



## FREEDOM OF INFORMATION REQUEST



**Request Number:** F-2011-01800

**Keyword:** Operational Policing

**Subject:** Parade Returns

### 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 the information you have requested subject to the deletion of information pursuant to the provisions of Sections 38 and Section 40 of the Freedom of Information 2000 (the Act).

### Question

I would like to request copies of the:-

11/8 (Post Public Procession Return)

11/9 (Public Procession Report)

For the following parades:-

15/08/2010 Counties Derry and Antrim Republican Graves Association, Bellaghy

20/02/2011 Hogan & Martin Sinn Fein Cumann Dunloy

17/03/2011 AOH Cookstown, Cookstown

24/04/2011 Counties Derry & Antrim Commemoration Committee Loup

24/04/2011 South Derry Martyrs Flute Band Magherafelt

### Answer

Please find attached documents, of which pages numbered 2 and 9 have been subject to the deletion of information pursuant to Section 38 (1) (a) and (b) Health and Safety and Section 40(2)(a) and (b) of the Act by virtue of Section 40(3)(a)(i), Personal Information.

Please note that no information is held in relation to the parades on 15<sup>th</sup> August 2010, 24<sup>th</sup> April 2011 and 24<sup>th</sup> April 2011 as neither Post Public Procession Returns (11/8) nor Public Procession Reports (11/9) were required for these parades. No Public Procession Report (11/9) was required for the parade on 17<sup>th</sup> March 2011.

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 (1) (a) (b) - Health and Safety  
Section 40 (2) (a) (b) - Personal Information

**Section 38 Health and Safety** is a prejudiced based exemption which means that the PSNI must demonstrate that it is satisfied that to release the information would be likely to endanger the physical or mental health of any individual.

It is also a qualified exemption which means that the PSNI must consider the balance of the public interest in releasing the information against the public interest in withholding it.

A summary of the Harm and Public Interest considerations for Section 38 is provided below;

### **Harm Test - Section 38**

Disclosure of the names of persons in Operational Planning roles within PSNI could put these individuals at risk and impact on their safety. The Service is currently under threat from terrorists and releasing names of individuals associated with the PSNI could assist these terrorists in targeting individuals.

### **Public Interest Test**

#### **Factors Favouring Release**

Releasing the information would promote openness and transparency. The public would be better informed about the roles of staff within Operational Planning Departments.

#### **Factors Favouring Retention**

Releasing the names of persons who work within the PSNI into the public domain would assist terrorists and criminal elements to carry out attacks on these persons.

#### **Decision**

I have determined that the release of names of staff into the public domain would not be in the public interest. The service is currently under severe threat from terrorists and disclosure of this information has the potential to assist those criminal elements seeking to carry out attacks against police officers and police premises. The safety of individuals is of paramount importance and the PSNI will not divulge any information which could put lives at risk.

**Section 40 Personal Information** 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.

Members of staff are entitled to protection under the Data Protection Act 1998. The Service would be failing in its lawful duty were it to breach the Data Protection Act in order to furnish a disclosure under the Freedom of Information Act 2000. The Service has a duty to protect the personal data of all individuals. Therefore, 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 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](mailto: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](http://www.psni.police.uk)

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



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## POST PUBLIC PROCESSION RETURN

### FACSIMILE MESSAGE

To Police Service of Northern Ireland Parades Commission Liaison Officer  
From DCU Commander, Omagh  
Fax 028 90561643 Pages This + 1  
Phone 028 90700098 Date Mon 22/03/11  
Re Post Procession Return in relation to: AOH St Patrick's Day Parade, Cookstown.

Date, Time and Venue of Procession Thursday 17<sup>th</sup> March 2011. 14:30 Hrs, Cookstown.

Organisation[s] involved Ancient Order of Hibernians Division 231, Cookstown.

Was a determination by the Commission issued? Yes  No

Was there a protest meeting involved? Yes  No

Please give a brief résumé of the procession including numbers of bands and marchers, any disorder/breaches of codes of conduct by procession and/or protesters. [Please include any significant damage to property etc.]

The AOH St Patrick's Day Parade commenced at 14:30 hrs by way of speeches at the agreed assemble point. At 15:00 hrs the parade commenced along the notified route. 17 bands participated with approx 600 participants. There would have been between 2/3000 in the town. The atmosphere was good – generally families in the crowds. There was one arrest for disorderly behaviour at the Moneymore Rd junction at approximately 1700hrs. Minor breaches of licensing legislation were noted mainly outside licensed premises - most moved back inside on request of police; one bottle was thrown at police – no offender identified.

