



Making Northern Ireland Safer For Everyone Through Professional, Progressive Policing

FREEDOM OF INFORMATION REQUEST



Request Number: F 2010 02372

Keyword: Crime

Subject: Forensic Protocols

Request and Answer:

Question 1.

Any protocols drawn up between the PSNI, the Army and forensic laboratories such as FSNI relating to preliminary presumptive tests by the Army for explosive residue.

Question 2.

Any agreed protocols regarding Crime Scene Investigators attending volume crime scenes at weekends or other callout times (typically 12 midnight to 8am).

Question 3

Most recent memorandum of understanding in relation to forensic science materials between FSNI, PSNI and PSS.

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

I have today decided to fully exempt questions 1 and 3 pursuant to the provisions of sections 31 and 43 and also fully exempt question 2 pursuant to the provisions of section 31 of the Act.

Answer 1, (S31 and S43), 2 (S31) and 3 (S31 and S43)

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.

Qualified Exemptions

Section 31 Law Enforcement (1) (a) (b) (c)

Section 43 Commercial Interests (2)

Section 31 (1) (a)(b)(c) and Section 43 (2) are prejudice based qualified exemptions which means that the legislators have identified that the harm (prejudice) in disclosure as well as the public interest considerations need to be evidenced and articulated to the applicant.

Harm

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

PSNI is entrusted with a considerable amount of information, some of which is commercial sensitive. It also has an important role in countering the many threats against society.

PSNI consider that the danger to individuals, should this information be released, can be equated to a criminal having prior knowledge of current police and forensic methodology, operational procedures and tactics and putting this knowledge into practice to assist them being apprehended. Investigations, which could have been successful, could be compromised and any individual/business could potentially be affected and made a victim/s.

It is also believed that there would be no benefit to either the local community or the wider public by releasing this type of information.

Section 31 (1) 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 43 (2) - Information is exempt information if its disclosure under this Act would, or would be likely to, prejudice commercial interests of any person including the public authority holding it.

Consideration has been given to the likelihood that the release of this information would prejudice commercial interests and law enforcement. Whilst it cannot be evidenced that this is a definite factor, as the evidence of harm is largely based on future consequence, it is considered that there is substantial and significant risk that commercial interests and law enforcement techniques would be likely to be prejudiced. PSNI consider that the information you have requested in relation to questions 1 and 3 is also commercially confidential, as it may provide another commercial body or criminals with information that may be used in future.

Section 31 Public Interest Considerations

Factors Favouring Disclosure

By disclosing the information the public would see where public funds are being spent.

Factors Favouring Non-Disclosure

The Police Service has a duty to deliver effective law enforcement, ensuring the prevention and detection of crime, apprehension or prosecution of offenders and administration of justice is carried out appropriately. They will not reveal detail, no matter how generic, which would compromise effective law enforcement issues. As stated above the Police Service share information with outside agencies and disclosure could jeopardise the partnership approach to law enforcement.

By disclosing the information, law enforcement tactics would be compromised which would hinder the prevention and detection of crime. More crime would be committed because criminals/terrorists would know details relating to the gathering of forensic evidence and could put measures in place to help them avoid detection. A fear of crime would be realised because if the criminal/terrorists fraternity had such knowledge they could exploit this situation to their advantage and the public

would be in fear of crime becoming more prevalent. There would be an impact on police resources, as there would be a rise in crime and the community would feel more at risk of being victims of crime.

Section 43 Public Interest Considerations

Factors Favouring Disclosure

When information disclosed relates directly to the efficiency and effectiveness of the PSNI or its officers it is generally of benefit to the community. In this case, the release of information will enable the public to have a better understanding of the efficiency and effectiveness of the PSNI and partner agencies.

One of the underlying principles of the Freedom of Information Act is the need for authorities to be more open and transparent. In this case, to provide full details would provide the community with an awareness that public funds are being used to resource and finance the use of expert technology to assist in the prevention or detection of crime; the apprehension or prosecution of offenders and the administration of justice.

Factors Favouring Non- Disclosure

Where a current or future Law enforcement role of the PSNI may be compromised by the release of information. In this case, disclosure of the information may enable individuals or terrorist organisations to identify expert technology and methods used by the police service as part of an intelligence gathering operation. The effectiveness of current and future strategies to combat terrorist activity may be compromised and may also inhibit the ability to prevent crime.

The Police Service has a moral duty to protect the sensitive commercial information it holds. In this case, to provide commercial information would prejudice commercial interests, as detailed within the harm above.

Balancing Test

When balancing the public interest test we have to consider whether the information should be released into the public domain. Arguments need to be weighed against each other. The most persuasive reason for disclosure is Use of Public Funds which needs to be compared to the strongest negative reasons, which in this case are law enforcement and commercial interests. The police service cannot and will not disclose information which will place the public at risk by undermining law enforcement techniques or commercial interests thereby assisting those intent on committing crime.

Section 16 Advice and assistance

Question 1

PSNI have no record of a memorandum of understanding with the Army, relating to preliminary presumptive tests by the Army for explosive residue.

Question 2

Scientific Support Branch agrees with each District Commander on an annual basis a Service Level Agreement (SLA) that details the services that Crime Scene Investigators (CSI) will provide to the district and the district will provide to CSI's.

The CSI department aims to provide CSI's to be available between 0900 and 2200 every day in all Districts under normal operating conditions. CSI's work during the weekend and attend volume crime scenes during their standard shift pattern. Out of hours operational cover, in support of serious crime investigations, is provided via an 'on-call' system and this is accessed by Regional Controllers who maintain current on-call lists. During the call out period, they will only attend serious crime scenes.

Question 3

PSS is not a recognised abbreviation.

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 letter.

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.