



FREEDOM OF INFORMATION REQUEST

FOI Reference number: 17/2013

Date: 15 May 2013

Request:

I am writing in connection with the announcement by the Policing Board that they have approved PSNI proposals to purchase UAS. The press release mentions: "clarifications and assurances around the regulation, scrutiny and oversight of the operation of these systems". Could you provide further details of this aspect of the statement? Secondly, please could I receive copies of the minutes and any other relevant written materials linked to this decision making process.

Answer:

1. The Board are currently working with the various regulatory bodies to ensure that the regulations, scrutiny and oversight arrangements are in place and as such we are not in a position to provide further details at this stage. It is our intention to publish (where possible) these reports to provide public assurance on the operation of UAS's.
2. We e-mailed you on 16 April 2013 to explain the Board's process around publishing minutes. I can confirm that the relevant minutes are now on the Board's website. In view of this we have applied the Exemption at Section 21 of the Freedom of Information Act (Information accessible by other means) to this information.

The minutes of the Resources and Improvements Committee meeting held on 20 March 2013 can be accessed via the following link:

http://www.nipolicingboard.org.uk/r_i_minutes_-_20_march_2013.pdf

The minutes of the Policing Board meeting held on 11 April 2013 can be accessed via the following link:

http://www.nipolicingboard.org.uk/board_minutes_-_11_april_2013.pdf

3. In respect of 'any other relevant written materials' I have attached two documents which have originated from the Police Service of Northern Ireland. I can confirm that these letters are the only relevant written material relating to the decision held by the Board

A number of redactions have been made to the documents as the Board has applied the Exemption at Section 31 (1) (a) (b) of the Freedom of Information Act (Law Enforcement) to the information.

The Section 31(1) (a) (b) Law Enforcement is a prejudice based qualified exemption which requires the prejudice (harm) to be evidenced and a public interest test to be carried out. The Board has completed a public interest test and a copy is attached for your information. It has been determined that in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

If you have queries about this request or the decision please contact the Board quoting the reference number above. If you are unhappy with the service you have received and wish to make a complaint or request a review you should write to the Board's Chief Executive at the following address:

Northern Ireland Policing Board
Waterside Tower
31 Clarendon Road
Clarendon Dock
Belfast BT1 3BG

Email: foi@nipolicingboard.org.uk

If you are not content with the outcome of your complaint, you may apply directly to the Information Commissioner. Generally, the Information Commissioner's Office cannot investigate or make a decision on a case unless you have exhausted the complaints procedure provided by the Board. The Information Commissioner can be contacted at:-

The Information Commissioner's Office – Northern Ireland
3rd Floor
12 Cromac Place
Gasworks
Ormeau Road
Belfast
BT7 2JB.

Telephone: - 02890 269 380

Email: - ni@ico.org.uk

Please be advised that all Policing Board replies under Freedom of Information will be released into the public domain via our website @ www.nipolicingboard.org.uk.

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

Exemption at Section 31 (1) (a) (b) of the FOIA – Law Enforcement

PUBLIC INTEREST TEST CONSIDERATIONS

Information being Withheld –

Written materials link to the decision making process whereby the Policing Board approved PSNI proposals to purchase Unmanned Aerial Systems (UAS).

Section 31(1) (a) (b) Law Enforcement is a prejudice based qualified exemption which requires the prejudice (harm) to be evidenced and a public interest test to be carried out.

Harm

The essence of the work undertaken by the PSNI is to protect both individuals and society as a whole. The Police Service Northern Ireland (PSNI) is entrusted with a considerable amount of information and has an important role in countering the many threats against society.

If specific details were published in full, linked in relation to the decision making process, criminals/terrorists would be likely to establish information from this and would be able to take action to avoid detection and this would therefore hinder the detection of crime. A clear link exists between knowledge available to criminals and the way they operate with the resultant impact on the PSNI.

The release of this type of information would rarely be in the Public Interest and may reduce the PSNI's capability to perform its overall functions under the Police (NI) Act 2000, which states:

“It shall be the general duty of police officers –

- (a) to protect life and property;
- (b) to preserve order;
- (c) to prevent the commission of offences;
- (d) where an offence has been committed, to take measures to bring the offender to justice.”

This argument is further confirmed by the current threat level in Northern Ireland which currently is SEVERE.

The current or future law enforcement role of the PSNI would therefore be likely to be compromised by the release of this information.

Releasing this information would reveal which Unmanned Aerial Systems (ASU) are limited in their abilities and those which have the better capabilities, potentially giving a tactical advantage to criminals. This awareness would enable members of the criminal fraternity to take evasive steps to avoid detection.

