



FREEDOM OF INFORMATION REQUEST



Request Number: F-2015-00272

Keyword: Crime

Subject: Convicted Terrorists in Court for Non-Related Terrorist Crimes

Request and Answer:

Question

Please provide me with the number of convicted terrorist who subsequently, after their release from prison faced court again for non-related terrorist crimes and were granted a jury.

Answer

Section 17(5) of the Freedom of Information Act 2000 requires the Police Service of Northern Ireland (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 that the cost of complying with your request for information 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.

In order to attempt to answer this request PSNI would have to manually review all persons who have been in prison to see if they were a terrorist. It is logical to assume that if someone was convicted of a terrorist offence they would be incarcerated for a period of time, sometimes rather substantial. It would therefore be necessary to check records for the past 45 years or so, a substantial proportion of which would be in hard copy only. This task is estimated to be far in excess of 18 hours, most likely in the region of 100's of hours.

Of those identified as terrorists a further check would then be required to ascertain if they had reoffended.

Trial by jury is only applicable in a Crown Court. In this context, Crown Court is less than 5% of Court Business as the majority of cases are heard in a Magistrates Court where there is no provision for a jury. There is no obvious short method to see which court a case went to and even if a case proceeded to court. A search for this information alone would take far in excess of 18 hours.

In order to retrieve information regarding being granted a jury or not, the mechanism for this in recent times is for the Police to notify the Public Prosecution Service (PPS) that the case is suitable and for the PPS to make a decision (based on Police submissions) and subsequently make the application to the Court. Each individual investigating officer would have to be asked if this had been carried out once again involving a huge amount of time.

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.

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. Statistics Branch may be able to provide the number of persons arrested under Section 41 Terrorism Act 2000 and subsequently charged with **any** offence for a specific time period. Not all persons convicted of terrorist offences were arrested under terrorism legislation.

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.

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.