



Making Northern Ireland Safer For Everyone Through Professional, Progressive Policing

## FREEDOM OF INFORMATION REQUEST



**Request Number:** F-2009-00914

**Keyword:** Crime

**Subject:** WITNESS PROTECTION PROGRAMME

### Request and Answer:

#### Question

The last five recorded years of:

- 1) The numbers under witness protection programmes or special measures and
- 2) The corresponding total annual costs.

#### 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 PSNI 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 30 (1) Investigations and Proceedings Conducted by Public Authorities

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. The fact that individuals may be identified could mean that particular investigations, some of which are still current, could be compromised.

#### Section 31 (1) Law Enforcement

- (a) The prevention or detection of crime.
- (b) The apprehension or prosecution of offenders.
- (c) The administration of justice.

## **Section 38 (1) Health and Safety**

### **HARM**

The PSNI have a responsibility for a small geographical area and population size, which is approximately 1.7 million, which means that the likelihood of an individual being identified is high. Because of the parochial nature of Northern Ireland this information could be interpreted alongside other information to damaging effect.

Any information, which is likely to lead to the identification or location of a person or persons in witness protection schemes, will obviously place those people in grave danger. The impacts of providing information, which aids in the location or identity of those persons, could include the diverting of additional police resources, the costs of having to potentially relocate people, and an undermining of the culture of mutual trust and security, which underpins the witness protection schemes. Also, there will inevitably be a link between the persons on any scheme and an investigation. All these factors will in turn be likely to have a negative effect on the community, be it in the diversion of resources from other areas, the collapse of ongoing cases or appeals and an increase in crime as people are unwilling to come forward as witnesses fearing the police will not be able to protect them.

Crime Operations Department PSNI has an important role in countering the many threats against society. The flow of information is essential to its work and release of information regarding the witness protection scheme could compromise the confidence of individuals supplying information.

PSNI have a duty to protect any individual's physical health and mental wellbeing whether the harm is real or perceived. In the Northern Ireland context those suspected of involvement in the witness protection scheme may become targets of paramilitaries who have been known to take action ranging from intimidation, assault through to murder.

### **Public Interest Test**

The public interest test relevant is as follows: -

#### **Favouring Disclosure**

##### **Accountability**

The actions of the PSNI, particularly in relation to crime require appropriate application of legislation. This information would go some way towards reassuring those factors are being adhered to. Information relating to witness protection will show that the PSNI is taking its responsibility in the area seriously, ensuring that an efficient and effective service is delivered.

##### **Public Debate**

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

##### **Accountability for Public Funds**

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

There are suitable measures in place to account for the financial management of public money.

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

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

Where current or future law enforcement role of the force may be compromised by the release of information.

##### **Criminal Investigations**

Most people are on a scheme as a result of being involved in an investigation at some point. The release of information relating to investigations is only provided when it fulfils one of the core policing functions. In this case it would not do so.

##### **Human Rights**

The PSNI is concerned that release of the information requested could have a negative impact upon the rights of individuals as protected by the Human Rights Act 1998.

##### **Current investigations**

In some cases witnesses are being protected due to ongoing investigations. It would not be in the public interest to release information that may be of assistance to anyone involved criminal activity.

## **Flow of Information to the PSNI**

The police service has a duty to protect and defend vulnerable persons. People willing to give information or evidence, which places them, and or their families in grave danger, do so on the understanding that the protection will be provided in an environment of absolute confidentiality. Any disclosure which undermines this trust and confidence means it is likely that people will be less willing to come forward and provide information to the police which will impact on our ability to detect and prevent crime.

## **Public Safety**

Disclosure of this information cannot only lead to individuals being targeted and caused physical harm but also other members of the public in the vicinity, or police officers trying to protect people. Also, information that causes speculation has in the past caused innocent people to be targeted following rumour and speculation.

## **Balancing Test**

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

On balance it is not in the public interest to release this information.

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.psni.police.uk](http://www.psni.police.uk)

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