



Making Northern Ireland Safer For Everyone Through Professional, Progressive Policing

## FREEDOM OF INFORMATION REQUEST



**Request Number:** F-2009-01114

**Keyword:** Crime

**Subject:** FORENSIC TESTS ON VEHICLE - MURDER - 7 MARCH 2009

### Request and Answer:

#### Question

Cost of carrying out forensic tests on Cavalier car found abandoned in Randalstown, which is believed to have been used by the killers in the Massereene Army Barracks shooting on March 7, 2009.

If you don't have the full figure yet, an estimate would be fine. This request is purely to find out the cost of forensic tests and has nothing to do with the investigation.

#### 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:

#### Qualified Exemptions

Section 31(1)(a)(b)(c) Law Enforcement

Section 43 (1)(2) Commercial Interests

#### 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) (FOI) any information released under FOI is released into the public domain, not just to the individual requesting the information.

This is an active investigation and it is rare that details of any investigation would be disclosed as law enforcement techniques could be compromised. For this reason the PSNI do not reveal details relating to any investigation where such detail would be detrimental to bringing the offender/s to justice. To release any information related to the murders of Sapper Mark Quinsey and Sapper Patrick Azimkar at Massereene Army Barracks on March 7, 2009 could also seriously undermine the investigative process.

Section 31- Operational procedures, methodology and tactics must be protected by the correct application of exemptions. This is because the release of this type of information would rarely be in the Public Interest and may reduce the PSNI's capability to perform its overall functions under the Police (NI) Act 2000, which states:

"It shall be the general duty of police officers -

- (a) to protect life and property
- (b) to preserve order
- (c) to prevent the commission of offences
- (d) where an offence has been committed, to take measures to bring the offender to justice".

To release information on the cost of carrying out forensic tests relating to the murders of Sapper Mark Quinsey and Sapper Patrick Azimkar at Massereene Army Barracks on March 7, 2009 has the likelihood to prejudice the commercial interests of the Forensic Science Northern Ireland.

#### Public Interest Test

The public interest test relevant is as follows: -

#### Favouring Disclosure

##### Accountability

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

##### Public Debate

Where the release of information would contribute to the quality and accuracy of public debate.

##### Investigations

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

##### Accountability for Public Funds

Where public funds are being spent, there is a public interest in accountability and justification.

##### 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.

##### Investigations

It would not be in the public interest to release information that may still be of assistance 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.

##### Interests of Third Parties

Where third party interests might be jeopardised by release of information that relates to sensitive information held about commercial, financial or operational issues.

##### Balancing Test

PSNI consider that the benefit, which would result from, the release of the information requested does not outweigh disclosing information relating to the above exemptions.

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 [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.psnipolice.uk](http://www.psnipolice.uk)

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