



## FREEDOM OF INFORMATION REQUEST



**Request Number:** F-2014-05882

**Keyword:** Operational Policing

**Subject:** Firearms Recovered From 1970 to 2005

### Request and Answer:

#### Question 1

- How many firearms of Russian origin were recovered in N.I. between 1/1/70 - 31/12/05?
- Of these firearms how many were attributable to PIRA?

#### Question 2

- How many SKS rifles, AK 47 rifles, Type 56 rifles and MPI KMS rifles were recovered in N.I. between 1/1/70 - 31/12/05?
- Of these firearms how many of each type was attributable to PIRA?

#### Question 3

- How many AKM rifles were recovered in N.I. between 1/1/70 - 31/12/05?
- How many of these firearms how many were of Romanian manufacture/origin?
- Of these firearms how many of each type was attributable to PIRA?

#### Question 4

- How many firearms were stolen from members of the security force, (police, military and prison service), both on and off duty in N.I. between 1/1/70 - 31/12/05?
- Of these firearms how many were attributable to PIRA?

**Clarification For Q4:** A single total figure for all thefts from security force establishments which includes thefts from members on or off duty is adequate for my requirements.

#### Question 5

- How many L1A1 British army Self Loading Rifles were stolen/recovered in N.I. between 1/1/70 - 31/12/05?
- Of these firearms how many were attributable to PIRA?

#### Question 6

- How many Sterling sub-machine guns were stolen/recovered in N.I. between 1/1/70 - 31/12/05?
- Of these firearms how many were attributable to PIRA?

### 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 response to question 1a, 2a, 3a, 3b, 4a, 5a and 6a in full; and
- fully exempt information in response to questions 1b, 2b, 3c, 4b, 5b and 6b pursuant to the provisions of Section 30 of the Act.

### Question 1

a. How many firearms of Russian origin were recovered in N.I. between 1/1/70 - 31/12/05?

#### Answer

252 firearms of Russian origin were recorded as being recovered during the period requested.

### Question 2

a. How many SKS rifles, AK 47 rifles, Type 56 rifles and MPI KMS rifles were recovered in N.I. between 1/1/70 - 31/12/05?

#### Answer

Type	Numbered Recovered
SKS	44
AK47	8
Type 56	43
MPI KMS	2

**N.B.** 40 of the 43 Type 56 rifles listed above are a model designation of SKS rifle, therefore combining SKS and Type 56 rifles gives a total of 47 firearms.

### Question 3

- a. How many AKM rifles were recovered in N.I. between 1/1/70 - 31/12/05?  
b. How many of these firearms how many were of Romanian manufacture/origin?

#### Answer

- a) 270AKM rifles were recorded as being recovered in Northern Ireland for the period requested.  
b) 269 of the 270 were recorded as being of Romanian manufacture/origin.

### Question 4(a)

- a. How many firearms were stolen from members of the security force, (police, military and prison service), both on and off duty in N.I. between 1/1/70 - 31/12/05?

**Clarification Received:** A single total figure for all thefts from security force establishments which includes thefts from members on or off duty is adequate for my requirements.

#### Answer

1052 firearms were recorded as being stolen from members of the security force (police, military and prison service), both on and off duty in Northern Ireland, between 01/01/70 – 31/12/05.

**N.B.** This is a single total figure that includes all thefts from security force establishments and thefts from individual members on or off duty.

### Question 5

a. How many L1A1 British army Self Loading Rifles were stolen/recovered in N.I. between 1/1/70 - 31/12/05?

#### Answer

361 L1A1 British Army Self Loading Rifles were recorded as being stolen in Northern Ireland

between 01/01/70 and 31/12/05. 332 of these were recorded as being recovered.

### **Question 6**

a. How many Sterling sub-machine guns were stolen/recovered in N.I. between 1/1/70 - 31/12/05?

### **Answer**

Between 01/01/70 and 31/12/05 63 Sterling sub-machine guns were recorded as being stolen in Northern Ireland and of these 332 were recorded as being recovered.

### **Questions 1b, 2b, 3c, 4b, 5b to 6b**

#### **Question 1**

b. Of these firearms how many were attributable to PIRA?

#### **Question 2**

b. Of these firearms how many of each type was attributable to PIRA?

#### **Question 3**

c. Of these firearms how many of each type was attributable to PIRA?

#### **Question 4**

b. Of these firearms how many were attributable to PIRA?

#### **Question 5**

b. Of these firearms how many were attributable to PIRA?

#### **Question 6**

b. Of these firearms how many were attributable to PIRA?

### **Answer 1b, 2b, 3c, 4b, 5b to 6b**

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 exemption/s, as well as the factors the Department considered when deciding where the public interest lies, are listed below:

Section 30(1)(a) – Investigations

Section 30 is a qualified and class-based exemption which means it is necessary to conduct a public interest test.

### **Public Interest Test**

#### Factors Favouring Release

Release of the information would reassure the public that the PSNI is effectively engaging with its investigative role. All police investigations will involve the use of public funds and where this is the case there is always a public interest in ensuring that those funds are not used unnecessarily or unwisely. Disclosure would better inform the public, enhancing public debate and reducing rumour and speculation.

#### Factors Favouring Retention

Disclosure of this information could compromise criminal investigations should further evidential

material be obtained by Police in the future. The Police Service will not disclose information which could undermine their investigations.

