



Making Northern Ireland Safer For Everyone Through Professional, Progressive Policing

## FREEDOM OF INFORMATION REQUEST



**Request Number:** F-2009-00167

**Keyword:** Crime

**Subject:** EXTORTION/BLACKMAIL INVESTIGATIONS - 2008

### Request and 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 the located information in relation to question 1, 12 and 13.

Fully exempt the information in relation to questions 2 to 3 pursuant to the provisions of Section 30 of the Act.

Neither confirm nor deny (NCND) Questions 4,5,6,7,8,9,10 and 11.

### Question 1

How many investigations into suspected extortion/blackmail were launched by police last year, January 1st 2008 to December 31st 2008.

### Answer

There have been 13 Operations between January 1st 2008 to December 31st 2008.

### Question 2

Please state how much money in total is involved.

### Question 3

Please state largest amount in one case investigated.

### Answers 2 and 3

Section 17 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:

States that fact,  
Specifies the exemption in question and  
States (if not otherwise apparent) why the exemption applies.

### Qualified Exemptions

Section 30 (1) (2) Investigations and proceedings conducted by Public Authorities

### HARM

A public authority is exempt from the duty to communicate information where that information has, at any time been held for the purposes of any investigation, which the public authority has a duty to conduct. Investigations may still be carried

out and individuals may still be identified, which could mean that any further investigations could be compromised.

A fictional scenario of harm could be if the requested information was released under the Freedom of Information Act, any criminal who had attempted a blackmail/extortion offence, that was not reflected in the information released, could then on receipt of this information know that the PSNI had not detected their actions or that the aggrieved had not reported the offence. The criminal could then resume their activities with the knowledge that the PSNI were not fully aware of all blackmail/extortion activities that were going on in their policing area. This could in turn heighten the risk to the general public and community at large.

### **Public Interest Test**

#### **Favouring Disclosure**

#### **Accountability**

The actions of the Police Service, particularly in relation to crime require appropriate application of legislation. This information would go some way towards reassuring those factors.

#### **Public Awareness**

Where disclosure of information about issues of general concern can assist individuals in making decisions about their own activities, e.g. information about crime prevention methods, road safety/crime initiatives, trends of burglary etc.

#### **Media and Public Interest**

To satisfy the media and public interest.

#### **Investigations**

There tends to be a considerable public interest in criminal cases in seeing that justice is done.

#### **Considerations Favouring Non-Disclosure**

##### **Efficient and effective conduct of the service.**

It would not be in the public interest to release information that may prevent or hinder current and future police investigations and regulatory enforcement. Where the current or future law enforcement role of the service may be compromised by the release of information, and future proceedings could be jeopardised.

#### **Current investigations**

It would not be in the public interest to release information that may still be of assistance to the PSNI in relation to any unresolved investigations.

It is the Association of Chief Police Officers approach that information relating to an investigation will rarely be disclosed under the provisions of the Freedom of Information Act. Whilst such information may be released if it provides a tangible community benefit, for example to prevent or detect crime or to protect life or property, it is hard to see how the information here will do so.

#### **Criminal Investigations**

Information relating to a criminal investigation will rarely be disclosed under FOIA and only where there is a strong Public Interest consideration favouring disclosure.

Although the request does not ask for personal data the interests of third parties, i.e. victims, could still be jeopardised by the release of information that could lead to their identification.

#### **Flow of Information to the Service**

Where releasing information would act as a deterrent to the Public to provide information to the PSNI. The lack of confidentiality would deter the public from providing information to the PSNI and could impede the relationship of trust between the police service and individuals and could make it more difficult for the service to detect and prevent crime

#### **Tort in Law**

In circumstances where the service is 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.

## **Balancing Test**

After weighing up the competing interests PSNI have determined that the disclosure of the information would not be in the public interest.

### **Questions 4 – 11**

4. Please state how many were linked to dissident republicans paramilitaries.
5. Please state how many were linked to mainstream republicans if any. (i.e. IRA)
6. Please state how many were linked to loyalist paramilitaries.
7. Please state how many were linked to the UDA.
8. Please state how many were linked to UVF.
9. Please state how many were linked to LVF.
10. Please state how many were linked to criminal gangs.
11. Please state how many were linked to triad gangs.

