



FREEDOM OF INFORMATION REQUEST



Request Number: F-2012-02372

Keyword: Crime

Subject: CONTEST

Request and Answer:

I am currently completing my Post Graduate Degree at Coventry University in Terrorism, International Crime and Global Security.

As part of this course I am required to complete a dissertation on a subject relevant to the course title. I have elected to complete my dissertation by reviewing the Prevent Strand of the UK Counter Terrorism Strategy, CONTEST and establish if it works in deterring domestic extremism ideologies and radicalisation.

In order to complete my assessment of Prevent I would like to request the following information under the Freedom of Information Act 2000 completed in the attached table.

Question 1

How many terrorism related arrests, prosecutions, and convictions have there been in your area in each financial year since 2003 until 2012? Can I request that these numbers are broken down separately?

Question 2

How many control orders have been issued in your area since 2003 until 2012?

Question 3

How many alternative disposals of prisoners have there for individuals originally arrested as terror suspects (i.e. immigration) in your area since 2003 until 2012? **** WITHDRAWN BY APPLICANT****

Question 4

How much has your area spent on the implementation and running of the Prevent Strand yearly since 2003 until the current financial year and if possible what is the projected spends for Prevent within your area for the coming year?

I am writing to confirm that the Police Service of Northern Ireland (PSNI) has now completed its search for the information.

I have today decided to disclose information in response to question 1 in full and fully exempt information in response to question 2 pursuant to the provisions of Section 24 (1), Section 31 (1) (a) (b) and Section 44 of the Act and question 4 pursuant to the provisions of Section 24 (1) and Section 31 (1) (a) (b) of the Act.

Answer 1

A search of the PSNI Crime Recording Systems has revealed the number of persons arrested and charged under Section 41 of the Terrorism Act from 2003 until 2012 and this can be accessed via the link below:

http://www.psni.police.uk/annual_security_situation_statistics_report_2011.12.pdf

These figures are broken down further into Districts and are obtained on the last tab, entitled 'Terrorism Act Arrests and Charges' from January 2001, at the bottom of the spreadsheet via the link below:

http://www.psni.police.uk/may_2012_accompanying_excel_spreadsheet_for_security_website-2.xls

Please note that prosecutions are decided by the Public Prosecution Service and convictions are issued by the Northern Ireland Courts Service.

Answer 2 and 4

Section 17(1) 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, as well as the factors the Department considered when deciding where the public interest lies, are listed below:

Answer 2

Qualified Exemptions

Section 24 (1) National Security

Section 31 (1) (a) (b) Law Enforcement

Absolute Exemption

Section 44 (1) (c) Information covered by prohibitions on disclosure, where disclosure would constitute a contempt of court.

Sections 24 and 31 are prejudice based qualified exemptions 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.

Section 44 is an absolute exemption and does not require the public interest or harm to be evidenced and articulated to the applicant.

Harm

Individuals made subject to a Terrorism Prevention and Investigation Measures (TPIM) (Control Orders) are subject to a court imposed anonymity order that prevents the publication of any information that might identify, or might tend to identify, them as a subject to a TPIM. Disclosure would constitute or be punishable as a contempt of court and providing the information requested could identify those individuals or their location, and therefore breach anonymity orders in respect of them. Not all TPIMs have such anonymity orders so in order to protect their location; non-disclosure

is required for the purpose of safe guarding national security and law enforcement.

Section 24(1)

Factors favouring disclosure

Considerations which favour the disclosure of the requested information in this case include the promotion of openness and transparency in government and the police service, the benefits of greater public knowledge regarding matters of national security, and the particular public interest in further information being put into the public domain regarding the operation of the Prevention of Terrorism Act 2005.

Factors favouring non-disclosure.

The considerations in favour of releasing information relevant to section 24(1) do however need to be balanced against those favouring non-disclosure. While we understand the benefits of public accountability, this is not outweighed in this case by the need to ensure that ongoing national security concerns are not prejudiced by the disclosure of the requested information. The information upon which decisions about control order obligations and locations are taken is often derived from sensitive sources, relates to the ongoing operational management of individual control orders, and may relate to ongoing counter-terrorism operations. Disclosure of this information could undermine the operational management of individual control orders, or of ongoing operations, thereby damaging national security. There is very clearly a strong interest in maintaining national security. The Information Commissioner has made clear that the public interest factors protecting information relevant to national security are significant and can only be overridden in the most exceptional circumstances. I am satisfied that there are no such exceptional circumstances in this case, and that the public interest favours the withholding of information covered by the exemption.

Section 31(1)

Factors favouring disclosure.

Considerations which favour the disclosure of the requested information in this case include the promotion of openness and transparency in government and the police service, the benefits of greater public knowledge regarding matters of Law Enforcement, and the particular public interest in further information being put into the public domain regarding the operation of the Prevention of Terrorism Act 2005.

Factors favouring non-disclosure.

The disclosure of the requested information would prejudice the prevention and detection of crime in that when an individual is placed on a control order, the Secretary of State considers what obligations to place on that individual, including whether they should be relocated to specific locations across the UK. In deciding such locations, the following is taken into account in making that decision :

- Distance from home address/area/individuals from which the person needs to be relocated
- Distance from other key locations e.g. airports or other international ports and Critical National Infrastructure
- Availability of amenities in local area (such as employment, education, job centre, leisure facilities, banking, place of worship, post office, medical facilities, supermarket)
- Whether the individual has any connection to certain areas (e.g. family, background) that would make it suitable for him to live in
- Where the individual has been living previously
- Local community/ethnic diversity – ie not in an area where there is significant community tension or where they may attract unwanted attention
- Any other matters which may be specific to the individual/case in question.

