



FREEDOM OF INFORMATION REQUEST



Request Number: F-2011-02803

Keyword: Operational Policing

Subject: Stop and Search Statistics

Request and Answer:

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

Question

My request relates to stop and search statistics for the past 3 years.

I would like to know more precise addresses at which stops took place. Currently the data available on the website only goes as far as District or area level (for example, North Belfast or South Belfast). I want to know precisely where a stop took place, for example an address (i.e. 7 Donegall Street Place) or at least a street (lower Newtownards Road, etc). I would also like to know which power was used at each stop.

Thus for each stop I am requesting the street address and the power that was used, from the last 3 years.

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:

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.

The exemptions engaged are all classified as prejudice based and qualified within the FOIA and

therefore there are prejudice and public interest considerations to be examined.

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

Harm

Disclosure of information under FOI is a disclosure to the world. To publish details of particular streets where 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 the police service has measures in place to counteract criminal and 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 criminal activities.

By disclosing details of specific addresses where stop and searches have taken place, would also enable those who are seeking to avoid identification to adjust their behaviour accordingly and enable them to attempt to avoid detection which would further damage the police operations to prevent and detect criminal and terrorist offences. Criminals would be aware that the police must have intelligence in those areas and they would be able to avoid those areas, move their operations and destroy evidence.

Any information identifying the focus of law enforcement and 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 Interest Test

Section 24(1) National Security

Factors favouring disclosure for S24 – The public are entitled to know how public funds are spent and by confirming which street searches have taken place in would lead to a better-informed public that can take steps to protect themselves.

Factors favouring non-disclosure for S24 – By disclosing street names of where stop and searches have been conducted 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 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 addresses of where stop and searches have been conducted, the public could 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 exactly where stop and searches have been conducted, 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 disclosing where stop and searches have been

conducted would lead to better informed public awareness and debate. Confirmation or denial would assist communities in being more aware of the level of protection afforded to them.

Factors favouring non-disclosure for S38 – By disclosing where stop and searches have been conducted at street level, 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 dealing with law enforcement and threats posed by terrorist attacks, 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.

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.