



Making Northern Ireland Safer For Everyone Through Professional, Progressive Policing

FREEDOM OF INFORMATION REQUEST



Request Number: F-2009-02148

Keyword: Operational Policing

Subject: JURY PROTECTION

Request and Answer:

Question 1

In 2002/03, 2005/06 and 2008/09, how much, if anything, did your force spend on jury protection?

Question 2

In 2002/03, 2005/06 and 2008/09, how many officers were involved in jury protection? If possible please describe to what extent each officer was involved (e.g. hours)

Question 3

How many cases of jury 'tampering', 'harassment', 'nobbling' or similar did your force record in 2002/03, 2005/06 and 2008/09?

Answer 1, 2 and 3

Searches were conducted however these searches failed to locate any records or documents relevant to your request based on the information you have provided. Accordingly, I have determined that the Police Service of Northern Ireland does not hold the information to which you seek access.

It should be noted that this response is unique to the PSNI and should not be used as a comparison with other forces.

Question 4

In 2002/03, 2005/06 and 2008/09, how much did your force spend on witness protection, and how many officers were involved? Please specify if this was via a dedicated unit or ad-hoc arrangements. If possible please describe to what extent each officer was involved (e.g. hours).

Answer

PSNI maintain and conduct a witness protection programme in accordance with the Serious Organised Crime and Police Act 2005, which refers to the protection of witnesses and other persons. Their main objective is the support of witnesses and other vulnerable persons involved in the judicial process whose circumstances are such that their personal safety are subject to specific serious risk of intimidation or violence.

ACC Crime Operations has overall command of this unit and staffing levels are directed as needs dictate.

I have today decided to fully exempt the requested information pursuant to the provisions of Section 31 (1) Law Enforcement and Section 38 (1) Health and Safety of the Act.

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 exemptions, as well as the factors the Department considered when deciding where the public interest lies, are listed below:

Qualified Exemptions

Section 31 (1) Law Enforcement

Information which is not exempt information by virtue of section 30 is exempt information if its disclosure under this Act would, or would be likely to prejudice

- (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

There is a cost to the public purse of placing persons in a protection scheme. Information in relation to this would contribute towards justification of the use of these monies.

Considerations Favouring Non-Disclosure

Efficient and effective conduct of the PSNI.

Where current or future law enforcement role of the service 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.

Current investigations

In some cases witnesses are being protected due to ongoing investigations. Information which could be used to undermine prosecutions or aid offenders is not in the public interest.

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

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

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