



Making Northern Ireland Safer For Everyone Through Professional, Progressive Policing

FREEDOM OF INFORMATION REQUEST



Request Number: F-2011-00678

Keyword: Operational Policing

Subject: Police Search of Property in Ballymena

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 information in relation to questions 1 and 2 in full; and
- fully exempt information in relation to questions 3, 4 and 5 pursuant to the provisions of Section 31(1)(a)(b) of the Act.

Question 1

Can you provide details of why the police planned the search and what officers were seeking?

Answer

A number of persons had been identified as being involved in the possession, supply and use of Class 'A' controlled drugs namely Heroin, within the Ballymena area. PSNI has identified suspects as targets for this operation. This search was the continuation of operations previously carried out as a response to the active trade in Illegal Drugs and other related criminal activity within the Ballymena area.

Question 2

Has a review taken place into this operation, where police officers entered the wrong house while carrying out the planned search?

Answer

Yes a review has taken place.

Question 3

What explanation did the review find to explain why officers entered the wrong house?

Question 4

Can you provide details of the explanations offered by the officers involved to explain why they

entered the wrong house?

Question 5

Can you provide details of the steps that have been put in place to reduce the likelihood of reoccurrence?

Answer

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:

Section 31(1)(a)(b) 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

To release details of police briefings and search instructions regarding the review would be useful to those involved in serious drug crimes and therefore would be likely to compromise the law enforcement tactics of the PSNI and hinder the prevention and detection of these crimes.

Public Interest Test

For Release – To release details of such operations which the PSNI are involved in would help the community in Ballymena understand police actions and why such a mistake was made.

The PSNI must be accountable for their procedures. The public would be able to determine how effectively and efficiently the PSNI deal with the planning and policing of drug crime.

For Retention – Any criminals involved in drug crime would be able to use information regarding police tactics to take action to avoid detection.

To reveal details of such operations would be useful to those involved in serious crime and therefore would be likely to compromise the law enforcement tactics of the PSNI and hinder the prevention and detection of crime. This information would undermine the efficiency and effectiveness of the service as to how they conduct specific operations and procedures.

Decision

Although information regarding a search of the wrong premises by PSNI would inform public debate and raise awareness of steps taken to rectify the mistake, no information which would impede the prevention and detection of crime, increasing the risk of further drug offences within this area should be released. The release of this information could cause significant harm to the functions of the PSNI and compromise the PSNI's law enforcement role.

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.psnj.police.uk

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