



Making Northern Ireland Safer For Everyone Through Professional, Progressive Policing

## FREEDOM OF INFORMATION REQUEST



**Request Number:** F-2009-01381

**Keyword:** Operational Policing

**Subject:** PSNI HELICOPTER

### Request and Answer:

I have decided to disclose the located information in relation to questions 1,2, 4,5 and 6.

In relation to Questions 3 a) and b) PSNI fully exempt the information in reliance on the exemptions in Section 30(1)(2) Investigations and Proceedings conducted by Public Authorities, Section 31(1) Law Enforcement and Section 38 (1)(b) Health and Safety.

In relation to Question 3 c) and 7 this information is not held in an easily retrievable format, and it is therefore considered the cost of complying with your request for information would exceed the appropriate limit as stated in the Freedom of Information Regulations 2004, which is currently set by the Secretary of State at £450.

It should be noted that the PSNI is accountable to the Northern Ireland Policing Board and not to any Police Authority and therefore the responses given all relate to the PSNI helicopter.

#### Question 1

How many helicopters does the authority operate?

#### Answer 1

The PSNI operates one helicopter.

#### Question 2

How many sorties were flown by the authority's helicopter(s) in 2006/07, 2007/08 and 2008/09?

#### Answer 2

The attached statistics are for the PSNI helicopter.

2006/2007 1051

2007/2008 1273

2008/2009 1619

#### Question 4

How many pilots were contracted or employed to use the authority's helicopter(s) in each of the following years: 2007/08 and 2008/09?

#### Question 5

How many support staff were employed to operate, support and maintain the helicopters in 2007/08 and 2008/09?

#### **Answer 4 and 5**

It should be noted that the PSNI pilot/maintenance contract arrangements provides appropriately trained pilots and engineers as, and when PSNI need them i.e. there is not just one pilot/engineer.

#### **Question 6**

What is the salary of the highest paid pilot employed by the authority to fly a helicopter at the police authority?

#### **Answer 6**

As previously stated it should be noted that the pilot contract arrangement provides appropriately trained pilots as, and when PSNI need them i.e. there is not just one pilot. An overall payment is made by the PSNI to the contractor. The PSNI is not involved in any payment to the contractor's employees, and are unable to answer this question.

#### **Question 3 a) b)**

Please can you send me a a) breakdown of the purpose, b) duration and of each sortie in 2007/08 and 2008/09.

#### **Answer 3 a) b)**

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 30(1)(2) Investigations and proceedings conducted by public authorities  
Section 31(1) Law Enforcement  
Section 38(1)(b) Health and Safety

#### **HARM**

The essence of the work undertaken by the PSNI is to protect both individuals and society as a whole.

Release of information under FOIA must be considered a release of information to the world as a whole. It could be argued that it would be in the public interest to demonstrate that the PSNI is actively involved in the prevention and detection of terrorist based and criminal activities by releasing the breakdown of the purpose, duration and cost of each sortie in 2007/08 and 2008/09.

However, the release of this level of information could also alert the criminal/terrorist fraternity to the extent of the operational activity undertaken by the helicopter. Therefore the release of this information regarding the police helicopter may adversely affect the efficient and effective conduct of the PSNI. Public safety is of paramount importance to the PSNI and must always be considered. It is not in the public interest to disclose information that may compromise the PSNI's ability to fulfil its core function of law enforcement.

Therefore the operational procedures, methodology and tactics of the helicopter 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."

An example of where harm could occur may best be demonstrated with a fictional scenario. If I made a Freedom of Information request, asking for details of what resources had been deployed by the PSNI to a particular operation i.e. the pursuit of a car containing an armed robbery gang, through a town in Northern Ireland, any potential criminals/terrorists, would on receipt of the information, have an insight into the types of resources PSNI would deploy in a similar situation. This could give the criminal/terrorist fraternity the ability to estimate the level of Police coverage of a similar situation. This could provide them with the ability to gauge the level of resources deployed and plan an alternative means of escape thus avoiding apprehension.

### **Public Interest Test**

The public interest test relevant is as follows: -

### **Favouring Disclosure**

#### **Accountability**

When information disclosed relates directly to the efficiency and effectiveness of the force or its officers. The release of information will enable the public to have a better understanding of the efficiency and effectiveness of the police service.

#### **Public Awareness**

Where disclosure of information about issues of general concern can assist individuals in making decisions about their own activities, e.g. information about crime prevention methods, road safety/crime initiatives, trends of burglary etc.

#### **Media and Public Interest**

To satisfy the media and public interest.

#### **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.

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

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

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

#### **Current 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.

#### **Balancing Test**

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

#### **Question 3 c)**

Where possible, cost of each sortie in 2007/08 and 2008/09.

#### **Answer 3 c)**

In relation to the cost of the deployment of the helicopter in 2007/08 and 2008/09 PSNI does not retain this information in an easily retrievable format. All of the incidents deployment records for 2007/08 and 2008/09 would have to be searched on a case by case basis to establish a deployment cost for each of the years you have requested. To conduct a search would involve a disproportionate amount of resources, which could impact, on the PSNI's ability to provide a professional service to the community.

#### **Question 7**

What was the total expenditure by the authority to maintain, support and operate the authority's helicopter(s) in 2006/07, 2007/08 and 2008/09?

#### **Answer 7**

Although PSNI do hold the requested information, PSNI cannot provide the total cost expenditure of maintaining, supporting and operating the PSNI helicopter in 2006/07, 2007/08 and 2008/09, as it is not retained in an easily retrievable format. The total figure comprises of an amalgamation of many elements i.e. maintenance, insurance, fuel, depreciation factors, pilot and air observer costs etc. The cost is also divided between various separate departments within the PSNI. To compile and collate the requested information would exceed the "appropriate limit" as stated in the Freedom of Information Regulations 2004, which is currently set by the Secretary of State at £450.

It is therefore considered the cost of complying with 3c) and 7 of your request for information would exceed the

appropriate limit as stated in the Freedom of Information Regulations 2004, which is currently set by the Secretary of State at £450.

PSNI have also considered whether we can be of any assistance in terms with helping you refine your request to bring it under the cost limit in relation to Question 3 c). You may wish to refine your request to another time frame however Part II exemptions may then apply.

However in relation to Question 7 previous FOI responses regarding costs of the PSNI helicopter can be accessed via <http://www.psni.police.uk/> disclosure logs.

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 @ <http://www.psni.police.uk/>

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