

Keeping People Safe



FREEDOM OF INFORMATION REQUEST



Request Number: FOI-2020-01885

Keyword: Operational Policing

Subject: Missing firearms or Ammunition

Request and Answer:

Your request for information has now been considered. In respect of Section 1(1) (a) of the Act we can confirm that the Police Service of Northern Ireland does hold information to which your request relates and this is being provided to you. We further consider the information you seek in request number 2 is exempt by virtue of Section 31 (1) (a) (b) of FOIA and have detailed our rationale as to why this exemption applies. We have also provided you with links to guidance issued by the Information Commissioner's Office which we have followed in responding to your request.

Request 1A and B

From the 1st of January 2019 to the date that this request is processed, any occasion where a) a firearm or

b) ammunition belonging to your force (that is, any firearm or ammunition which is used by firearms officers) was reported as missing, lost or stolen?

Answers to 1A and B

From the 1st of January 2019 to 5th October 2020 there were no occasions where firearms were reported as missing, lost or stolen.

In this same period a total of 7 occasions where ammunition was reported as missing, lost or stolen.

Please note **all officers** within the PSNI are authorised to carry a Personal Protection Weapon. Police officers must ensure that property entrusted to them is handled and maintained as required by law and in accordance with Service Policy. Whilst any incidents involving the loss or theft of police firearms or ammunition will be taken very seriously, the number of incidents outlined in this response should be placed in context with the PSNI who have over 6500 officers and that the Service is routinely armed.

Request 2

For each of these incidents, please could you inform me how long it took before the firearm or ammunition was recovered, or any incidents where the firearm or ammunition was not recovered and is still missing?

Answer

PSNI has made the decision to withhold this information for the reasons as articulated below.

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

Section 31(1) (a) (b) - Law Enforcement- information which would likely prejudice (a) the prevention or detection of crime and (b) the apprehension or prosecution of offenders.

The full text of exemptions can be found at www.legislation.gov.uk and further guidance on how they operate can be located on the Information Commissioners Office website www.ico.org.uk.

Section 31 is a qualified and prejudiced based exemption and this means that it is the public authority's responsibility to evidence the harm and conduct a public interest test.

Harm

A disclosure under FOI is considered a release to the world in general and not just the applicant requesting the information. Once information is disclosed by FOI, there is no control or limits as to who or how the information is shared with other individuals.

PSNI considers disclosure of data relating to unrecovered / stolen firearms or ammunition could compromise the PSNI's law enforcement abilities. Furthermore the disclosure of incidents where missing firearms or ammunition were recovered will enable the reader to deduce what remains unrecovered. This could lead to criminal groups using this information inappropriately to plan criminal activities, thereby compromising the PSNI's law enforcement abilities.

Public Interest Test

Factors favouring release- Section 31

Police must be accountable and ensure that they can demonstrate the use of public funds to ensure that they are not used unnecessarily. Releasing data on any incidents where missing firearms or ammunition have or have not been recovered, would better inform the public, and demonstrate openness, transparency and accountability on the part of the PSNI.

Factors favouring retention- Section 31

Disclosing this information could leave officers vulnerable to attack by those criminal and terrorist elements seeking to subvert police, compromising law enforcement tactics and hindering the prevention and detection of crime and apprehension or prosecution of offenders thus impacting on police resources. A clear link exists between knowledge available to offenders and their crimes which may be used in combination with other information they have gathered to try and prejudice law enforcement. The use of this type of information may be of particular concern in light of the nature and extent of the prevailing terrorist threat which is currently SEVERE. Therefore, the law enforcement role of PSNI would likely be compromised by release of this information.

Decision

We have determined the release of all the information into the public domain, would not be in the public interest. This information could be advantageous to criminals and terrorists and would assist them to establish information that could assist them in subverting police, thus hindering the detection of crime. The PSNI is charged with enforcing the law, preventing and detecting crime and disclosure could compromise the police's law enforcement ability to apprehend offenders.

The Police Service will not disclose information that will put officers' lives at risk as the safety of individuals is of paramount importance and by releasing these details into the public domain has the potential to assist criminal elements to launch attacks on police officers and or staff. The Service is currently under SEVERE threat from terrorists and disclosure of this level of information has the potential to assist those criminal elements seeking to carry out attacks. Whilst there is a public interest in the appropriateness of how public funds are allocated both the protection of officers and staff who may be vulnerable to attack and the delivery of effective law enforcement is a priority.

The release of information under the Freedom of Information Act is a release into the public domain and not just to the individual requesting the information. Once information is disclosed by FOI there is no control or limits as to who or how the information is shared with other individuals, therefore a release under FOI is considered a disclosure to the world in general and not just to you the requester. While there is a strong public interest in releasing the information requested the PSNI must ensure that law enforcement is not adversely affected.

It is acknowledged that PSNI must remain transparent and accountable; however police also need to make balance judgements and that exempting some information is greater than the public interest in disclosure which justifies why some information needs to remain exempt and unpublished.

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 Corporate Information Branch, 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 Corporate Information Branch, 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.