



Making Northern Ireland Safer For Everyone Through Professional, Progressive Policing

FREEDOM OF INFORMATION REQUEST



Request Number: F-2009-01185

Keyword: Organisational Information/Governance

Subject: NEW PSNI STATION - OMAGH

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 questions numbered 1, 2, 3,5 and 6 in full;
- fully exempt questions numbered 4 and 9 pursuant to the provisions of Section 31 Law Enforcement and Section 38 Health & Safety of the Act.

Question 1

How much funding has been allocated to the new PSNI station in Omagh.

Answer

£15 million has been allocated to the construction of the new PSNI station in Omagh

Question 2

What costs, to this point, have been used?

Answer

The new station has now been completed using all the funding allocated.

Question 3

Where has this funding come from?

Answer

The funding for the new station came from the Capital Budget allocated to the PSNI.

Question 4

How many officers will be stationed at the new PSNI centre in Omagh?

Answer

The PSNI has decided today not to disclose the information requested pursuant to the provisions of Section 31 of the Act, Law Enforcement and Section 38 Health & Safety. Please refer to the paragraph below regarding Section 17 of the FOI Act and Harm Test and Public Interest Test outlined below.

Question 5

What were the reasons for the PSNI moving to this new location.

Answer

The purpose of the relocation of the Omagh station was to provide the community, police officers and staff with a state of the art 21st Century police station reflecting the PSNI's commitment to make Northern Ireland safer for everyone through professional, progressive policing.

Question 6

What is happening to the old location on the Gortin Road.

Answer

The old site will be decommissioned at which point a decision will be made on the future of the site by the Northern Ireland Policing Board.

Question 7

Does the PSNI believe this new station is needed and what are the views of the local hospital being closed?

Question 8

Does the PSNI think the closure of the local hospital may have been a mistake following the devastation of the Omagh bomb?

Answer

The freedom of Information Act requires the PSNI to publish recorded information held by the PSNI at the time of the request. Questions 7 & 8 ask for opinion and are therefore not deemed to be a valid request under the Act.

Question 9

What services, equipment etc will the new station have to deal with another bomb of that capacity?

Answer

The PSNI has decided today not to disclose the information requested pursuant to the provisions of Section 31 of the Act, Law Enforcement and Section 38 Health & Safety. Please refer to the paragraph below, and both Harm and Public Interest Tests.

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.

It is considered that to release information pertaining to Questions 4 and 8 would prejudice operational policing capabilities and endanger the health and safety of individuals. The following exemptions are therefore engaged;

Section 31 (1)(a)(b) and (c) Law Enforcement and
Section 38(1)(a) and (b) Health and Safety

Section 31 and Section 38 are both Prejudiced-based, Qualified exemptions, therefore the Public Authority has a responsibility to evidence the harm and carry out a Public Interest Test. Please refer to the Harm and Public Interest Tests outlined below.

Harm Test

The PSNI is charged with enforcing the law, preventing and detecting crime and protecting the communities we serve. In order to achieve these principles it is essential that those who are only concerned with disrupting society should not be given assistance in carrying out their objectives. By the release of the operational capabilities of the police, the enforcement of law, prevention and detection of crime, the apprehension or prosecution of offenders would be at risk as the criminal and terrorist element in society would know exactly what resources, services and equipment were employed by PSNI in that particular area. Taking a hypothetical situation – if it was known by the criminal community that there was only one police officer who patrolled a certain area, it would encourage those criminals to carry out crime in that area believing that they would be less likely to be caught and brought before the judicial system than an area where it was known that one hundred police officers patrolled.

This then has a knock on effect in relation to the health and safety of the police officers and public alike. By knowing how many officers are allocated to one specific area could lead to an increase in attacks on police officers by dissident elements in society with the possibility of the general public being injured or fatally wounded in any attack. These

activities have been seen recently both in Antrim and Craigavon where members of the military and police have been attacked and murdered. Bearing in mind the current security situation within the United Kingdom, and in particular Northern Ireland, releasing information at this level in relation to the operational policing capabilities of a particular area to the general public would only jeopardise the security and well-being of those officers who daily carry out their duties in that area as well as those residents who reside within that community.

Public Interest Test

Factors Favouring Disclosure

Accountability

Disclosure of this information would enable the public to know whether the police service has the appropriate resources and capabilities to deal appropriately with the challenges of that area.

Public awareness and Debate

Disclosure would facilitate proper debate concerning crime and resources in that particular area.

Factors Favouring Non Disclosure

Efficient and Effective Conduct of the service

Disclosure of policing capabilities in any area would place the PSNI at a tactical disadvantage. It would enable terrorists and criminals to identify the most vulnerable areas for committing crime. It would compromise the role of the police in the community and result in a loss of confidence with the PSNI and its' ability to prevent and detect crime, reducing the support and assistance from the community.

Public Safety

By releasing any information detailing policing capabilities, the community's sense of safety could be seriously harmed by perceptions that the number of officers patrolling any particular area was insufficient. It would induce a fear of crime and uneasiness on the streets believing that criminals would be able to come into an area, commit crime and not be caught. The risk to public safety cannot be underestimated as it is tactical information that would prove useful intelligence to those intent on attacking police officers and committing crime for gain or harming innocent members of the community.

Human Rights

The Public Interest cannot be served if disclosure breaches the obligations placed on an authority under the European Convention on Human Rights, particularly, Article 2 - The right to life and Article 8 - The right to respect for private and family life. This principle applies to a wide range of individuals ranging from the individual, his / her family, and the wider community. It also has a bearing on Protocol 1 Article 1 Protection of Property where everyone is entitled to the peaceful enjoyment of his possessions.

Balancing Test

After considering all factors in relation to this request, it falls on the PSNI to conduct a balancing test on the issues. In this case, the factors favouring non-disclosure in relation to the releasing of operational policing capabilities far outweigh those favouring disclosure at this time. As a release under the Freedom of Information Act is a release into the public domain and not to an individual, releasing operational strengths could endanger officers and the public alike, especially in light of the recent attacks on the security services and also assist criminals in carrying out crime in the area. To release such information would only compromise the safety and well-being of the public and the public's safety and well-being should never be compromised. The PSNI has decided not to disclose the information as it has a duty to protect its' officers and the general public.

If you have any queries regarding your request or the decision please do not hesitate to contact me on 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.psnipolice.uk/>

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