One complaint was received from a member of the public with regard to the Sons of Ireland Band Rasharkin. They were "disgusted at the behaviour of the last band from Rasharkin in an effort to provoke a reaction from the protestant community who had gathered to watch the parade". This band did not complete the parade route but turned at the Oldtown St/William St junction. The Sergeant at this point reported following:

*At my point, on the junction of Oldtown St / William St., I ended up with a small group of Loyalist 'supporters,' numbering no more than 15 and aged between 12 - 30 approximately. I 'cordoned' them off from the parade route with myself and 5 officers in a line facing them. They went to great pains to show that they were recording the parade on their mobiles. I warned them about their general behaviour, ie they were clapping the bands, pointing & laughing at some of the bands and generally making a very small nuisance of themselves.*

*When the last band arrived at my point from William Street (Sons of Ireland Band, Rasharkin) they were supposed to turn left into Orritor St and turn at the Crescent. They waited until the band preceding them came out of Orritor St to begin it's final leg back towards the assembly point. When the preceding band entered William Street it had to stop due to a backlog of bands. At this point, the Rasharkin band 'U-turned' right at the top of William St and ended up stopped directly in front of the group of loyalists. They then struck up a rigorous drumming, and a 'tune,' I did not recognise. The Rasharkin band also had a group of approximately 45 - 50 followers. They were mostly made up of young males, most of whom were belligerent at best, and many of whom appeared to be local to Cookstown.*





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## PUBLIC PROCESSION REPORT

<b>1</b>	<b>Report on</b> (Name, Location and Date of Parade)	Hogan and Martin Parade - Dunloy 20.02.2011 Dunloy
<b>2</b>	<b>DCU</b> (List affected DCUs in order parade enters)	Ballymoney Area H District
<b>3</b>	<b>Notified Parade Route</b> (Set out the notified route highlighting variations specific to the parade if applicable. A map should be attached where possible.)	They will assemble from <b>1400hrs</b> at <b>Bridge Road</b> and the procession will commence at <b>1430hrs</b> . The route from the assembly point is : Out: Bridge Road, Tullaghans Road, Carness Drive. Return : Carness Drive, Tullaghans Road, Bridge Road.  Parade will terminate at 1630hrs.

<p><b>4</b></p>	<p><b>Recent Parading History</b></p> <p>(A factual synopsis of sensitive parades at this venue for last 2/3 years should be given. Where there has been significant disorder or protests in a particular area this should be quoted. Human rights implications of previous police strategies should be included. Great depth of detail is not required. Reference should be made to other evidence that is available – for example, video footage.)</p>	<p>The last parade was on 28th February 2010</p> <p>The parade consisted of 5 bands and 114 participants. The parade passed off peacefully with no identified breaches of The Codes of Conduct.</p> <p>No incidents were noted.</p>
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<p><b>5</b></p>	<p><b>Compliance with The Codes of Conduct</b></p> <p>(The Parades Commission has issued a Code of Conduct for parade and protest organisers, copies of which have been distributed within the Police Service of Northern Ireland. Clear breaches of the Code on previous occasions should be included here.)</p>	<p>There were no identified breaches of the COC noted in 2009 or 2010 in relation to this parade.</p>
<p><b>6</b></p>	<p><b>Public Disorder or Damage to Property which has occurred previously</b></p> <p>(This part must include details of factors that the Parades Commission must take into account when making their determination. Actions which infringed the law by those parading or protesting, must be included under the two subheadings.)</p> <p>(Parades – the extent to which participants gave rise to the disorder or damage to property and the likelihood that the behaviour of participants directly caused or led to the disorder. Numbers of participants and details of arrests/prosecutions should be quoted.</p>	<p>None</p>

	<p>(Protests – the extent to which the protesters gave rise to the disorder or damage to property and the likelihood that the behaviour of protesters directly caused or led to the disorder. Numbers of protesters and details of arrests/prosecutions should be quoted.)</p>	<p>None</p>
<p><b>7</b></p>	<p><b>Community Impact Assessment</b></p> <p>Impacts within the community should cover the degree to which a parade or parades have already caused or might cause division between communities. Where pertinent historic reasons exist why a parade is sensitive and if relevant they should be included. Relevant tension indicators should be quoted.)</p>	<p>The subject of parading in the Dunloy Area has been sensitive for several years with considerable opposition to Loyalist parades. This has had a detrimental impact on community relations and I am unaware that any meaningful dialog has been undertaken. Although this Nationalist parade takes place annually in the same area there is not the same opposition. Some concerns were raised in the last years over breaches of the PC codes of conduct relating to displaying of emblems. Police do not hold evidence of this.</p>
	<p>(Disruption to the life of the community would include adverse effects the procession would cause to normal everyday life.)</p>	<p>As with any parade some disruption will occur but has never caused major problems in the past. Minor traffic disruption may be possible but normal community life would resume immediately upon termination of the parade.</p>
	<p><b><i>Consider the Rights outlined below and make a judged assessment of how police strategies might affect the rights of individuals who may be affected.</i></b></p>	



