



Making Northern Ireland Safer For Everyone Through Professional, Progressive Policing

FREEDOM OF INFORMATION REQUEST



Request Number: F-2009-02771

Keyword: Operational Policing

Subject: PARADE - RASHARKIN - 21 AUGUST 2009

Request and Answer:

The Police Service of Northern Ireland has now completed its search for the information. I have decided to:

- disclose records in response to question 1 in full;
- disclose records subject to redaction in response to question 2 pursuant to the provisions of Sections 31, 38 and 40 of the Act.

Question 1

Where, when and by whom were the police officers on duty in connection with the parade briefed.

Clarification: Location – Rasharkin. Date - 21 August 2009

Answer

The briefing was delivered to officers on duty in connection with the parade, by the Ops Planning Inspector and Ops Planning (Events) Sergeant at Ballymoney Police Station on 21/08/09.

Question 2

We require copies of all briefing and instructions given to all the police officers on duty in connection with the parade at Gold, Silver and Bronze command levels.

Answer

Please see information below.

Some of the information you have requested is exempted by virtue of Sections 31, 38 and 40 of the Freedom of Information Act.

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 exemptions as well as the factors the PSNI considered when deciding where the public interest lies are listed below:

Section 31 - Law Enforcement is a prejudiced based exemption and this means it is the Public Authority's responsibility to evidence the harm. It is also a qualified exemption and therefore a Public Interest Test must be carried out.

Section 38(1) (a) & (b) - Health and Safety is a prejudiced based exemption and this means it is the Public Authority's responsibility to evidence the harm. It is also a qualified exemption and therefore a Public Interest Test must be carried out.

Section 40(2) (a) Personal information is an absolute exemption which means there is no requirement on the Public Authority to consider whether there is a public interest in disclosure.

Your request contains questions that to answer would require me to release personal details about individuals other than the applicant. The names of police officers could be used in conjunction with other information which may already be in the public domain or which may become available in the future to compromise their security. The PSNI have a duty of care to ensure the safety of police officers. A release under the Freedom of Information Act is considered to be a release to the public at large. This would be a breach of the Data Protection Act and is catered for within Freedom of Information by the exemptions under Section 40(2) as outlined below.

Section 40(2) is a Class-based exemption, therefore it is not necessary to evidence the harm caused by disclosure. The data protection rights of a third party would be breached by disclosure, therefore Section 40(2) is an Absolute exemption and a Public Interest Test is not necessary. This is so because personal data is governed by other law (The Data Protection Act 1998).

All requests made under FOIA are applicant blind. A request must be treated as such and a public authority will always view any disclosure as into the public domain and not just to an individual.

Personal Data is regulated under the principles of the Data Protection Act 1998 and when information contains personal data about a third party it can only be released if disclosure would not breach any of the data protection principles.

Principle 1 is that personal data must only be processed lawfully and fairly. This data was imparted to the PSNI for the purpose of internal administrative purposes. To process this information for any other purpose, i.e. by releasing it under Freedom of Information would be unfair to the individuals concerned and therefore a breach of this principle."

The Harm test and Public Interest Test are now provided with regard to sections 31 and 38 of the FOI Act.

Harm Test

Disclosing information in relation to police deployments would give protesters knowledge of potential areas for future parades and/or where police could be disrupted and/or attacked. This could potentially increase the risk to public safety and endanger Police Officers. The identity of Police Officers could be revealed in the reports, putting individual officers at further risk.

Public Interest Test

Consideration Favouring Release

Accountability

The PSNI must be accountable for their procedures. The public would be able to determine how effectively and efficiently the PSNI deal with the planning and policing of parades.

Public Awareness and Debate

Releasing the information promotes transparency and reassures the public of the measures in place to protect life, property and apprehension of offenders. Providing accurate information would enable a more informed debate in the public domain.

Use of Public Funds/Resources

The disclosure of this information would show that funds/resources are appropriately used in policing parades.

Considerations Favouring Retention

Efficient and effective conduct of the Service

Release of police briefings and instructions could assist criminals to cause disruption at parades and evade detection by the police.

Flow of Information to Service

Disclosing details of briefings and instructions could discourage information being provided to the police and jeopardise future intelligence gathering.

Public Safety

Providing details of police deployments would give protesters knowledge of potential areas for future parades and/or

where police could be attacked and/or disrupted. This could potentially increase the risk to public safety. Police officers' safety could be compromised as revealing the options available to police may encourage criminals to seek new ways to subvert police tactics. The identity of Police Officers could be revealed in the reports, putting officers at risk.

Balancing Test

Releasing details of briefings and instructions would not be in the public interest. The factors in favour of release are outweighed by the factors favouring non-release. Disclosing information in relation to police deployments could assist protesters to cause disruption at future parades and identify areas to carry out attacks on police. Potentially, this could increase the risk to public safety and endanger Police Officers. Police Officers personal safety could be compromised by revealing their names in the reports. The safety of Police Officers is paramount and the PSNI will not disclose information which may put officers at risk. It is therefore considered that the need to withhold the information is greater than the public interest in disclosing it.

