Personal, Professional, Protective Policing

FREEDOM OF INFORMATION REQUEST

Request Number: F2011 2664

Keyword: Crime

Subject: Investigation into the Murder of Teenager

Request and Answer:

Could I have the following under freedom of information.

RE: Reinvestigation into murder of teenager ……..in 2001.

Question 1

1. How many police officers are working full-time on the investigation into the murder of teenager …..

(For your information it relates to the announcement on August 5, 2011, that the case had now been reviewed and would be investigated by detectives from serious crime branch, hence term reinvestigation)

Your request for information has now been considered and the decision has been taken not to supply the information you have requested.

Section 17 (1) of the Freedom of Information Act 2000 requires the Police Service of Northern Ireland, (PSNI) 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, as well as the factors the Department considered when deciding where the public interest lies, are listed below:

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

Section 31 is a prejudice based qualified exemption 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
Under the Freedom of Information Act (2000) any information released under FOI is released into the public domain, not just to the individual requesting the information.

All Crime Operations staff are under the command of an Assistant Chief Constable and he has the authority to deploy resources to individual units as priorities dictate. Crime Operations Department, consists of both Police and Support Staff, who conduct professional and detailed investigations into all serious and organised crime in Northern Ireland, including murder, terrorist offences, serious sexual assaults, organised criminal gangs, armed robbery, extortion and drugs offences. The Department integrates all the professional disciplines required to deliver highly effective investigations and manage intelligence on behalf of the organisation.

Therefore, for the reasons outlined above it is not considered to be in the public interest to specify the number of police officers working full-time on the investigation into the murder of a teenager murdered in 2001 as this would impact on the effectiveness of using personnel in the future by identifying deployment to the detriment of its effectiveness.

To divulge the specific level of personnel employed may also pose a risk of exposure regarding the methodology and capability within Crime Operations.

It could be argued that there is a public interest in the transparency of investigations carried out by the police to ensure they are being conducted appropriately and in line with current investigative guidelines particularly in relation to unsolved crimes. However, the Police Service has a duty of care to ensure effective law enforcement and the prevention and detection of crime. The Police Service will not disclose information which could compromise an ongoing investigation and law enforcement.

The Police Service has a duty of care to all individuals involved in any investigation and must ensure effective law enforcement and comply with 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".

Public Interest Test

The public interest test relevant is as follows: -

Section 31 Factors Favouring Disclosure
There is a general public interest in the way that police work and for public bodies to be accountable for their actions. Disclosure could promote public trust in providing transparency, demonstrating openness and accountability. Disclosure would also show that public funds were being used effectively and appropriately.

Section 31 Factors Favouring Non-Disclosure
By releasing information into the public domain could undermine a current investigation. It would therefore not be in the public interest to release information that may prevent or hinder current investigations and regulatory enforcement. It would also not be in the public interest to release information that may be of assistance to anyone involved in criminal activity. 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
Whilst it is important to be open and transparent, in this case the tactics, methodology and techniques utilised by the PSNI's law enforcement practices tips the public interest balance in favour of non disclosure and therefore there would be no benefit to the public in the release of the requested information. Therefore, currently, it is our opinion that for these issues, the balancing test for disclosure is not made out.

Section 16 – Advice and Assistance
For your information upon review a Senior Investigating Officer has recently been appointed to reinvestigate all relevant lines of enquiry. As issues progress he and his supervisors can deploy whatever resources they deem necessary to take matters forward.

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.

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.