, if it were to exist, would be reasonably expected to be exempted by virtue of section 31(3) Law Enforcement, section 23(5) Information Supplied By or Relating to Certain Security Bodies, and section 24 National Security. Sections 31 and 24 are both Qualified Prejudice - based exemptions with Section 23 being Absolute Class - based.

In relation to Absolute / Class based exemptions, legislators have agreed there would be harm if this information were released. However, in relation to Qualified / Prejudice based exemptions, the Public Authority has a responsibility to evidence the HARM and the Public Interest Test. A summary of the harm for sections 24 & 31 follows, along with the public interest test for all the above exemptions:

**Harm Test**

The Police Service of Northern Ireland is charged with enforcing the law, preventing and detecting crime and protecting the communities we serve. In order to achieve these objectives the PSNI is allowed to use reasonable force when necessary to do so. In the ultimate circumstance this can include the use of lethal force but the rule is to use the minimum amount necessary to achieve the objective. In reality this equates to the use of the minimum amount of force required to

overcome the violence, used or threatened, by those wishing to cause harm.

We also have to pay heed to Article 2 Human Rights Convention - The Right to Life. Disclosing intimate details of the weaponry available to the police is likely to influence the criminals/terrorists who are prepared to resort to the use of extreme force in order to avoid detection and capture. By being aware of the Police capabilities they will ensure that they are armed to overcome the Police response, which creates an 'arms race' to the detriment of the criminals themselves, as the use of lethal force becomes more and more the only resolution option, and endangers both the public and officers themselves. This is best evidenced by the fact that the United Kingdom, even in these violent times, has been able to maintain a basically unarmed Police Service, the exception being the Police Service of Northern Ireland who through necessity, has had to be routinely armed.

Also, at this time in the United Kingdom the threat of terrorist action remains high. Unlike criminals looking for financial gain, terrorist crime can be carried out by individuals who will not stop until they are physically stopped by the Police. The deterrent effect of not knowing how easy, or difficult it is for us to achieve that, should not be underestimated. This can only be maintained by the knowledge of our capabilities being made publicly available.

An example to illustrate this point could be:

If the police had access to weapons that could prevent a Vehicle Borne Improvised Explosive Device (VBIED) from being used successfully then this may dissuade terrorists using such a tactic. However, if it was revealed that the police did not have access to such weaponry, this might persuade a terrorist cell to use such VBIEDs as they would then know that the police would be incapable of effectively stopping the vehicle once it was heading for its target - such as for example the concourse of Glasgow Airport.

The only way to leave such doubt in the terrorists mind is to maintain a position of non-provision of this information, as even to confirm or deny such information exists would cause this effect.

### **Public Interest Test**

#### **Favouring Disclosure**

##### **Accountability**

Disclosure of this information would enable the public to know whether the force has the appropriate capabilities to deal appropriately with the challenges of using firearms, when appropriate to do so.

##### **Public Awareness and Debate**

There is often speculation with regard firearms in the PSNI and this information would go some way to ensuring that the debates around these issues are accurate and focused, particularly at this time, whilst events such as Stockwell are very much in the public mind.

##### **Use of Public Funds**

The disclosure of this information would go some way to showing that public funds have been spent appropriately. The stocks of weapons and their types held by the PSNI would show that there have been no wastage of funds; relevant to the capability the force requires to have.

#### **Factors Favouring Non Disclosure**

##### **Efficient and Effective Conduct of the Service**

Disclosure will place the service nationally at a tactical disadvantage. It is known that this request has been received by most forces and the combined results will enable criminals and terrorists to draw up a map of those areas of the UK that are more vulnerable in terms of the firearms response they possess. Although on a different subject matter, the Information Commissioner acknowledged, in the notice with regard the HMRC non-disclosure of drugs information, that the cumulative effect of these requests will have a detrimental effect on law enforcement.

[http://www.ico.gov.uk/upload/documents/decisionnotices/2007/fs\\_50142321.pdf](http://www.ico.gov.uk/upload/documents/decisionnotices/2007/fs_50142321.pdf)

## **Public Safety**

The risk to public safety with the disclosure of this information cannot be underestimated. As is outlined in the harm, it is tactical information, which would prove useful intelligence to those intent on using force to commit crime for gain or harm innocent members of the community. Although it is generally known that PSNI officers are routinely armed, by providing details of weaponry used by PSNI officers whilst on daily patrol would increase the potential for further attacks on police officers and therefore leaving the public in general to the possibility of being injured in any attack.

### **Balancing Test**

After considering the pros and cons in disclosure it falls upon the public authority to conduct a balance test on the issues. In this case there are very strong arguments for non disclosure of the information requested in questions 2, 3, 5 and 6, and for the need to Neither Confirm Nor Deny the information exists in relation to questions 4 and 7. Although the main reasons for maintaining such a stance revolve around the prejudicial effect on law enforcement and the risks to national security, the strongest driver have to be those of public safety. The police service will never disclose information that places the public at risk, unless the public interest in doing so is more powerful than that risk. In this case the public benefits in disclosure are actually overcome by other processes and events.

Firstly we are subject to public auditing and accounts, which removes the need to be publicly scrutinised in this case by a disclosure under Freedom of Information. If funds were being used inappropriately this process would highlight such and as there is no evidence of this being the case at this time, there is no benefit in disclosure.

Secondly, there are several ongoing high profile cases with regard police use of firearms. But again there is already a process in place where the police use is held to account on behalf of the public by an independent body. They represent the interests of the public, and those involved in such incidents, and when appropriate disclose information into the public domain. This is well demonstrated in the recent DeMenzies inquest, where the coroner published information, on a daily basis, relevant to the public's needs. We cannot see at this time how this information would add anything to those current cases.

Therefore, at this moment in time the balance of disclosure and the need to maintain a non-committal approach to confirmation or denial of even the existence of some information falls heavily in favour of non-disclosure.

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 PSNI replies under Freedom of Information may be released into the public domain via our website @ <http://www.psnipolice.uk/>

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