



Making Northern Ireland Safer For Everyone Through Professional, Progressive Policing

## FREEDOM OF INFORMATION REQUEST



**Request Number:** F-2010-01179

**Keyword:** Operational Policing

**Subject:** Stop And Search Figures For Dunmurry Sector Area

### Request and Answer:

I am writing to confirm that the Police Service of Northern Ireland has now completed its search for the information requested and the answer to your question is as follows.

### Question

Could I be supplied with the Stop and search figures under section 44 for the last year with regard to the Dunmurry sector area.

### Answer

I have today decided to:

fully exempt figures requested pursuant to the provisions of

Sections 24((1) National Security  
Section 31(1)(a)(b)(c) Law Enforcement and  
Section 38(1)(a)(b) 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 engaged are classified as qualified within the FOIA and there is prejudice and public interest considerations to be examined.

As they are qualified, there is a requirement to examine prejudice and the “public interest”.

Please find below the overall harm considerations and public interest considerations taken into account regarding the release of requested figures.

## **Evidence of overall Harm**

The police service has drastically changed the way in which it now monitors terrorist activity following the events of 7/7 and both the Glasgow and Tiger Tiger, London bombings, and clearly the provision of information relating to current Section 44 authorisations (stop & search) in place will assist terrorists to identify areas of the UK which are currently receiving police attention.

**Home Office statement 2009** *Stop and search under section 44 of the Terrorism Act 2000 is an important tool in the ongoing fight against terrorism. As part of a structured anti-terrorist strategy, the powers help to deter terrorist activity by creating a hostile environment for would-be terrorists to operate in. The purpose of the policy is to act as a deterrent to terrorists. Therefore even revealing the geographic area that authorisations are in place would limit the effect of these powers as a counter terrorism measure. It would also prejudice law enforcement because knowledge of where authorisations are in place could be considered beneficial to individuals attempting to avoid detection when planning or carrying out an act of terrorism.*

Disclosure of information under FOI is a disclosure to the world. To publish details of towns where Section 44 stop and searches, have been authorised would enable those engaged in criminal or terrorist activity to identify the focus of policing activity across the UK, and geographically map where S44 authorisations are in place, and more importantly, where they are not in place. This would then indicate where the police service has measures in place to counteract terrorist activity and where law enforcement is likely to be concentrated. This would show the criminals what the capacity, tactical abilities and capabilities of the police force are, allowing them to target specific areas to conduct their terrorist activities.

By disclosing the number of stop & searches in Dunmurry sector area, would also enable those who are seeking to avoid identification to adjust their behaviour accordingly to enable them to attempt to avoid detection which would further damage the police operations to prevent and detect terrorism offences. Criminals would be aware that the police must have intelligence in those areas where the S44 is granted so they would be able to avoid those areas or would move their operations and destroy evidence.

Any information identifying the focus of anti-terror policing activity could be used to the advantage of terrorists or criminal organisations. Information that undermines the operational integrity of these activities will adversely affect public safety and have a negative impact on both National Security and law enforcement. Public safety would be put at risk if terrorists' targeted areas where S44's were not in place, and members of the police force would be put at risk if they targeted known S44 authorised areas.

## **Sections 24((1) National Security**

Factors favouring disclosure for S24 – The information simply relates to national security and disclosure would not actually harm it. The public are entitled to know how public funds are spent and by confirming the locations of S44 authorisations would lead to a better-informed public that can take steps to protect themselves

Factors favouring non-disclosure for S24 – By disclosing how many stop & searches have been conducted in Dunmurry sector would render Security measures less effective. This would lead to the compromise of ongoing or future operations to protect the security or infra-structure of the Northern Ireland and increase the risk of harm to the public.

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

Factors favouring disclosure for S31 - By disclosing how many stop & searches have been conducted in Dunmurry sector, the public would see where public funds are being spent and would

be able to take steps to protect themselves and their families. Better public awareness may reduce crime or lead to more information from the public.

Factors favouring non-disclosure for S31 - By disclosing how many stop & searches have been conducted in Dunmurry sector area, law enforcement tactics would be compromised which would hinder the prevention and detection of crime. More crime would be committed and individuals would be placed at risk.

### **Section 38(1)(a)(b) Health and Safety**

Factors favouring disclosure for S38 – The public are entitled to know what areas of criminal activity the police service allocate public funds therefore by disclosing how many stop & searches have been conducted in Dunmurry sector area, would lead to better informed public awareness and debate. Confirmation or denial would assist communities to be more aware of the level of protection afforded to them.

Factors favouring non-disclosure for S38 – By disclosing how many stop & searches have been conducted in Dunmurry sector area, the risks to individuals are significant and evidenced and there would be a loss of confidence in the police service to protect the well-being of the community.

Balance test - The security of the country is of paramount importance and the Police service will not disclose information if to do so would place the safety of an individual at risk or undermine National Security. Whilst there is a public interest in the transparency of policing operations and in this case providing assurance that the police service is appropriately and effectively engaging with the threat posed by a terrorist attack, there is a very strong public interest in safeguarding both national security and the integrity of police investigations and operations in the highly sensitive area of terrorism prevention.

As much as there is public interest in knowing that policing activity is appropriate and balanced in matters of national security this will only be overridden in exceptional circumstances.

Under our Section 16 duty to assist I can advise that the total number of Section 44 searches for Lisburn Area for 1st January 2009- 31st December 2009 is 1845.

Stop and search figures are also published on the PSNI website and these can be viewed at

[http://www.psni.police.uk/index/updates/updates\\_statistics/updates\\_stop\\_and\\_search\\_statistics.htm](http://www.psni.police.uk/index/updates/updates_statistics/updates_stop_and_search_statistics.htm)

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 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](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 @ [www.psnj.police.uk](http://www.psnj.police.uk)

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