The disclosure of any information which identifies such locations will undermine the ability of police to continue to monitor such individuals.

Answer 4

Qualified Exemptions

Section 24 (1) National Security

Section 31 (1) (a) (b) Law Enforcement

Sections 24 and 31 are prejudice based qualified exemptions 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

The current threat level to the UK from international terrorism is substantial. The most significant international terrorism threat to the UK remains violent extremism associated with and influenced by Al Qa'ida, its affiliates and like-minded groups. Prevent work must be targeted against those forms of terrorism that pose the greatest risk to our national security.

The objectives of the new Prevent strategy are to:

- respond to the ideological challenge of terrorism and the threat from those who promote it
- prevent people from being drawn into terrorism and ensure that they are given appropriate advice and
- support work with sectors and institutions where there are risks of radicalisation that we need to address.

It is in the public interest to be assured that the Government's counter terrorist strategy is robust and appropriate. Disclosure of force level information would provide detailed data which is not currently available and which would specifically identify areas across the UK where forces have worked with organisations and individuals who are engaged in the delivery of, and who are supporting, activities to prevent terrorism. This would provide useful information for terrorists and their supporters and allow them to undermine the Prevent strategy through, for example, attempting to infiltrate these organisations or by intimidation of individuals connected to them.

Section 24(1)

Factors favouring Disclosure

There is a general public interest in disclosure and openness in government increases public trust in, and engagement with, the government. In relation to the Prevent programme, the disclosure of some information could enhance the openness of government and help the public understand, in greater depth, the work that the Police Service carries out in the delivery of the strategy and how the government is responding to the factors that can draw people into violent extremism or pull people away from it. Disclosure is also likely to increase the public's appreciation of the complexity of the political and religious issues Counter Terrorism work encompasses.

Factors Favouring Non-disclosure

The release of detailed information identifying the focus of policing activity and the specific nature of measures intended to counter criminal and terrorist activities could be used to the advantage of terrorists or criminal organisations, thus undermining the operational integrity of these activities. This information constitutes useful intelligence to terrorists and could allow the specific organisations to be targeted and their endeavours undermined.

The release of any information which would assist criminals and terrorists in their attempts to counter police investigative and operational activities would adversely affect public safety, and therefore have a negative impact on both national security and law enforcement.

There is a serious terrorist threat to the United Kingdom and disclosing this information into the public domain could put national security at risk by jeopardising or negating the Government's efforts to prevent acts of terrorism and terrorist related crime.

Balance Test

Considerations in favour of the release of this information relate to the general public interest in openness and transparency, which can lead to increased trust and engagement between the public, the government and the police. Such openness makes government and the police more accountable to the taxpayer in terms of the spending of public money on the policing of operations such as these. While there is some information concerning PREVENT funding/grants available in the public domain, there is an overriding public interest in withholding the full PREVENT spend by forces as the release of this information would enable those intent on causing disruption to undermine the Prevent strategy.

Harm

As stated above, providing details of the full PREVENT spend at force level would show a complete picture of PREVENT activity across the UK and therefore also allow the possible identification of organisations engaged in the process, thereby increasing the risk of attack or disruption by extremist groups. Future operations may be prejudiced if information relating to specific areas is inappropriately disclosed into the public domain. The information could aid terrorists when planning their activities and make frustrating their aims more difficult as it would give them a better understanding of the police preventative measures and therefore allow them to compromise future police activity. This may ultimately result in safety implications for the general public, placing the well being of citizens at risk.

There is wealth of evidence that terrorists will try to gain knowledge of law enforcement capabilities, techniques and procedures to try to increase the efficacy of their attacks and it is clear that these criminals may go to extreme lengths to gain useful information. Releasing this information into the public domain could lead to better planned and executed operations against society. Therefore release would have a considerable impact on the effectiveness of the police to protect individuals or communities.

Section 31(1)(a)(b)

Factors favouring Disclosure

Release of this information would identify force level PREVENT activity. Such openness would undoubtedly provide a better understanding to the community of the operational requirements and the reasoning behind the funding. There has been wide-ranging national interest in this project and release of information on this subject would contribute to the quality and accuracy of public debate on the subject.

Factors Favouring Non-disclosure

There is an inherently strong public interest in the police being able to effectively protect members of the public and ensure that they are not put at risk. To allow criminals to understand police strategies and protective measures would allow their effectiveness to be reduced. Effective operational law enforcement would be significantly compromised as disclosure would reveal tactics used by the police in their endeavours to successfully apprehend criminals. This would hinder the prevention and detection of crime.

Balance Test

For a public interest test, issues that favour release need to be measured against issues that favour non-disclosure. The public interest is not what interests the public, or a particular individual, but what

will be the greater good, if released, to the community as a whole.

It is noted that there is public interest in this funding and that PSNI should be as open and transparent as possible. This openness should not place members of public at risk. To disclose such information would undermine these particular strategies and prejudice the ability of the police to protect the public.

Effective law enforcement is the core function of the Police Service and we will never place information into the public domain which could undermine public safety or the operational effectiveness of the PSNI. Therefore, at this moment in time, it is our opinion that for these reasons the balancing test for disclosure is not made out for the small amount of information that has been withheld.

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.psnipolice.uk

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