



Making Northern Ireland Safer For Everyone Through Professional, Progressive Policing

FREEDOM OF INFORMATION REQUEST



Request Number: F-2008-05479

Keyword: Operational Policing

Subject: POLICING ISSUES IN WHITEHEAD

Request:

Question 1: From Saturday 22nd November to Saturday 13th December 2008 inclusive, on how many occasions were more than 2 officers present in Whitehead between the hours of 6 pm and 11 pm? If this could be presented in a tabular format, for the number of officers on duty and the date this would be very much appreciated. I appreciate that it is mainly Friday and Saturday nights, which local people feel this is important on.

Question 2: On these same dates, how many reports of anti-social behaviour and criminal damage were reported by the resident's of Whitehead?

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:

- fully exempt records in answer to question 1 pursuant to the provisions of Section 38 of the Act.
- disclose records in answer to question 2 in full

Answer 1: Your request for information has now been considered and the decision has been taken not to supply the information you have requested.

Section 17 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 38, Health and Safety. This is a Prejudice Based exemption so it is therefore necessary to evidence harm. It is also a qualified exemption, so a Public Interest Test (PIT) is required.

Harm Test

To release any details of police resources and patrol patterns, particularly in an isolated rural area such as Whitehead, places a significant risk of harm to officers who continue to patrol this area because dissident terrorist groups continue to attempt to murder police in Northern Ireland. This is evidenced in general terms by statistics that show that in the 2007/08 year there were 42 shooting incidents and 23 bombing incidents in Northern Ireland and various items of arms and munitions have been recovered, demonstrating the continued capability of terrorists to carry out attacks. More significantly there have been attacks on police in the last 18 months using firearms, rocket propelled grenades and roadside and under car booby trap bombs. To release such resource details and patrol patterns on a historic basis may be used to predict future patrol patterns/strengths and therefore aid the planning of such attacks.

Public Interest Test

Factors Favouring Release

Accountability/ Use of Public Funds/Resources

As you are a resident of Whitehead, and have submitted this request, apparently following a residents meeting. It seems likely that there is a strong interest in police use of resources in that area and police should be accountable to the communities that they serve.

Public Safety

The nature of your request suggests that the community in Whitehead have concerns as to their safety or that of their property.

Factors Favouring Retention

Human Rights, Morals and Ethics

Article 2 of the Human Rights Act 1998 – Right to Life. The European Court of Human Rights has interpreted this article as imposing a positive obligation on police to protect life. This includes other police officers. As previously outlined there have been several attempts on the lives of police officers in Northern Ireland in the past 18 months. To release information as to the strength of police patrols in a remote rural area, into the public domain would in turn increase the risk to the safety of police officers and would not be in compliance with the positive obligation contained in Article 2.

Public Safety

Given the indiscriminate nature of terrorist attacks, a risk to police officers safety, is also likely to involve a risk to the safety of the community in which any attack may take place.

Balance Test

There are always genuine interests in the release of information concerning police use of resources and public funds, and in this case you appear to have a particular interest as the matter has been raised following a residents' meeting. Release of this information into the public domain, however at the present time in Northern Ireland would represent a real and substantial increase to the risk to the safety of officers performing beat patrols in the Whitehead area. This is so because any release under Freedom of Information is a release into the public domain, not just to the requester, and it is a well-known fact that terrorists use many resources to carry out 'targeting' of police, including newspaper articles and the Internet. Where there is such a risk, therefore the public interest must fall in favour of retention of this requested information.

Answer 2: From Saturday 22nd November to Saturday 13th December 2008 inclusive there have been 37 incidents of anti social behaviour, including Criminal Damage, reported to police where the incident occurred within the Whitehead area. Of these only 21 were in the timescale (between 1800 – 2300 hrs). It is not known if all of these were reported by residents of Whitehead but it would probably be reasonable to assume that most, if not all would have been.

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.

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.