

An Garda Síochána

Oifig Saorála Fáisnéise
An Garda Síochána,
Teach Áth Luimnigh
Lárionad Gnó Udáras Forbartha Tionscail
Baile Sheáin, An Uaimh
Contae na Mí
C15 DR90



Freedom of Information Office
An Garda Síochána, Athlumney House
IDA Business Park
Johnstown, Navan
Co Meath
C15 DR90

Teileafón/Tel: (046) 9036350

Bí linn/Join us  

Please quote reference number

Láithreán Gréasain/Website:
www.garda.ie

Riomh-phoist:/Email: foi@garda.ie

Date:

Mr Adam Higgins
Irish Sun

Re: Freedom of Information Request FOI-000126-2017 **Request Partially Granted**

Dear Mr Higgins,

I refer to your request, dated and received on 20th March 2017 which you have made under the Freedom of Information Act (FOI) 2014 for records held by An Garda Síochána.

Part 1(n) of Schedule 1 of the FOI Act states that An Garda Síochána is listed as a partially included agency "insofar as it relates to administrative records relating to human resources, or finance or procurement matters". Therefore, only administrative records that relate to human resources, finance or procurement shall be considered.

Your request sought:

1. How many guns to An Garda Síochána have?
2. What is the breakdown of the different types of guns? (I.E the model of guns and how many of each model we have?)
3. How much money did gardai spend on guns and bullets in 2016 (and the breakdown of the spend if available?)
4. How much money did gardai spend on guns and bullets between 2010 and 2015 (and the breakdown of the spend if available?)
5. How long do gardai spend in training before joining one of the armed units?
6. How many gardai carry guns everyday?
7. How many garda carried guns everyday in 2011?
8. How many times were weapons fired unintentionally by gardai last year?
9. How many of these unintentional firing incidents results in injury to a gardai?

I advise that the FOI Act does not confer a general right of access to information; rather it confers a right of access to records. Therefore, your request for information has been treated as a request for access to records containing the information you seek.

I have now made a final decision on 12th April 2017 to partially grant your request. The purpose of this letter is to explain my decision.

1. Findings, particulars and reasons for decision

Details of your request were forwarded to the Finance; Procurement; and Health and Safety sections within An Garda Síochána which conducted a search relating to your request.

An Garda Síochána is an unarmed police force, however a selected number of members of An Garda Síochána are authorised to carry firearms on duty whenever the need arises.

All members of An Garda Síochána who are authorised to carry firearms must first successfully complete an initial firearms course on the particular firearm required and if required to carry different types of firearms then additional training is required for each type of firearms.

Firearms are issued to authorised members of An Garda Síochána for personal protection and are utilised to repel felonious attacks on themselves and / or other persons.

Each authorised firearms holder of An Garda Síochána must undergo and successfully complete two judgemental live-fire firearms training courses and one firearms training simulator course, on a annual basis.

In addition to authorised firearms holders An Garda Síochána has two specialised firearms units, namely Regional Support Unit (R.S.U.) and Emergency Response Unit (E.R.U.), the members of which have received substantial additional training in firearms and less-lethal options. These units continue to undergo continuous professional development, which includes tactical training.

I advise that I am refusing parts 1, 2, 5, 6, 7 and 8 of your request, as these refer to operational policing matters. The FOI Act specifically states that An Garda Síochána is subject to the Act in relation to "*administrative records relating to human resources, finance or procurement matters*" only.

The term "administrative records" is understood to mean records relating to the processes of running and managing a business or organisation. As a result the FOI Act excludes operational policing business as opposed to the defined administrative processes of An Garda Síochána.

The records you are requesting relate to operational policing matters and do not meet the criteria of administrative records as defined above. Therefore these parts of your request must be refused.

