



FREEDOM OF INFORMATION REQUEST



Request Number: F-2019-01195

Keyword: Organisational Information/Governance

Subject: PSNI Firearms, Training and Policy regarding Warning Shots

Request and Answer:

Your request for information has now been considered. In respect of Section 1(1)(a) of the Act I can confirm that the Police Service of Northern Ireland does hold some information to which your request relates and this is being provided to you. We further consider the information you seek in request number 1 & 2 is exempt by virtue of section 24 & 31 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 1

Could you please provide me with a list of all types of firearm currently in your inventory and used by the officers.

Request 2

Please break down which firearms are used by each department.

Answer

A breakdown of the types of firearms and departments is being withheld and the following explanation is provided.

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:

Section 31 (1)(a)(b) – Law Enforcement – Information would likely prejudice (a) the prevention and detection of crime (b) the apprehension or prosecution of offenders

Section 24 (1) – National Security – Information required for the purpose of safeguarding national security

Sections 24 and 31 are prejudiced based, qualified exemptions and there is a requirement to articulate the Harm and conduct a Public Interest Test.

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.

A summary of the Harm for Section 31 and Section 24 along with the Public Interest Test is provided below.

Harm

PSNI consider this information crucial to its methodologies and policing operations in the fight against criminal activity and terrorism. ***Release of information under FOI is considered a release to the world in general, not just to the individual requesting the information.***

Disclosing details of all types of firearm and those used by each PSNI department would undermine the effective delivery of operational law enforcement by revealing tactical capability, as well as compromise the National Security of the UK.

This information could advantage criminals/terrorists and assist them to establish information from this and aid them in subverting police, thus hindering the detection of crime. This argument is further confirmed by the current threat level in Northern Ireland which currently is SEVERE.

PSNI is aware of the mosaic and precedent effects of releasing information which may be of use to terrorists. A clear link exists between knowledge available to criminals and the way they operate, with the resultant impact on PSNI potentially giving a tactical advantage to criminals.

Public Interest Test

Factors Favouring Release - Section 31

The PSNI must be accountable for their procedures. Disclosure of the information would inform public debate on the issue of policing and contribute to the accuracy of that debate while illustrating to the public how funds are being spent.

Factors Favouring Retention - Section 31

The current and future law enforcement role of the Service may be compromised by the release of the requested information. A clear link exists between knowledge available to criminals and the way they operate, with the resultant impact to the Service. Disclosing this information could assist criminal elements to subvert police, compromising law enforcement tactics and hindering the prevention and detection of crime, impacting on police resources.

Factors Favouring Disclosure – Section 24

The threat from national and international terrorism is ever present and the public are entitled to know how policing is conducted. In the current financial climate of cuts and with the call for transparency, disclosure would enable improved public debate. The public are entitled to know how public funds are spent and disclosure would lead to a better informed public.

Factors Against Disclosure – Section 24

Disclosure of this information cannot be in the public interest if the security of the United Kingdom would be compromised. Release of information which could be of use to terrorists, would weaken police mechanisms, impacting the security or infra-structure of Northern Ireland and ultimately national security.

Decision

PSNI is entrusted with a considerable amount of information and has an important role in countering the many threats against society including those of a terrorist nature. It is vitally important that ongoing ability of police to combat terrorist threats is not hindered. As the current threat level in

Northern Ireland remains at SEVERE, it is crucial that the disclosure of information held by PSNI, does not impact on the effective delivery of operational law enforcement activity today and in the future.

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 release to the world in general, not just to the individual requesting the information.

Release of this information has the potential to advantage terrorists and compromise the law enforcement role of police, hindering the prevention or detection of crime. Whilst the PSNI would always wish to be transparent and accountable, there is a very strong interest in safeguarding police methodology, capability and procedures. The Police Service is under severe threat from terrorists and any information identifying police mechanisms or procedures in relation to firearms could assist criminal elements to subvert police. The security of the country is of paramount importance and the Police Service will not divulge information which would undermine national security.

It is acknowledged that wherever possible policing must be transparent and accountable. However, police need to make balanced judgements which justify why some information needs to remain exempt and unpublished. I have therefore determined that the release of this information into the public domain would not be in the public interest.

Request 3

What is the PSNI policy on warning shots with firearms?

Answer

Enquiries made in relation to your request have failed to locate any records or documents held by PSNI relevant to your request based on the information you have provided. PSNI, Crime Branch has confirmed that PSNI policy does not specifically cover warning shots. Accordingly, I have determined that the Police Service of Northern Ireland does not hold the information to which you seek access.

For your information, I can advise you that PSNI officers are accountable for all rounds they discharge and they should be aimed so as to minimise risk (either directly or by ricochet) to any person other than the subject. Where in exceptional circumstances a round is discharged in a direction where it is not intended to strike a person or defined area, officers must take account of potential unintentional harm being caused as a consequence. This could also include death or serious injury of a person not in the immediate proximity.

Request 4

Why is it that you'd see some normal officers carrying big guns such as the Heckler and Koch G36C assault rifle and others don't? Are all officers trained to use these? Does it depend on what duty they are on? Does it depend on which area they are in?

Answer

The Freedom of Information Act 2000 legislates for the rights of an individual to seek access to *recorded information*. The Act only extends to requests for *recorded information* as defined by Section 84 of the Act and does not require public authorities to answer questions, speculate or create information to answer an FOI request.

Further information on what constitutes a valid request can be found on the Information Commissioner's Office website:

<https://ico.org.uk/media/for-organisations/documents/1164/recognising-a-request-made-under-the-foia.pdf>

However, on this occasion PSNI Police College has confirmed that all officers' firearms training is consistent with their Firearms Role Profile.

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.