



FREEDOM OF INFORMATION REQUEST



Request Number: F-2012- 01062

Keyword: Crime

Subject: Policy and Procedures re bomb threats

Request and Answer:

Question 1

What were the policies and procedures in place at the time of the Omagh Bomb in dealing with bomb threats?

Question 2

What were the policies and procedures in place in dealing with evacuation of areas where it is believed a bomb is situated again at the time of the Omagh Bomb?

Question 3

What were the policies and procedures in place at the time of the Omagh Bomb which ensured that both the Business community and the general public knew how to respond to such a threat or evacuation?

Question 4

What are the policies and procedures that are currently in place to deal with Bomb Threats and evacuation of specific areas to where a bomb threat has been received?

Question 5

What level of training is undertaken with other agencies e.g. fire service, ambulance to ensure a coordinated response to an incident.

Question 6

What level of interaction takes place with the business community and the general public in building their knowledge as to how to respond to such threats?

Response

I am writing to confirm that the Police Service of Northern Ireland (PSNI) has now completed its search for the information.

I have today decided to disclose information in relation to policies in response to questions 1, 2 and 4 and to also disclose the located information relating to questions 3, 5 and 6. However in relation to the parts of questions 1, 2 and 4 that refer to procedures, this is fully exempt pursuant to the provisions of Section 31 Law Enforcement, Section 38 Health and Safety and Section 44 Information covered by prohibitions on disclosure of the Act.

Answer 1 and 2 in relation to policy

There is no recorded information on what are now recognised as policy documents. However, procedures were contained within the RUC Code relevant to Scenes of explosions, Serious crimes and other incidents, that were in place at the time in question.

However, having given this matter due consideration exemptions have been applied as detailed further below:

Answer 3 in relation to policy and procedures

Searches were conducted however, no recorded information could be located on these issues.

Answer 4 in relation to policy

Policy Directive PD 10/07 - Managing Actual/Potential Critical Incidents, is the current policy to deal with major incidents and can be accessed by clicking on the link below:

http://www.psni.police.uk/policy_directive_1007.pdf

With regard to Emergency Planning, PSNI follow national policing doctrine and guidance as outlined below:

www.acpo.uk/documents/uniformed/2009/200904UNGEPOI.pdf

Answer 5

In respect to multi agency training PSNI have been involved with our blue light partners in developing incident liaison officer training to major incidents. This training was piloted at the end of 2011 and is due to run again in 2012 and involves PSNI, NI Fire & Rescue Service, NI Ambulance Service and a Ministry Of Defence representative.

PSNI have also historically taken part in numerous exercises and training events in respect to how we respond with partners to incidents such as major transportation accident, severe weather, hazardous materials (Hazmat) events etc.

Answer 6

Paragraph 4, Sub Section (3) Partnerships within Policy Directive PD 10/07, referred to in Answer 4 details interaction:

“The PSNI should always seek to proactively nurture and develop relationships with those who can contribute (internally or externally) to effective policing including the management of a Critical Incident. This may include members of Standing Independent Advisory Groups, Community Safety Partnerships, District Policing Partnerships, Community/Police Liaison Committees, Community Forums and other local community groups. Internally it will include the PSNI Staff Associations. It will also include the Policing Board, its members and committees or other bodies such as The Victims Commission. This cannot be an exhaustive list.”

Please also find below an extract from the PSNI website:

“The Police Service of Northern Ireland and police services throughout the United Kingdom are now better trained and equipped than ever before to combat the threat of international and domestic terrorism.

The Service, as part of the national Counter Terrorism 'CONTEST' strategy, has dedicated Counter Terrorism Security Advisers (CTSAs) who are co-ordinated, trained and tasked by the National Counter Terrorism Security Office (NaCTSO - www.nactso.gov.uk), a specialist police organisation co-located with the Centre for the Protection of National Infrastructure (CPNI - www.cpni.gov.uk).

The primary role of these advisers is to provide protective and counter terrorism security advice to support businesses. The advice available takes into account conventional and non-conventional terrorist techniques and the aim is to reduce vulnerability to terrorist threats. The CTSA's work closely with other police services throughout the country, government departments and other agencies.

