



Making Northern Ireland Safer For Everyone Through Professional, Progressive Policing

FREEDOM OF INFORMATION REQUEST



Request Number: F-2009-01525

Keyword: Crime

Subject: FIREARMS RECOVERED - 2 / 8 MARCH 2009

Request and Answer:

Question

In the week from 00.01 on March 2, 2009 to 23.59 on March 8, 2009 how many illegal firearms (excluding air weapons) were recovered by your force. For each weapon recovered please state (i) the means by which it came into your possession (E.g. Raid, stop and search, amnesty, etc) and (ii) the make and model of the weapon.

Answer

In accordance with the Act, this letter represents a Refusal Notice for this particular request. The Police Service of Northern Ireland can neither confirm nor deny that it holds the information you have requested. I can, however, advise you, as required by Section 17 of the Act that such information, if it were to exist, would be reasonably expected to be exempted under Section 23(5) Information supplied by or relating to exempt bodies; Section 24(2) National Security; Section 30(3) Investigations; Section 31(3) Law Enforcement and Section 38(2) Health and Safety.

However, this should not be taken as conclusive evidence that the information you requested exists or does not exist. 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 23(5) Information supplied by or relating to exempt bodies;
Section 24(2) National Security;
Section 30(3) Investigations;
Section 31(3) Law Enforcement
Section 38(2) Health and Safety

Sections 24, 31 and 38 are Prejudice Based exemptions, which means that the public authority must evidence the harm in disclosure. Sections 24, 30, 31 and 38 are Qualified exemptions, which means that the public authority must carry out a Public Interest Test.

HARM TEST

Although the information requested is asking for a 'snapshot' relating to seized weapons, the Police Service would not want to confirm to the world in general whether or not a weapon or weapons have been seized within that short timescale, which is very recent. To do so would seriously jeopardise any covert operations. For example, two particular

guns may have been seized by undercover officers as part of an ongoing covert operation. To reveal to the world that those firearms are in police hands would alert individuals involved in serious and organised crime that they are the target of police activity, thereby enabling them to take action in order to cover their tracks and avoid apprehension, e.g. destroying evidence. It also creates a precedent with regard to the information criminals could glean about police activity within a very short timeframe.

PUBLIC INTEREST TEST

Factors Favouring Release

Accountability to ensure the police are providing resources to effectively target gun crime

Factors Favouring Retention

Efficient and effect conduct of the police service relating to the operational capabilities for the prevention and detection of criminal activity. The Police Service will not confirm detail of ongoing investigative activity.

Decision

The Police Service will not confirm detail of ongoing investigative activity. Therefore, at this time the balance of the public interest favours maintaining our stance in being unable to confirm or deny that such information exists.

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

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.