



Making Northern Ireland Safer For Everyone Through Professional, Progressive Policing

## FREEDOM OF INFORMATION REQUEST



**Request Number:** F 2009 03847

**Keyword:** Crime

**Subject:** ABUSE IN CATHOLIC CHURCH

### Request and Answer:

I am writing to confirm that the Police Service of Northern Ireland (PSNI) has now completed its search for the information.

After the Ferns inquiry report in 2005 into child sex abuse in Wexford, the PSNI began an investigation into claims of similar abuse in the Catholic Church in N Ireland.

Please advise;-

- 1) The number of alleged perpetrators found in this investigation.
- 2) The number of claims of abuse against each alleged perpetrator.
- 3) The date each claim was made against each perpetrator.
- 4) To whom each first complaint was made. eg if complaints were made to the church and/ or police and/or social services, please advise dates against each complaint.
- 5) Please confirm against each complaint when it was first disclosed to civil authorities.
- 6) Please confirm against each complaint whether it resulted in conviction of alleged perpetrator and the date of any conviction.
- 7) Please present information in a manner so that all information requested above against each complaint is categorised by alleged perpetrator.

I have today decided to:

Fully exempt questions 1, 2, and 7 pursuant to the provisions of sections 30 (1) (a) (b) (c) 2 (a), 38 (1) (a) (b), 41 (1) (a) (b), 42(1) and 44 (1) (a) of the Act. Section 41 and Section 44 are absolute class based exemptions and do not require a Harm or Public Interest Test.

Fully exempt question 6 pursuant to the provisions of Section 21 of the Act.

and

Provide a response in relation to question 3, 4 and 5.

Question 3

The date each claim was made against each perpetrator.

Answer 3

Letters received by PSNI on 25 January 2006, 7 February 2006, 20 February 2006, 3 March 2006, 7 March 2006, 15 March 2006, 9 June 2006, 7 July 2006, 11 November 2006, 27 November 2006, 2 May 2007, 27 July 2007, 24 August 2007, 11 October 2007 – These dates do not represent the number of complainants or the number of alleged perpetrators.

Question 4

To whom each first complaint was made.

Answer 4

The first complaint was made to the Church therefore the PSNI do not have the date of the first complaints.

Question 5

Please confirm against each complaint when it was first disclosed to civil authorities.

Answer 5

Letters received by PSNI on 25 January 2006, 7 February 2006, 20 February 2006, 3 March 2006, 7 March 2006, 15 March 2006, 9 June 2006, 7 July 2006, 11 November 2006, 27 November 2006, 2 May 2007, 27 July 2007, 24 August 2007, 11 October 2007 – These dates do not represent the number of complainants or the number of alleged perpetrators.

Question 6

Please confirm against each complaint whether it resulted in conviction of alleged perpetrator and the date of any conviction.

Answer 6

In relation to 6 Section 21 Information reasonably accessible by other means applies.

Relevant information can be accessed on the Northern Ireland Policing Board website [http://www.nipolicingboard.org.uk/nipb - minutes - 11\\_june\\_2009.pdf](http://www.nipolicingboard.org.uk/nipb - minutes - 11_june_2009.pdf)

Section 17 (1) of the Freedom of Information Act 2000 requires the Police Service of Northern Ireland, 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 not otherwise apparent) why the exemption applies.

### **Evidence of Harm**

The essence of the work undertaken by the PSNI is to protect both individuals and society as a whole.

Under the Freedom of Information Act (2000) any information released under FOI is released into the public domain, not just to the individual requesting the information.

The harm in disclosing this information about alleged perpetrators is that if any of them are identified and they haven't been found guilty, it could lead to vigilante action, putting the person at risk. Mis-identifications are also known to have occurred, where the health & safety of innocent individuals were put at risk. Disclosing this information could affect ongoing police investigations as the alleged perpetrators could go underground, destroy evidence or intimidate witnesses.

### **Public Interest Test**

Section 30 (1)(a)(b)(c)(2)(a) Investigations and proceedings conducted by the public authority

Favouring Non-disclosure

The service's future law enforcement capabilities would be affected.

Hinder the prevention or detection of crime.

Undermine the partnership approach to investigation.

Favouring Disclosure

The investigation is high profile.

Use of public funds.

Section 38 (1) (a) (b) Health & Safety

Favouring Non-disclosure

The risks to individuals are significant and well evidenced and there would be a loss of confidence in the public authority to protect the well being of the community.

## Favouring Disclosure

Better informed public awareness.

Use of public funds.

Section 42 (1) Legal professional privilege

## Favouring Non-disclosure

In circumstances where the PSNI are under a legal obligation to maintain confidences, it would not be in the public interest to release the information if the grounds for this duty can be shown to be valid.

As Police investigations are conducted with due regard to the confidentiality and privacy of witnesses, there is an expectation that details provided are to be used only for the purpose for which provided.

Furthermore, legal professional privilege applies to all communications between a professional legal advisor (solicitor/barrister) and their client.

## Favouring Disclosure

Where disclosure would enhance informed debate and decision making by the PSNI.

Disclosure may provide individuals with information of particular reference to them and their situation, e.g. information that would assist the applicant to understand the steps taken by the service in dealing with their request/complaint, information which would assist them to assess whether to pursue a legal remedy or otherwise.

## **Balance test**

The delivery of effective law enforcement and public safety is of paramount importance and the Police Service will not divulge information if to do so would place the safety of an individual at risk or compromise an investigation. Therefore it is our opinion that for these issues the balancing test for disclosing this information is not met.

If you have any queries regarding your request or the decision please do not hesitate to contact 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](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 @ [www.psni.police.uk](http://www.psni.police.uk)

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