I advise that I am partially granting parts 3 and 4 your request. The following table details the total spent by An Garda Síochána on firearms and ammunition each year for the period 2010 – 2016 :

Total Firearms Spend 2010 – 2016

Year	Amount
2010	327,920.55
2011	822,700.87
2012	78,062.46
2013	€533,557.39
2014	€764,978.53
2015	€1,067,089.53
2016	€2,514,479.85

I am refusing your request for a breakdown of the figures, pursuant to sections 32(1)(a)(i) and 32(1)(a)(ii) of the Freedom of Information Act 2014, as I am of the opinion that this information can be reasonably expected, if used inappropriately, to prejudice or impair the Garda Organisation operational capabilities. Section 32 of the FOI Act states :

Law enforcement and public safety

32. (1) A head may refuse to grant an FOI request if access to the record concerned could, in the opinion of the head, reasonably be expected to—

(a) prejudice or impair—

- (i) “the prevention, detection or investigation of offences, the apprehension or prosecution of offenders or the effectiveness of lawful methods, systems, plans or procedures employed for the purposes of the matter aforesaid”*
- (ii) “the enforcement of, compliance with or administration of any law”*

The detail sought by you in your request, fundamentally, seeks to identify the operational capabilities of An Garda Síochána with regard to firearms throughout the Garda Organisation. An Garda Síochána has unique functions, as set out in the Garda Síochána Act 2005, of which one is “*protecting the Security of the State*”. I am of the opinion that nothing should jeopardise, impair or prejudice the ability of An Garda Síochána to carry out that function to its fullest capability.

The data sought, if released, would specifically identify the make and models of firearms available to An Garda Síochána, thereby allowing for criminal elements in society to proactively develop and / or acquire countermeasures to negate the possible effect an armed Garda response may have in any given situation. This, in turn, would diminish effectiveness of the lawful methods employed by An Garda Síochána to prevent and detect offences and apprehend offenders as set out in section 32(1)(a)(i) of the Freedom of Information Act 2014.

Similarly, providing a breakdown of these figures would identify to the general public the response capability of An Garda Síochána. The release of this detailed and specific information creates a risk to individual Gardaí who may be issued with a firearm. The criminal element in society will be able to assess the possible armed response capabilities of Gardaí. It is therefore reasonable to expect that it would impair and prejudice the Organisation’s capability to enforce the Law as set out in section 32(1)(b)(ii) of the Freedom of Information Act 2014.

I am conscious of the fact that information released under the Freedom of Information Act is, in essence, a release to the public at large. It is my opinion that the release of this information into the public domain via a Freedom of Information request is an unnecessary risk to the law enforcement procedures employed throughout the State and to individual Gardaí, both armed and unarmed.

It is reasonable to believe that this information, merged with other Garda information, readily available in the public domain, could result in an overall picture being developed with regard to the allocation of firearms throughout the Organisation. This would be of benefit to criminal organisations and individual criminals alike.

I advise that I am refusing part 9 of your request pursuant to section 15(1)(a) of the FOI Act which states:

Refusal on administrative grounds to grant FOI requests.

15. (1) A head to whom an FOI request is made may refuse to grant the request where—

- (a) the record concerned does not exist or cannot be found after all reasonable steps to ascertain its whereabouts have been taken,*

The Health and Safety Section of An Garda Síochána was requested to conduct searches in relation to injuries sustained by Gardaí following accidental discharge of firearms in 2016. They have confirmed that no records were found.

2. Rights of appeal

In the event that you are not happy with this decision you may seek an internal review of the matter by writing to the address below and quoting reference number **FOI-000126-2017**.

Freedom of Information Office,
An Garda Síochána,
Athlumney House,
IDA Business Park,
Johnstown,
Navan,
Co. Meath.
C15 DR90.

Please note that a fee applies. This fee has been set at €30 (€10 for a Medical Card holder). Payment should be made by way of bank draft, money order, postal order or personal cheque, and made payable to Accountant, Garda Finance Directorate, Garda Headquarters, Phoenix Park, Dublin 8.

Payment can be made by electronic means, using the following details:

Account Name: Garda Síochána Finance Section Public Bank Account

Account Number: 10026896

Sort Code: 900017

IBAN: IE86BoF190001710026896

BIC: BOFIIIE2D

You must ensure that your FOI reference number (**FOI-000126-2017**) is included in the payment details.

You should submit your request for an Internal Review within 4 weeks from the date of this notification. The review will involve a complete reconsideration of the matter by a more senior member of An Garda Síochána and the decision will be communicated to you within 3 weeks. The making of a late request may be permitted in appropriate circumstances.

Please be advised that An Garda Síochána replies under Freedom of Information may be released in to the public domain via our website at www.garda.ie

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

Should you have any questions or concerns regarding the above, please contact me by telephone at (046) 9036350.

Yours sincerely,

 SUPERINTENDENT.
LOUISE SYNNOTT
FREEDOM OF INFORMATION OFFICER

12th APRIL 2017