### **Answers 4 - 11**

In reliance on the exemptions in sections 23(5) Information supplied by, or concerning certain security bodies, 24(2) National Security, 30 (3) Investigations and Proceedings conducted by Public Authorities, 31(3) Law Enforcement, and 38(2) Health and Safety of the Freedom of Information Act (2000), we can neither confirm nor deny whether we hold any information relevant to your request. To the extent that sections 24(2), 30(3), 31(3) and 38(2) apply, it has been determined that in all the circumstances of the case the public interest in maintaining the exclusion of the duty to confirm or deny outweighs the public interest in confirming whether or not the information is held.

### **HARM**

Release of information under FOIA must be considered a release of information to the world as a whole. It could be argued that it would be in the public interest to demonstrate that the PSNI is actively involved in the prevention and detection of terrorist based and criminal activities. Providing evidence of police methodology and accurate information may inform public debate and boost levels of confidence within the community.

There is a requirement to consider whether there is any public interest, which may overcome the harm in confirming or denying the existence of such information, which primarily hinges on investigations. It is rare that details of an investigation would be disclosed, as law enforcement techniques would be compromised.

An example of where harm could occur may best be demonstrated with a fictional scenario. If I made a Freedom of Information request, asking for details of terrorist organisations and/or criminal gangs involved in extortion and blackmail. By simply confirming that they are involved could provide a criminal or terrorist with an awareness of the level of intelligence the PSNI holds.

### **Public Interest Test**

#### **Considerations Favouring Disclosure**

Accountability:

When information relates directly to the efficiency and effectiveness of the PSNI or its officers it would generally be of benefit to the community to confirm whether information requested is held or not.

Public Awareness:

There is a public interest in allowing access to information relating to investigations, in order to allow a better public understanding of the kind of investigations that are carried out. Disclosing information relating to the investigation, even if it is simply to confirm or deny the existence of such information, would provide some information as to the role of the public authority in conducting an investigation into the prevention or detection of crime.

#### **Considerations Favouring Non-Disclosure**

Investigations:

It is the Association of Chief Police Officers (ACPO) approach that information relating to an investigation, were it held, will rarely be disclosed under the provisions of the Freedom of Information Act 2000. Whilst such information might be released if it provides a tangible community benefit it will only be disclosed following a Freedom of Information request if

there are strong public interest considerations favouring disclosure. The further the considerations favouring disclosure are from a tangible community benefit, the lighter the considerations will be. In respect of the request under consideration it would not serve any tangible community benefit to confirm or deny whether any information is held nor not.

Efficient and Effective conduct of the PSNI:

Where the current or future law enforcement role of the Force might be compromised by the release of information.

Release of information connected with any investigation could jeopardise future police operations, future investigations and as a result compromise the prevention and detection of crime. In respect of the request in question to confirm or deny whether any information is held or not has the potential to compromise the prevention and detection of crime.

### **Criminal Investigations**

It is in the public interest to engage the neither confirm nor deny principals to any information that may be of assistance to anyone involved in criminal activity or matters relating to national security.

Balancing Test:

Having considered the arguments highlighted above it is considered that the balance in the public interest test is one of maintaining the exclusion of the duty to confirm or deny as it outweighs the public interest in disclosing whether PSNI holds the information requested. Disclosures under the auspices of the Freedom of Information Act are made to the World at large, not just to an individual requestor and the mere compliance with s1 (1)(a) in this case would be confirming to the World at large whether such information was held or not.

This should not be taken as any indication as to whether the information requested at questions 4, 5,6,7,8, 9,10 and 11 is held or not.

### **Questions 12 – 13**

12. Please state how many arrests were made in each case.

13. Please state how many charges were made in each case.

### **Answers 12 - 13**

In relation to these questions, and in accordance with Section 21 – Information which is reasonably accessible to the applicant by other means, this information can be located at [www.psni.pnn.police.uk](http://www.psni.pnn.police.uk) open banner, go to statistics, open crime statistics and access Annual Recorded Crime Statistics 2007/08 or alternatively the Chief Constable's annual report 2007/2008 within the same website.

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 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 [i@psni.pnn.police.uk](mailto:i@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.