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 email.

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 @ <http://www.psnipolice.uk/>

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

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is(are) exempted pursuant to section(s)

F31

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1.0 INFORMATION

1.1 General Information

The Ballymaconnelly Sons of Conquerors Flute Band have notified police and the parades Commission of their intention to hold a public procession on Friday 21st August 2009. The parade will commence at 2000hrs and terminate at 2215hrs.

Route: Turnpike, Church Road, Main Street, Bridge Street, Moneyleck Road, Main Street, Church Road to Turnpike.

The Parades Commission have made a determination in relation to the parade but have not changed the route, timings or numbers of bands. The determination is that the parade abides by Appendix A of the Codes of Conduct.

Rasharkin Residents Association have lodged a protest against this parade. They requested a counter demonstration on Main Street Rasharkin involving 200 protestors. However the Parades Commission have made a determination restricting the protest to the section of Main St between the entrance to the Eurospar carpark (on the northern side of the entrance), and the junction of Main St and the entry running alongside Rosetta Terrace leading to Carnfinton Park and that protestors shall remain on the footpath and are prohibited from the carriageway. In addition the no more than 130 protestors including marshals shall take part in the parade-related protest. The protest must remain static at all times and shall not disperse until the return parade has dispersed. The protest timings are from 1945hrs to 2230hrs.

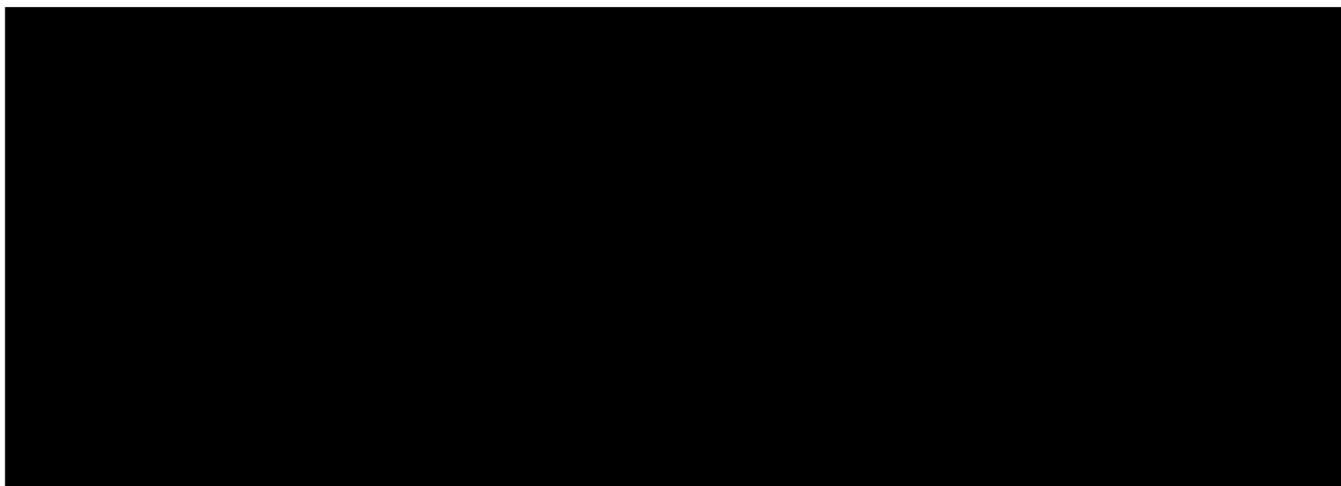
Number of Bands: 41
Number of Participants: approx 2000

s.F40
s.F40(2)
s.F40(2)(a)

Contact : 

s.F31 **s.F38(1)(a)**
s.F38 **s.F38(1)(b)**
s.F38(1)

1.2 General Threat



2.0 INTENTION

2.1 Policy

The District Commander's Gold Strategy in relation to operations applies.

In summary it is his policy to ensure a safe operation giving due consideration to the Human Rights of all. Officers should carry out a Dynamic Risk Assessment before making interventions, which may endanger the lives of themselves or others.

2.2 Police Intentions

The Police Intention in respect of this Operation is:

1. To Uphold the Human Rights of all citizens including Police and members of the community
2. To Ensure the Safety of visitors to H District
3. To Ensure the Safety of residents within H District
4. To Thwart criminals carrying out their illegal behaviour within the District

3.0 RISK ASSESSMENTS

3.1 Risk Assessments have been undertaken in respect of this Operation and the following Generic Risk Assessments apply:

1. GRA4 – Vehicle Check Points
2. GRA20 – Mobile Patrol
3. GRA24 – Foot Patrol
4. GRA44 - Search
5. GRA6 – Public Order

3.2 Special Risk Factors and Measures to tackle them are as follows:

- (i) Risk to Officers involved in this Operation from any Terrorist Activity
- C3 to provide a continuous assessment, Sufficient Local resources deployed to deal with any attack