The public can play a key role in supporting the police. By remaining vigilant, being security minded and having good security measures in place, you can protect your business against crime and make the work of terrorists more difficult. A small investment in security measures greatly enhances the feeling of security on behalf of everyone and helps protect those around you.

For non-urgent crime prevention advice, businesses can contact their local police Crime Prevention Officer. But if you feel that your company could benefit from Counter Terrorism security advice you can write to us at the following address:

*Counter Terrorism Security Adviser
Police Service of Northern Ireland
825-827 Upper Newtownards Road
Dundonald
Belfast
BT16 1RF*

Email: ctsa@psni.pnn.police.uk “

Additionally, the Justice (2011 Act) (Commencement No.3) Order (Northern Ireland) 2012 brings various sections of the Justice Act (Northern Ireland) 2011 into force in on 1 April 2012.

The provisions of the Act set out in Article 2 came into operation on 1st April 2012.

Part 3 and Schedules 1 and 2 create new Policing and Community Safety Partnership structures. The provisions integrate the roles of Community Safety Partnerships (CSPs) and District Policing Partnerships (DPPs) to create single partnerships for each district council that will be known as Policing and Community Safety Partnerships (PCSPs).

Answer to questions 1, 2 and 4 in relation to procedures

Section 17(1) of the Freedom of Information Act 2000 requires the PSNI, 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 Department considered when deciding where the public interest lies, are listed below:

Absolute Exemption

Section 44 (1) (a) Information covered by prohibitions on disclosure

Qualified Exemptions

Section 24 (1) National Security

Section 31(1)(a)(b) Law Enforcement

Section 38(1) Health and Safety

Section 44 is an absolute exemption and does not require the public interest or harm to be evidenced and articulated to the applicant.

Sections 24, 31 and 38 are prejudice based qualified exemptions which means that the legislators have identified that the harm (prejudice) in disclosure as well as the public interest considerations need to be evidenced and articulated to the applicant.

HARM

It is acknowledged that wherever possible policing must be transparent and accountable. However, police need to make balanced judgements as to justify why some information remains exempt and unpublished. The 'Right to know' is not a 'Right to know everything'.

The release of information under FOI is a release of information to the world and not just to you the individual. The geographical size of Northern Ireland is reasonably small and therefore to release information would have an impact on our core policing objectives i.e. to prevent and detect crime. Thus releasing details of bomb warning procedures would breach the PSNI's law enforcement techniques, methods and tactics.

The Chief Constable has stated, "My ambition for policing is clear. We will continue to focus upon issues of serious harm, including policing the threat from terrorism, whilst focusing on increasing the confidence of all communities."

There is a positive obligation under Article 2 of the European Convention on Human Rights to protect life, not only of the public but also of police officers. It is difficult to address every specific detail which may arise on receipt of a bomb warning. The aim is that any police action must seek to protect life, balance conflicting human rights, have a legal basis, and be proportional to the circumstances existing at the time.

In any situation where a bomb warning is received, difficult decisions have to be made by officers and a range of factors need to be taken into account during the decision making process.

As this response is not just to you the requester but to the world as a whole. It is considered that the current threat level in Northern Ireland which is SEREVE indicates that the environment does not exist for PSNI to inform the world of all its procedures, methodology and tactics with regard to bomb warnings. While some of the information relates to the time of the Omagh bomb, the procedures in place at the time have not changed dramatically and it is considered they would still pose a very significant risk if disclosed. The information would be of assistance to terrorists/criminals in planning more atrocities against police, communities and individuals.

PSNI consider that the danger to individuals, should this information be released, can be equated to a criminal having prior knowledge of current police methodology, operational procedures and tactics and putting this knowledge into practice to allow criminals to adopt countermeasures to avoid them from being apprehended. Investigations, which could have been successful, could be compromised and any individual could potentially be affected and made a victim as a result.