<p><b>Police use of Force</b></p> <p><b>Article 2 of the European Convention on Human Rights (incorporated into UK Law by the Human Rights Act 1998)</b></p> <p>Individuals' right to life</p> <p>Everyone's right to life shall be protected by law. Deprivation of life which results from the use of force which is no more than absolutely necessary for a specified purpose does not contravene this Article.</p> <p>Article 2, in general, concerns the use of lethal or potentially lethal force.</p> <p><b>Article 3 of the European Convention on Human Rights (incorporated into UK law by the Human Rights Act 1998)</b></p> <p>No one shall be subjected to torture or to inhuman or degrading treatment or punishment.</p> <p>Article 3, in general, concerns the use of non-lethal force. It also extends to police tactics in public order situations. Any use of force by the police must be no greater than is made necessary by the person's conduct. Non-lethal force used by the police must be no greater than reasonably necessary in the particular circumstances of the case.</p>	<p>Article 2 Human Rights will be at the Forefront of Police planning. Should some form of protest occur it will be essential that both participants/supporters and any protestors are unable to come into contact with each other, as the risk of violence would be high.</p> <p>If it becomes necessary to use force, Police have a positive duty to protect the lives of all persons. Where Police are considering the deployment and/or use of potentially lethal force, it will be no more than is absolutely necessary and strictly proportionate to the achievement of the legitimate aims contained in Article 2(2). Section 3 of the Criminal Law Act and Article 88 PACE will govern any other force. Any use of force will be in accordance with Police Service policy.</p> <p>Article 3 Human Rights. As stated in Article 2 above, any force used will be absolutely necessary and proportionate under the circumstances. A graduated response will be used should Police action become necessary. A Gold strategy is in place within the District and planning for this event is ongoing.</p>
<p><b>Article 5 of the European Convention on Human Rights (incorporated into UK law by the Human Rights Act 1998)</b></p> <p>Individuals' right to liberty.</p> <p>This will cover issues such as detentions and arrests.</p> <p>It also covers the wider issues of restricting individual's freedom of movement by creating sterile zones etc.</p>	<p>Should some form of protest occur it may be necessary to restrict freedom of movement in order to prevent crime and disorder and ensure public safety. As stated earlier, it will be crucial to ensure that processors/supporters do not come into physical contact with protestors. Police will plan to ensure that such restrictions are kept to a minimum in terms of duration and scale and are appropriate and proportionate to the prevailing circumstances.</p>
<p><b>Article 8 of the European Convention on Human Rights (incorporated into UK law by the Human Rights Act 1998)</b></p> <p>Individuals' rights to respect for private and family life.</p> <p>Disallows interference by a public authority of this right except as is in accordance with the law and is necessary in the interests of national security, public safety, economic well being of the country, prevention of disorder and crime, protection of health and morals or the protection of rights and freedoms of others.</p>	<p>There will be some engagement of Article 8 Rights. The procession takes place through residential and commercial areas and both it and the policing operation are likely to present restrictions on the flow of vehicle traffic and pedestrians. These restrictions will be to prevent crime and disorder and in the interests of public safety.</p> <p>The use of such restrictions and any other tactical options which impact Article 8 Rights will be kept to a minimum in terms of duration and scale and will be appropriate and proportionate to the prevailing circumstances.</p> <p>Should some form of protest occur, audio/video recording equipment may be deployed by Police to obtain and preserve evidence of crime and disorder offences for prosecution purposes.</p>
<p><b>Article 9 of the European Convention on Human Rights (incorporated into UK law by the Human Rights Act 1998)</b></p> <p>Right to freedom of thought, conscience and religion.</p> <p>Gives individuals freedom to manifest religion in worship, teaching, practice and observance. Limitations prescribed by law only by interests of public safety, public order, health or morals</p>	<p>It is not anticipated, at this stage, that Article 9 rights will be engaged.</p>