4.0 METHOD

4.1 Senior Command (Gold, Silver & Bronze)

Gold Commander – Assistant Chief Constable McCausland, Brooklyn
 Silver Commander – Superintendent Goddard, Ballymena
 Bronze Commanders – Chief Inspector Magill, Ballymoney (Community Liaison)



s.F31
 s.F38(1)
 s.F38(1)(a)
 s.F38(1)(b)

Crimson Commander - Chief Superintendent White (TSG Command)

4.2 Senior Investigating Officers / C Department

CID – Detective Chief Inspector Shields, Ballymena
 Int Unit – [Redacted]

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 s.F40(2)
 s.F40(2)(a)

4.3 Overview of Resources used in this Operation

	Inspector		Sergeant					Constable					POPT	
	No.	Hrs	x2	x1.5	x1.3	PT	Hrs	x2	x1.5	x1.3	PT	Hrs	No.	Hrs
H District														
Others														
Total OT														
Total All														

4.4 Phases of the Operation

s.F31
 s.F38(1)
 s.F38(1)(a)
 s.F38(1)(b)

s.F40
 s.F40(2)
 s.F40(2)(a)

4.4.1 Phase 1



4.4.2

4.4.3

4.4.4

5.0 ADMINISTRATION

s.F31 s.F38(1)(a)

5.1 Prisoners

s.F38 s.F38(1)(b)

s.F38(1)

Prisoners arrested under PACE will be taken to Coleraine Custody Suite

5.2 Evidence Gathering Teams

s.F40 [redacted] will co-ordinate all Evidence Gatherers. He will ensure that each team has adequate tapes, **s.F40(2)** batteries and battery chargers at all times. **s.F40(2)(a)**

Tapes to be signed out from the briefing room at Coleraine and registered in the log, exhibited, signed back in at the end of duty labelled with area, dates and times and placed in an envelope marked area covered by the tape and dates and times and the envelope put into the drop safe in the briefing room.

Ensure you video as much as possible not just when directed to do so. I expect 5-6 tapes a turn of duty. For example pan the crowds so that descriptions of people can be matched at a later time if necessary, record the parade participants behaviour especially at contentious points and know any Parade Commission determinations and be able to record any breaches of the determinations, both for parades and protests. Police and the community will be taking stern action regarding alcohol ensure all alcohol incidents are recorded and marked for evidence.

Remember evidence gathering is a deterrent against disorder get recording as often as possible and let the aggressors see you recording. Sinn Fein are also making issues that we are not recording enough and they want to evidence gather themselves. They have been told it is the police's role so ensure we are seen to be doing our jobs. All breaks must be requested via the Silver Control.

5.3



5.4 Complaints

Any complaints against Police will be dealt with by the Duty Sergeant, Coleraine.

5.5 First Aid Teams

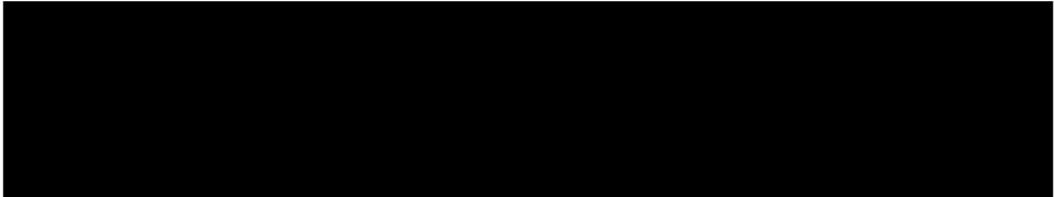
**s.F40
s.F40(2)
s.F40(2)(a)**

TSG officers will have Public Order trained First Aiders. [redacted] will be responsible for providing First Aid cover for local callsigns.

5.6 CID / C3 Role

CID are available for the investigation of any major incidents. Intelligence Unit will provide officers to Silver Control

5.7 Transport / Vehicle Arrangements



s.F31 s.F40
s.F38 s.F40(2)
s.F38(1) s.F40(2)(a)
s.F38(1)(a)
s.F38(1)(b)

5.8 Briefings

Command - 1600hrs at Ballymoney PSNI by Insp [redacted]
Main Briefing - 1700hrs at Ballymoney PSNI by Sergeant [redacted]

s.F40
s.F40(2)
s.F40(2)(a)

5.9 Dress Code

Number 2 Uniform to be worn unless Operational requirements direct otherwise. TSG to wear PPE

5.10 Equipment

Normal Patrol Equipment is to be carried

5.11 Catering

Normal catering arrangements apply. No meal boxes will be supplied.

5.12 Information Management / Debriefing

All occurrences should be recorded on Command and Control

6.0 COMMUNICATIONS

6.1 Control Rooms

Silver Control Coleraine

6.2 Channels

Channel H DISTRICT Event 1

Operation Authorisations

	Name	Rank	Number	Location
Silver Commander	N Goddard	Superintendent	18562	Ballymena
Signed	N Goddard		Date	21 Aug 09

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is(are) exempted pursuant to section(s)

F31, F40, F40(2), F40(2)(a)

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