Section 31 - Operational procedures, methodology and tactics must be protected by the correct application of exemptions. This is because the release of this type of information would rarely be in the Public Interest and may reduce the PSNI's capability to perform its overall functions under the Police (NI) Act 2000, which states:

"It shall be the general duty of police officers –

- (a) to protect life and property;
- (b) to preserve order;
- (c) to prevent the commission of offences;
- (d) where an offence has been committed, to take measures to bring the offender to justice."

PSNI must also consider the impact that the release of information can have on matters relating to

national security and any harm that would be caused to our local community and to the United Kingdom (UK) as a whole.

Public Interest Test considerations

Section 24 factors favouring disclosure

Disclosure of information in relation to national security may be of interest to the public.

Section 24 factors favouring non-disclosure

Non disclosure is strongly considered appropriate for the purposes of safeguarding national security. Policing arrangements of this nature would render security measures less effective. This would lead to the compromise of ongoing or future operations to protect the security or infra-structure of the UK and increase the risk of harm to the public.

Section 31 factors favouring disclosure

The release of information in relation to bomb threats and evacuation procedures issued by the PSNI in the past and currently may be of interest to the public. The actions of the PSNI, particularly in relation to such threats require an appropriate application of legislation.

The Police Service is charged with enforcing the law, preventing and detecting crime and protecting the communities we serve and there is a public interest in the transparency of effective law enforcement.

Section 31 factors favouring non-disclosure

By disclosing the information law enforcement tactics would be compromised which would hinder the prevention and detection of terrorist crime. More crime would be committed because the terrorists would know PSNI procedures for dealing with bomb threats and evacuation procedures and individuals would therefore be placed at higher risk. A fear of crime would be realised because if the terrorists identified exact procedures, they would target and exploit areas and the public would be in fear of more terrorist activity occurring.

The Police Service has a duty to deliver effective law enforcement ensuring the prevention and detection of crime and apprehension or prosecution of offenders is carried out appropriately. They will not reveal detail, no matter how generic, which would compromise effective law enforcement issues.

The safety of individuals is paramount. Disclosure of procedures could lead to serious injury and/or death for individuals including police officers.

Section 38 of the Freedom of Information Act 2000 also protects an individual's physical health and mental wellbeing whether the harm is real or perceived.

Section 38 factors favouring disclosure

Release of the requested information would lead to better informed public awareness and debate.

Section 38 factors favouring non-disclosure

Public safety is of paramount importance to the PSNI and must always be considered as the PSNI would not wish to endanger the health and safety of any individual by causing them distress, anxiety or harm. By releasing information in relation to PSNI procedures, could lead to individuals being distressed and their own and family's safety endangered by persons involved in criminality/terrorism. The PSNI has a duty of care to the community we serve, to release information which could lead to an individual's safety being jeopardised would result in a loss of confidence in the way information is used. As already outlined in the HARM, the threat level in Northern Ireland is SEVERE.

Balance

When balancing the public interest test PSNI have to consider whether the information should be released into the public domain. Arguments need to be weighed against each other. The most

persuasive reason for disclosure is Accountability which needs to be compared to the strongest negative reason, which in this case is Public Safety and national security. The police service cannot and will not disclose information which will place the public at risk or undermine law enforcement thereby assisting those intent on committing criminal or terrorist acts.

Also, as was firmly established at an Information Tribunal case of the Guardian Newspaper versus the Information Commissioner and the Avon and Somerset Constabulary, the public interest in disclosure of information which is exempt by virtue of a qualified exemption, is not justified just because it is what interests the public. Information released under FOIA, where exemptions apply, will only be done where there is a tangible community benefit which is more powerful than the harm that could be done. This does not apply in this case.

On balance, and from the harm evidenced above, the information should not be disclosed and should be protected and exemptions applied.

Section 16 – Advice and Assistance

The link below provides some information that may be of assistance to you.

Service Procedure SP 04/11 – Threats to Life, this Service Procedure was approved at the Security and Serious Harm Programme Board on 10 December 2010. It has taken account of the National Threats to Life Policy together with recommendations from reports from the offices of the Police Ombudsman for Northern Ireland (PONI) and Her Majesty's Inspectorate of Constabulary (HMIC) and can be accessed by clicking on the link below:

http://www.psni.police.uk/service_procedure_4-11.pdf

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.