



FREEDOM OF INFORMATION REQUEST



Request Number: F-2011-02842

Keyword: Operational Policing

Subject: Incidents at Ormeau Park, Belfast

Request and 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:

- disclose information in response to the number of incidents in full; and
- fully exempt information in response to the number of patrols pursuant to the provisions of Section 31 and 38 of the Act.

Question

Since the sexual attack in Ormeau Park (Belfast) on the 10/05/11 until the attack on the 15year old boy in the park on the 21/08/11, could you provide the number of incidents the PSNI have had to attend in the park between those dates and also the number of patrols the PSNI have carried out in the park.

Answer

During the period 10/05/2011 to 21/08/2011, police have attended 9 incidents in Ormeau Park.

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 31(1)(a) – Law Enforcement, is a prejudiced based, qualified exemption this means that it is the Public Authority’s responsibility to evidence the Harm and carry out a Public Interest Test.

Section 38(1)(a)(b)– Health & Safety, is a prejudiced based, qualified exemption, this means that it is the Public Authority’s responsibility to evidence the Harm and carry out a Public Interest Test.

A summary of the Harm for Sections 31 and 38, along with the Public Interest Test is provided below:

HARM

Section 31

Although the time frame you have requested is not for the current time period, the police are still patrolling this area following a similar pattern. To release information relating to the number of patrols in a specific location could expose a pattern, thereby making officers more vulnerable to attack. Criminal elements could use the information to circumvent police tactics and therefore hinder law enforcement.

Section 38

Disclosing details of the number of patrols could assist criminal elements to carry out attacks against police officers. The Service is currently under threat from Dissident Republicans and releasing this information into the public domain could assist terrorists to target officers and make them vulnerable to attack.

Public Interest Test

Factors Favouring Release – Section 31

The PSNI must be accountable for their procedures. The public would be better informed about the measures in place and this would assure the public that police are providing patrols in the Ormeau Park.

Factors Favouring Retention – Section 31

Disclosure of information relating to the number of patrols in a specific location into the public domain could be used to try and ascertain the frequency/timing of police patrols. Law enforcement tactics could be compromised and those with criminal intent could use the information to counter policing measures taken by police in relation to the Ormeau Park and therefore hinder law enforcement.

Factors Favouring Release - Section 38

Releasing the information would promote openness and transparency. The public would be better informed about the procedures in place.

Factors Favouring Retention - Section 38

Releasing this information into the public domain could assist terrorists and criminal elements to use a mosaic approach and link all information available to them to carry out attacks on police officers. This would not only endanger Police Officers and Park Rangers but also members of the public.

Decision

At this time of increased threat of terrorism, I have determined that the release of the number of patrols, into the public domain would not be in the public interest. Patrols are currently ongoing in this location. Park opening times and the working hours of the Park Rangers, who work jointly with Police Officers, dictate the times of the patrols and some patrols routinely take place at specific times. Therefore, disclosure of this information could identify the routine of patrols and has the potential to assist those criminal elements seeking to carry out attacks against police officers. Park Rangers could also be put at risk, if officers are targeted as they are assisting the police with their patrols.

Release of this information could compromise law enforcement and risk the safety of individuals. Disclosure may seriously endanger Police Officers, Rangers and members of the public. The safety of individuals is of paramount importance and the PSNI will not divulge any information which could put lives at risk.

A PSNI Neighbourhood Team regularly carry out foot and bicycle patrols in Ormeau Park and also carry out joint patrols with the Park Rangers. Police have also attended meetings with Belfast City Council in order to address the issue of security within the park. Mobile CCTV patrols of the park have now commenced and will monitor the area, allowing resources to be allocated to address any issues of anti social behaviour.

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.

In accordance with the Freedom of Information Act 2000, this letter should be considered as a Refusal Notice in relation to the number of patrols and has therefore been closed.

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.