It is the Association of Chief Police Officers approach that information relating to an investigation will rarely be disclosed under the provisions of the Freedom of Information Act. Whilst information may be released if it provides a tangible community benefit, for example to prevent or detect crime or to protect life or property, in this case there is a high public interest in protecting the integrity of evidence that may be reconsidered and reviewed as a part of a future investigation or review.

It would therefore not be in the public interest to release information that may still be of assistance to the PSNI in relation to any investigation and therefore hinder the detection of crime.

### **Decision**

It has been recorded that FOIA releases are monitored by criminals and terrorists and so to disclose this specific information would undermine any ongoing investigations. A disclosure under FOI is considered a release of information to the world in general and not just to the applicant requesting the information. The risk from terrorism is currently rated as 'Severe' and while there may be a public interest in openness and transparency within PSNI, the Service will not disclose information which may be of use to criminals and terrorists.

There is a public interest in the transparency of policing and providing assurance that the police service is appropriately and effectively engaging with the threat posed by terrorists. However, there is a very strong public interest in safeguarding operations in highly sensitive areas such as extremism, crime prevention, public disorder and terrorism prevention.

It is the view of PSNI that when considering the public interest in maintaining the exemption at Section 30, it is necessary to be clear what that exemption is designed to protect. In broad terms the Section 30 exemption exists to ensure the effective investigation and prosecution of offences. It recognises the need to prevent disclosures which would prejudice either a particular investigation or set of proceedings, or the investigatory and prosecution processes generally, including any prejudice to future investigations and proceedings. In this particular case PSNI consider the public interest in maintaining the exemption is stronger than the public interest in releasing the information owing to the future investigative opportunities and activities that may arise.

In addition the PSNI can neither confirm nor deny that it holds any other information relevant to your request pursuant to the following exemptions:

Section 23 (5) – Information Concerning Certain Security Bodies

Section 24 (2) – National Security

Section 23 is an absolute and class-based exemption which means that there is no requirement to evidence the harm in release or to conduct a public interest test.

Section 24 is a qualified and prejudice-based exemption. This means that the legislators have determined that it is necessary to evidence the harm in release and to conduct a public interest test.

### Overall harm for the partial NCND

As you may be aware, disclosure under Freedom Of Information Act (FOIA) is a release to the public at large. Confirming or denying that any other information is held regarding the types of weapons and the group(s) to which these weapons may have been attributed would show those intent on criminal activity what the capacity, tactical abilities and capabilities of the PSNI are, by showing the amount of intelligence that may be held on particular group(s). Confirming or denying that this information even exists would be to the detriment of providing an efficient policing service and a failure in providing a duty of care to all members of the public.

The threat from terrorism cannot be ignored as evidenced by recent attacks in Northern Ireland

where the current threat level is set at 'Severe'. Confirming or denying that any other information is held in relation to your request would limit operational capabilities as criminals/terrorists would gain a greater understanding of the intelligence held by the PSNI, enabling them to take steps to counter that knowledge. It may also suggest the limitations of police capabilities in this area, which may further encourage criminal/terrorist activity by exposing potential vulnerabilities. This detrimental effect is increased if the request is made to several different law enforcement bodies. In addition to the local criminal fraternity now being better informed, those intent on organised crime throughout the UK will be able to 'map' areas of perceived weakness. Confirming or denying that any other information is held would be useful information to those committing crimes and could identify location-specific operations which would ultimately compromise police tactics, operations and future prosecutions as criminals could counteract the measures used against them.

Information that undermines the operational integrity of PSNI operations will adversely affect public safety and have a negative impact on national security.

#### Factors favouring confirmation or denial

The information if held simply relates to national security and confirming or denying whether it is held would not actually harm it. Confirming or denying that any other information exists would also lead to a better informed public and public debate.

#### Factors against confirmation or denial

By confirming or denying whether any other information is held 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 the UK and increase the risk of harm to the public.

The threat to National Security in Northern Ireland is designated as severe as evidenced by recent booby trap bombs and car incendiary devices. To confirm whether or not any other information relevant to your request exists would give important information to terrorists. It has been recorded that FOIA releases are monitored by criminals and terrorists and so to confirm or deny any other information is held concerning weapons and intelligence around them would lead to National Security being undermined. Knowledge of whether or not any other information exists could be used by individuals or groups, who are intent on criminal activity, to take measures to avoid detection and carry out their criminal acts.

This would have an adverse impact on police resources with more crime and terrorist incidents being committed, placing individuals at risk. It can be argued that there are significant risks associated with providing information, if held, in relation to any aspect of investigations or of any nation's security arrangements so confirming or denying that any other information is held, may reveal the relative vulnerability of what we may be trying to protect.

#### **Balance Test**

The security of the country is of paramount importance and the PSNI will not divulge whether any other information is or is not held if to do so would place the safety of an individual at risk and undermine National Security. Whilst there is a public interest in the transparency of policing operations and providing assurance that the police service is appropriately and effectively engaging with the threat posed by various groups or individuals, there is a very strong public interest in safeguarding the integrity of police investigations and operations in the highly sensitive areas such as extremism, crime prevention, public disorder and terrorism prevention.

As much as there is public interest in knowing that policing activity is appropriate and balanced this will only be overridden in exceptional circumstances. The areas of police interest is a sensitive issue that reveals local intelligence therefore it is our opinion that for these issues the balancing test for confirming or denying whether any other information is held regarding firearms is not made out.

However, this should not be taken as necessarily indicating that any information that would meet your request exists or does not exist.

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](mailto: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](http://www.psni.police.uk)

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