Public Interest Test

Factors Favouring Disclosure

By disclosing the information the public would see where public funds are being spent.

One of the underlying principles of the Freedom of Information Act is the need for authorities to be more open and transparent. In this case, to provide the full details of material linked to this decision making process would provide the community with awareness that public funds are being used to resource and finance the use of expert technology to assist in the prevention or detection of crime and the apprehension or prosecution of offenders.

Factors Favouring Non-Disclosure

The Police Service has a duty to deliver effective law enforcement, ensuring the prevention and detection of crime and the apprehension or prosecution of offenders is carried out appropriately. Care has to be taken not to reveal any detail, no matter how generic, which would compromise effective law enforcement issues.

By disclosing the information, law enforcement tactics would be compromised which would hinder the prevention and detection of crime and the apprehension and or prosecution of offenders. A fear of crime would be realised because if the criminal/terrorists fraternity had such knowledge they could exploit this situation to their advantage and the public would be in fear of crime becoming more prevalent. There would be an impact on police resources, as there would be a rise in crime and the community would feel more at risk of being victims of crime.

Where a current or future Law enforcement role of PSNI may be compromised by the release of information. In this case, disclosure of the information may enable individuals or terrorist organisations to identify expert technology and methods used by the police service as part of an intelligence gathering operation. The effectiveness of current and future strategies to combat terrorist activity may be compromised and may also inhibit the ability to prevent crime.

Decision

When balancing the public interest test we have to consider whether the information should be released into the public domain and arguments need to be weighed against each other. The most persuasive reason for disclosure is use of public funds which needs to be compared to the strongest negative reasons, which in this case is the prevention and detection of crime and the apprehension or prosecution of offenders. Whilst it cannot be evidenced that this is a definite factor, as the evidence of harm is largely based on future policing operations, it is considered that there is substantial and significant risk that law enforcement techniques would be likely to be prejudiced in the release of material linked to proposals in the purchase of Unmanned Aerial Systems.

It would not be appropriate to disclose information which will place the public at risk by undermining law enforcement techniques thereby assisting those intent on committing crime. If full details were to be released, the partnership approach to policing would be undermined.

Where such a release has potential to impact on law enforcement issues, making the job of the police more difficult then it is considered the information should not be released and the exemption applied.

It is also believed that there would be no benefit to either the local community or the wider public by releasing this type of information.



**Assistant Chief Constable Drew Harris OBE
Crime Operations**

5 March 2013

Mr Sam Pollock
Chief Executive
Northern Ireland Policing Board
Waterside Tower
31 Clarendon Road
Clarendon Dock
BELFAST
BT1 3BG

Ref No:	
Received:	8.3.13
Scanned:	✓
Allocated To:	R & I
Action:	D Wilson

Dear *Mr Pollock,*

In common with most modern Police Services PSNI operates an Air Support Unit (ASU). The PSNI fleet currently consists of a plane, 2 permanent helicopters and a leased helicopter. Additionally a replacement helicopter and plane are at the advanced stages of procurement.

This unit is arguably the busiest in the UK and our helicopters fly more hours than any civil equivalent in Europe.

Air support has a number of policing functions in Northern Ireland including –

1. Searching for suspects and vulnerable missing persons. During 2012 aircraft were requested to carry out this function 371 times. In the last 4 weeks 3 vulnerable people have been quickly located by the ASU in circumstances whereby a ground based search would have been slower and possibly less successful.
2. Support to uniform police officers attending calls. 

3. Public Order and Incident/Event Management. 


4. The rapid transport of Fire/Ambulance personnel to emergency situations and the evacuation of casualties to hospital.

The current support is, however, inhibited by a number of factors.

1. Weather – [REDACTED]
2. Scheduled and unscheduled maintenance [REDACTED]
3. Finance – PSNI currently estimate the average cost of a helicopter is £1,800 per hour. [REDACTED]
4. The CAA limitations on pilots' hours are understandably strict. Once a pilot has reached their allocated hours, then additional flying can be undertaken only in exceptional circumstances.
5. The volume of simultaneous requirements. Clearly no police resource can be sufficiently funded to cover every eventuality. [REDACTED]
6. Threat of terrorist attack. Reporting in the media has suggested terrorists intend to attack police helicopters. [REDACTED]

The G8 Conference and the World Police and Fire Games, and City of Culture will place considerable additional burdens on PSNI Air Support, during 2013.

G8 in particular will require a considerable amount of dedicated air coverage, [REDACTED]

It is therefore essential that PSNI seek to mitigate against those factors that could prevent adequate air deployment during the summer of 2013.

