Making Northern Ireland Safer For Everyone Through Professional, Progressive Policing

FREEDOM OF INFORMATION REQUEST

Request Number: F-2009-00114

Keyword: Operational Policing

Subject: USE OF PSNI HELICOPTER NOV/DEC 2008

Request and Answer:

I am writing to confirm that the Police Service of Northern Ireland has now completed its search for the information.

I have today decided to disclose the located information in relation to questions 1,3,4,5,6,7.

Question 1
The number of times the police helicopter was use in Nov 08 and Dec 08.

Answer
PSNI helicopter attended 326 incidents between 1 November 2008 and 31 December 2008.

Question 3.
The maintenance costs of police helicopter in 2008.

Answer
The known recorded maintenance costs to date for the PSNI helicopter in 2008 was £682,547.98

Question 4.
The fuel costs of police helicopter in 2008.

Answer
The fuel costs of the PSNI helicopter in 2008 was £149,547.54.

Question 5
The costs for use of the pilot in 2008.

Answer
The total cost of the pilotage services for the PSNI helicopter for 2008 was £325,944.84.

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.

Question 6.
The number of times the police helicopter was used in 2008 as a back up because of a risk to the safety of officers.

Answer
PSNI do not collate this information in this format. However, it could be argued that each time the helicopter deploys it is helping to manage or reduce risk to officers on the ground.

Question 7.
The number of attacks on the police helicopter during 2008 and an explanation of the types of attacks.

Answer
There were 4 laser attacks on the PSNI helicopter, and there is one prosecution under the Air Navigation order in process.

However in relation to Question 2, PSNI has decided to apply exemptions.

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 types of incidents the helicopter was called out to during 2008. 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 the types of incidents the police helicopter was called out to during 2008 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 –

to protect life and property;
to preserve order;
to prevent the commission of offences;
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, though a town in Northern Ireland, you and also any potential criminals/terrorists, would have 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.

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

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