	<p>or for protection of rights and freedoms of others.</p>	
	<p><b>Article 10 of the European Convention on Human Rights (incorporated into UK Law by the Human Rights Act 1998)</b></p> <p>Right to freedom of expression.</p> <p>Freedom to hold opinions and to receive or impart information and ideas without interference by public authorities and regardless of frontiers. The exercise of these freedoms, since they carry duty and responsibility, may be limited as prescribed by law and necessary in a democratic society in the interests of national security, territorial integrity, public safety, prevention of disorder and crime, protection of health or morals, protection of the reputation or rights of others, preventing disclosure of confidential information or to maintain the authority and impartiality of judiciary.</p>	<p>As indicated throughout this report, should some form of protest occur it will be necessary to prevent participants/supporters and any protestors coming into physical contact. This may necessitate the creation of sterile areas that may inhibit, to some extent, the Article 10 Rights of protestors. However, Police will ensure that these are kept to a minimum in terms of scale and duration and are instigated appropriately and proportionately to the prevailing circumstances.</p> <p>Police will monitor all assemblies to ensure they behave in accordance with the law. If necessary, Police will act appropriately and proportionately to prevent crime and disorder and to ensure public safety.</p>
	<p><b>Article 11 of the European Convention on Human Rights (incorporated into UK law by the Human Rights Act 1998)</b></p> <p>Right to freedom of assembly and association.</p> <p>Everyone has the right to freedom of <b>peaceful</b> assembly and association with others.</p> <p>Can only be restricted as prescribed by law and as are necessary in a democratic society in the interests of national security, public safety, prevention of disorder or crime, protection of health or morals or for the protection of the rights or freedoms of others. This shall not prevent the imposition of lawful restrictions on the exercise of these rights by members of the armed forces, the police or the administration of the State.</p>	<p>As indicated throughout this report, should some form of protest occur it will be necessary to prevent participants/supporters and protestors coming into physical contact. This may necessitate the creation of sterile areas that may inhibit, to some extent, the Article 11 rights of protestors. However, Police will ensure that these are kept to a minimum in terms of scale and duration and are instigated appropriately and proportionately to the prevailing circumstances.</p> <p>Police will monitor all assemblies to ensure they behave in accordance with the law. If necessary, Police will act appropriately and proportionately to prevent crime and disorder and to ensure public safety.</p>
	<p><b>Article 14 of the European Convention on Human Rights (incorporated into UK law by the Human Rights Act 1998)</b></p> <p>Prohibition of discrimination.</p> <p>All the rights and freedoms in the Convention shall be enjoyed without discrimination on any grounds such as sex, race, colour, language, religion, political or other opinion, natural or social origin, association with a national minority, property, birth or other status.</p>	<p>Should some form of protest occur, police are concerned that if participants/supporters and protestors come into physical contact with one another there would be a high probability of disorder and violence. Consequently, Police may use the creation of sterile zones to keep them apart appropriately and proportionately to the prevailing circumstances. It may be necessary, therefore, for Police to discriminate on the basis of religious and political grounds in the interests of public safety and to avoid violence and disorder.</p>

(This section should contain any other relevant information, which has been obtained through community contacts etc. A professional assessment of the value of such information must be given.)

**8**

**Signature**

This report should be signed by the DCU Commander or if crossing police boundaries by the senior officer responsible.

**(Name, Location and Date of Parade)**

A Skelton  
Superintendent  
Operations Manager  
H District

Hogan and Martin Parade - Dunloy 20.2.2011



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# POST PUBLIC PROCESSION RETURN

## FACSIMILE MESSAGE

To Police Service of Northern Ireland Parades Commission Liaison Officer

From H District Op Planning

Fax 028 90561643 Pages This + 0

Phone 028 90700098 Date Sun 20/02/11

Re Post Procession Return in relation to: Hogan and Martin Sinn Fein Cumann, Dunloy

Date, Time and Venue of Procession 20/2/11 14:00, Dunloy

Organisation[s] involved Sinn Fein

Was a determination by the Commission issued? Yes  No

Was there a protest meeting involved? Yes  No

Please give a brief résumé of the procession including numbers of bands and marchers, any disorder/breaches of codes of conduct by procession and/or protesters. [Please include any significant damage to property etc.]

There were no specific police deployments in respect of this parade which was given passing attention and observed from a distance. There appeared to be 6 bands with approx 300 persons in total present. The parade traversed the notified outward route. On the return route it did not enter Main Street nor Station Road portions of the notified route. This did not affect the village and was less disruptive to normal life.

The Dunloy band appeared to have covered the image on their bass drum with tape. Another band (name unknown), wearing black uniforms, appeared to have a figure crouching and holding an RPG7 on the side of the bass drum.

All parade participants appeared to conduct themselves in a proper manner.

No protestors were observed by police.

Were any arrests effected? Yes  No

What were the arrests for? (please specify) N/A

**s.F38**

**s.F38**

Are any follow up arrests planned? **s.F40** Yes  No

**s.F40**

If prosecutions follow an update must be submitted in due course. **s.F38(1)**

**s.F38(1)**

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

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

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

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

Contact Name [REDACTED]

**s.F40(2)**

Rank Chief Inspector

**s.F40(2)**

Station Ballymoney

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

Tel No [REDACTED]

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

**s.F40(2)(b)**

**s.F40(2)(b)**

**s.F40(3)(a)**

**s.F40(3)(a)**

**s.F40(3)(ai)**

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