



Making Northern Ireland Safer For Everyone Through Professional, Progressive Policing

FREEDOM OF INFORMATION REQUEST



Request Number: F-2011-00829

Keyword: Organisational Information/Governance

Subject: Historical Enquiry Team

Request and Answer:

Question

I'm looking for some information regarding the Historical Enquiry Team. All requests relate to the full time the unit has been operational.

(1) I would like to know how many properties (private homes or otherwise) have been searched in relation to HET investigations. I would like the figures broken down by investigations into either Loyalist or Republican attacks.

(2) I would also like to know how many arrests have been carried out in relation to HET attacks. Again, broken down into either Loyalist or Republican investigations.

(3) I would like to know how many charges have resulted from HET investigations. Again, both figures for Loyalist and Republican investigations.

(4) I would like to know how many convictions have resulted from HET investigations. Again, both figures for Loyalist and Republican investigations.

(5) I would like to know how many cases have been investigated and completed. Again, split into either Loyalist or Republican investigations.

Answer

The PSNI would like to point out that, any information released under FOI, is publicly released to the world, not just to the individual requesting the information. At the end of this response, you will find that the PSNI also advise that replies under FOI can be released into the public domain via our website @ www.psni.police.uk. For this reason, I have removed any reference you have made to personal details, where applicable, to protect confidentiality.

The PSNI has considered your request and it has been decided not to provide the information you have requested at question 1, the reasons are explained below.

When considering a request for information under the FOI Act, PSNI must consider the following:

A public authority must still confirm or deny whether it holds the information requested unless the cost of this alone would exceed the appropriate limit. There are two distinct areas in relation to fees contained within the legislation.

The first area is relevant to the initial processing of a request when an authority, when estimating the time taken, can take into account the following four items:

Determining if the information is held;
Locating the information;
Retrieving the information; and
Extracting the information to be disclosed from the other information.

Section 17(5) of the Freedom of Information Act 2000 requires the PSNI, when refusing to provide such information (because the cost of compliance exceeds the appropriate limit) to provide you the applicant with a notice which states that fact.

It is estimated to determine if PSNI holds or does not hold all of the above requested information regarding question 1 would exceed the "appropriate costs limit" under Section 12(1) of the Freedom of Information Act 2000 which is currently set by the Secretary of State at £450 or 18 hours of work.

The HET does not conduct any searches on its own behalf nor does it specifically record details of searches carried out on its behalf by the PSNI.

To date the HET has carried out 1112 reviews and to establish if a search has been conducted would require the case papers in each to be examined to extract the information if it is in fact recorded. This would take in excess of 100 hours.

The PSNI has the responsibility to carry out all searches and in order to establish which ones were carried out on behalf of the HET would entail using a considerable amount of hours well in excess of the 18 hour time limit.

The reason for this is:-

The PSNI would have to research 1000's of electronic and paper records to establish who a particular search was carried out for or on behalf of. As the records requested go back up to 6 years and the information is held in different formats this would place a considerable strain on resources and it would not guarantee that the information is in fact held. Further these records are held in different districts of the PSNI and each individual area would have to carry out the relevant research.

In accordance with the Freedom of Information Act 2000, this letter should be considered as a Refusal Notice, and the request has therefore been closed.

Section 16 Advice and Assistance

You may wish to submit a refined request in order that the cost of complying with your request may be facilitated within the 'appropriate limit'. In compliance with Section 16 of the Act, I have considered how your request may be refined to bring it under the appropriate limit.

Unfortunately, due to the reasons already outlined above thousands of records would need to be located from different areas and researched. It would be extremely difficult for the PSNI to advise you how to refine your request to a point below the £450 cost limit. In addition, the fact that records of the time frame you are referring to are hard copy paper documents and electronic, only makes the search even more time consuming.

Submission of a refined request would be treated as a new request, and considered in accordance

with the Freedom of Information Act 2000, including consideration of relevant Part II exemptions.

Although excess cost removes the service's obligations under the Freedom of Information Act, as a gesture of goodwill, I have supplied information, relative to your request, retrieved before it was realised that the fees limit would be exceeded. I trust this will be helpful, but it does not affect our legal right to rely on the fees regulations for the remainder of your request.

With regard to questions 2 to 5 these are answered below:-

(2) To date there have been 72 arrests. Of these, 70 are related to loyalist enquiries and 2 are related to republican enquiries. Sixty-five of these arrests were in relation to one enquiry surrounding loyalist paramilitary activities where several individuals were arrested for numerous offences.

(3) To date there have been 26 charges as a result of HET enquiries. Twenty-five of the charges relate to loyalists. One charge relates to republicans.

(4) To date there have been 101 convictions as a result of HET reviews. This figure is more than the number of charges as a number of offences were dealt with by way of report to the public prosecution service. Of these 54 and 46 are relative to 2 individuals.

(5) The HET is unable to answer this question. The HET deals not just with murders but all deaths attributable to 'The troubles'. These include terrorist murders but also include deaths caused by the security forces and deaths caused by terrorists placing bombs that prematurely exploded.

In many cases the HET reviews a case without uncovering evidence of who committed the murder. Intelligence and circumstances allow us to suggest responsibility lay with a certain group, but this is only opinion. In some cases where paramilitary groups have admitted responsibility, or where convictions have occurred it is easier to state who was responsible.

If you have any queries regarding your request or this 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.