



Making Northern Ireland Safer For Everyone Through Professional, Progressive Policing

## FREEDOM OF INFORMATION REQUEST



**Request Number:** F-2009-00273

**Keyword:** Crime

**Subject:** FIREARMS FIND - HANNAHSTOWN HILL

### Request and Answer:

#### Question

What is the make of the handguns found near the cemetery on Hannahstown Hill on 11 August 2004.

#### Answer

Your request for information has now been considered and the decision has been taken not to supply the information you have requested.

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:

- (a) states that fact,
- (b) specifies the exemption in question and
- (c) states (if not otherwise apparent) why the exemption applies.

The exemption/s, as well as the factors the Department considered when deciding where the public interest lies, are listed below:

Section 30 (1) Investigations.

Section 30 is a Classed Based Qualified exemption, which means that the legislators have agreed there would be harm if this information were to be released and require a Public Interest Test to be carried out concerning the information. The Public Interest Test is as follows:

### Public Interest Test

#### Factors Favouring Disclosure

##### Public Awareness and Debate

To disclose the information requested would facilitate debate in the community concerning gun crime in the area. It would also encourage local residents to become aware of such activities and to report suspicious activity to the police enabling offenders to be brought before the courts.

## **Factors Favouring Non Disclosure**

### Investigations

To disclose the information requested could jeopardise investigations by providing valuable intelligence to criminals about the status of the police investigation and would enable criminals or subversives to take action to frustrate an investigation e.g. destroying or disposing of a firearm that had been used in the commission of a crime, the make and model of which had been identified by a witness. It would encourage offenders in future to destroy weapons to prevent criminals being made amenable for crimes they committed. It could also highlight any covert operations in a particular area, alerting criminals to covert policing activity and thereby compromising police operations and future prosecutions.

### Effective / Efficient Conduct of the Service

By releasing the information requested it would compromise the effectiveness and efficiency of the PSNI in bringing criminals and terrorists before the courts for the crimes they had committed. One of the principles of police work would be the detection of crime, and by releasing the information, would reduce the effectiveness of the service not only in this particular case, but the service as a whole.

### Public Safety

Releasing the details would not be in the public interest as it could exacerbate the fear of crime in the area, causing anxiety and fear to residents that they are living in an area that is being used by criminals / subversives as an arms dump. If more than these guns were hidden in the area, those who hid the other weapons may be encouraged to dump more weaponry there, and be encouraged to carry out further crimes believing that their cache had not been found, therefore having a detrimental impact on the community's safety and well-being.

## **Balancing Test**

On balance, the requirement to withhold information relating to any criminal investigation must take precedence over the public awareness and debate issues. The investigation into gun crime far outweighs the ability for the community to debate the issues surrounding the issue. It is vital to the community's well being that criminals are brought before the courts and by reducing the effectiveness of the investigations is a disservice to the community as a whole. The principles of any police service invariably include the prevention and detection of crime and are held to account by the public if they are not effectively enforcing these principles. Therefore, to take any action which would compromise these principles would go against the whole ethos of a law-abiding society.

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.psni.police.uk/>

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