We are currently working with our maintenance providers and the National Police Air Support unit to increase capacity and resilience. However, additional capacity is required to achieve a minimum level of contingency.

PSNI are therefore intending to purchase a number of Unmanned Aerial Systems (UAS).

These craft have a number of advantages namely:-

- i. UAS can work at low altitudes thereby countering inclement weather.
- ii. UAS are easily deployable by police officers who can drive to the area where they are needed and swiftly deploy them.
- iii. The UAS running costs are only a fraction of traditional craft (approximately £150 per hour).
- iv. PSNI can operate a large pool of trained operators who have a separate everyday role.
- v. UAS are considerably less impactful on the public as they are virtually silent.
- vi. UAS can be operated in situations that would be too dangerous for helicopters, such as inshore searches near cliffs.
- vii. UAS can be utilised to support post incident cordons for long periods, without degrading the wider ASU functions (such as transport and complex searches) by using up, helicopter and pilot flying hours.

No single UAS provides PSNI with the full range of capabilities we require. We will therefore purchase 3 types of UAS.

1. A micro craft with a wingspan less than 4 feet. [REDACTED]

2. Small UAS with a typical wingspan of less than 10 feet. [REDACTED]

3. Vertical take off and landing (mini helicopters) UAS. [REDACTED]

All craft will be operated by police officers on the ground in the vicinity of the craft, who have passed a Civil Aviation Authority approved course.

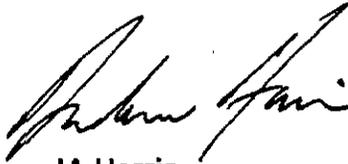
PSNI will be required to satisfy the CAA that we have a safe operating system for the UAVs prior to any use.

The primary use of these UAS will be overt support to policing. Should, however, a request be made to assist with the investigation of crime, then as with existing aircraft, authority will be required under the Regulation of Investigatory Powers Act.

In conclusion PSNI believe that the purchase of UAS will be an essential element of our plan to manage the G8 Summit and other major events.

The UAS do not replicate every capability of our traditional aircraft processes, but they are considerably more cost effective to operate, they can be used in weather that would make manned craft unserviceable, and by releasing manned craft for complex searches, major public disorder and transport/ evacuation we better enhance our service to the public.

Yours sincerely



JA Harris
Assistant Chief Constable
Crime Operations

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**Assistant Chief Constable J A Harris OBE
Crime Operations**

NIPB-RECEIVED

11 APR 2013

10 April 2013

Your Ref:

PRIVATE OFFICE

Mr Sam Pollock
Chief Executive, Northern Ireland Policing Board
Waterside Tower
31 Clarendon Road
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BT1 3BG

Ref No:	
Received:	11 4 2013
Scanned:	
Allocated To:	SP
Action:	TO DRAFT REPLY

Dear Sam

**Re: Request for Information on UAS from Northern Ireland Policing Board
Resources and Improvement Committee – 20 March 2013**

As you are aware Police Service of Northern Ireland provided an outline of our proposal to purchase Unmanned Aerial Systems (UAS) to the Resource and Improvement Committee on 20 March 2013.

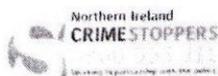
Following that briefing members sought additional information regarding the proposal, namely:

- 1. What will the PSNI policy on the retention, storage and disposal of images obtained by UAS's be?**

As with all occasions whereby police acquire images, our actions will be governed by Article 8 of the European convention on Human Rights, the Data Protection Act 1998 and other relevant legislation.

In relation to images obtained by UAS's, PSNI's intention is that, in a situation where images are recorded but are not required for any police purpose, they will be retained for 28 days and then destroyed. This is the standard that applies across the UK for CCTV systems and PSNI consider it to be the most appropriate for images recorded by UAS.

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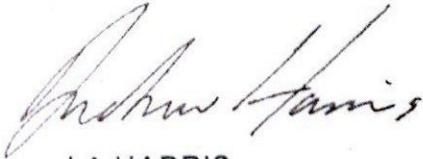


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2. The NIPB requested sight of the Business Case or at least the Options Approvals.

The Business Case is classified as Secret, as considerable operational detail is contained within it. PSNI have, however, extracted the options section, (with sensitive material redacted) and I have attached it for your information. However, even with the redaction the material remains classified as Restricted.

Yours sincerely



J A HARRIS
ACC Crime Operations

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FOI 17/2013

The remaining 5 pages of this document have been redacted as the Policing Board has applied the Exemption at Section 31 (1) (a) (b) Law Enforcement to the information.