



FREEDOM OF INFORMATION REQUEST



Request Number: F-2014-03760

Keyword: Operational Policing

Subject: Number of Police on Duty in Ardoyne 29th June 2014

Request and Answer:

Question 1

How many Police Officers were on duty in Ardoyne on 29th June 2014 and directly involved with the policing of what can only be described as a paramilitary parade?

Question 2

In the views of PSNI, is the wearing of paramilitary uniforms deemed legal?

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 information in response to question 1 pursuant to the provisions of Section 31 of the Act.
- disclose information in response to question 2 in full.

Question 1

How many Police Officers were on duty in Ardoyne on 29th June 2014 and directly involved with the policing of what can only be described as a paramilitary parade?

Answer

With regard to the number of officers on duty, I can confirm that this information is held but that access to the information has been refused.

Section 17(1) 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, as well as the factors the Department considered when deciding where the public interest lies, are listed below:

Section 31 (1)(a) – Law Enforcement

Section 31 is a qualified and prejudice based exemption and therefore the Harm in disclosure must be evidenced and a Public Interest Test must be carried out.

Harm Test

Section 31

The disclosure of this information may allow criminals to plan how best to engage or occupy existing police resources within that area in an effort to maximise their chances of committing serious crime. As a Service we have considerable experience of this where organised criminal groups create diversionary calls to divert police resources (e.g. hoax call or deliberately activating intruder alarms) or deliberately create disturbances or commit minor crime e.g. (road traffic offences) with the same aim. While it could also be argued that such criminal activity takes place without the number of officers on duty being known, it is reasonable to assume that confirmation of the number of officers involved would assist such activity by allowing more accurate judgements to be made by criminals.

Public Interest Test

Factors favouring disclosure S31

The information concerns efficient and effective use of resources by the Service and the proper allocation of resources is a matter that the Service should hold up to public scrutiny. Disclosure of the information would inform the public debate on the issue of policing and contribute to the accuracy of that debate while illustrating to the public how funds are being spent.

Factors favouring non-disclosure S31

The current or future law enforcement role of the Service may be compromised by the release of the requested information. A clear link exists between knowledge available to criminals and the way they operate, with the resultant impact to the Service. An example of this is that we know that criminals have previously struck (e.g. ATM's and warehouses) at times when they believe officers to be on meal breaks or when there are likely to be fewer police (e.g. early hours of morning).

The release of information concerning Police Resources at any time, taken on its own or together with other information, either already available or subject of further requests, could place Police Officers at risk of harm by attack.

Balancing Test

Public awareness and debate are strong arguments, in the spirit of the legislation favouring release of this information. This however is weighed against the need to ensure the efficient and effective conduct of the Police Service in relation to the prevention and detection of crime and the Public Safety considerations involved in the delivery of operational policing which clearly favour non-disclosure.

In balance I would contend that the public interest in disclosing the information is outweighed by that in maintaining the exemptions listed, as it is doubtful if it can ever be in the public interest to disclose information which would prejudice the prevention or detection of crime, or which would jeopardise the delivery of operational policing and the safety of both police officers and the community the PSNI serves.

Question 2

In the views of PSNI, is the wearing of paramilitary uniforms deemed legal?

Answer

PSNI's approach to issues concerning paramilitary organisations is determined by relevant legislation, in particular the Terrorism Act 2000. Section 13 of that Act creates an offence related to the wearing, etc., of items *"in such a way or in such circumstances as to arouse reasonable*

suspicion that he is a member or supporter of a proscribed organisation." PSNI will take appropriate steps within its power to deal with suspected breaches of this provision."

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.