



FREEDOM OF INFORMATION REQUEST



Request Number: F-2013-00959

Keyword: Operational Policing

Subject: Equipment Used at Protests

Request and Answer:

Question 1

I am writing to request information and/or documents held by you or stored in archives accessible to you regarding police actions in situations of public demonstration, assembly or protest. Specifically, under the Freedom of Information Act (2000), I am requesting the following:

For each question listed below, please provide information and/or documents relating to the activities of the police forces in situations of protest. We refer to "protest" as assemblies of people (including marches, demonstrations, rallies etc) in which the motive for the assembly, usually in a public place, is for the purposes of expressing themselves about issues of concern.

What legislation governs the use of equipment at the disposal of police forces in protest situations?

Question 2

What types of equipment are police forces permitted to use in protest situations? (For example: batons, shields, water cannons, rubber bullets, etc.)

Question 3

For all the equipment types available for use by police officers in situations of protest that are supplementary to normal police equipment, please provide me with data including:

- a) The number of items in the possession of police forces for each equipment type;
- b) The amount of times that such equipment types have been used in the last five years;

Question 4

What guidance and training are police provided with on use of equipment for dealing with protest? Please send a copy or direct website link to any guidance documents regarding the use of force in such situations.

Question 5

Has the police or government compiled any evaluation reports on the policing of protests in the past five years? If so, please send a copy of the evaluation documents or direct me to the direct on-line link.

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 questions 1, 2, 3(b), 4 & 5 in full;
- fully exempt information in response to question 3(a) pursuant to the provisions of Section 31 of the Act.

Question 1

I am writing to request information and/or documents held by you or stored in archives accessible to you regarding police actions in situations of public demonstration, assembly or protest. Specifically, under the Freedom of Information Act (2000), I am requesting the following:

For each question listed below, please provide information and/or documents relating to the activities of the police forces in situations of protest. We refer to “protest” as assemblies of people (including marches, demonstrations, rallies etc) in which the motive for the assembly, usually in a public place, is for the purposes of expressing themselves about issues of concern.

What legislation governs the use of equipment at the disposal of police forces in protest situations?

Answer

No specific legislation is applied however the following apply to Use of Force Common Law, Section 3 of the Criminal Law Act 1967, Article 88 of The Police and Criminal Evidence Order (Northern Ireland) 1989. Further information can be accessed via the link provided below:

<http://library.npia.police.uk/docs/npia/National-public-order-Legislation-Guide-v4-2011.pdf>

Question 2

What types of equipment are police forces permitted to use in protest situations? (For example: batons, shields, water cannons, rubber bullets, etc.)

Answer

A full list of tactical options are outlined in Manual of Guidance on Keeping the Peace. PSNI do not use all of the options available. Further information can be accessed via the link provided below:

<http://www.acpo.police.uk/documents/uniformed/2010/201010UNKTP01.pdf>

Question 3

For all the equipment types available for use by police officers in situations of protest that are supplementary to normal police equipment, please provide me with data including:

a) The number of items in the possession of police forces for each equipment type;

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/s, as well as the factors the Department considered when deciding where the public interest lies, are listed below:

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

Harm test

Disclosing the number of items in the possession of PSNI in relation to each equipment type could expose PSNI's capabilities and divulge tactics and methodology, making officers more vulnerable to attack. This would be likely to result in law enforcement tactics being directly and seriously compromised as those with criminal intent could use the information to counter security measures taken by police and therefore hinder law enforcement.

Public Interest Test

Factors Favouring Release

Release of this information could lead to better knowledge of police equipment and how public money is spent.

Factors Favouring Retention

Disclosure of this information would reveal equipment levels and capabilities within PSNI. This could compromise law enforcement tactics which would lead to more crime being committed, placing officers and members of the public at increased risk. Exposing PSNI tactics and methodology could cause the organisation's security measures to become vulnerable to attack. Law enforcement tactics could be compromised and those with criminal intent could use the information to counter security measures taken by police and therefore hinder law enforcement.

Decision

The PSNI has a duty to fulfil its law enforcement role and whilst there is a public interest in the transparency of policing activities and the appropriateness of how public funds are allocated, the delivery of effective law enforcement is of paramount importance. The Service continues to be under severe threat from Dissident Republicans and disclosure of this information has the potential to assist those criminal elements seeking to carry out attacks against police officers. The Police Service will not disclose information, no matter how generic, if to do so would undermine the prevention or detection of crime and the apprehension or prosecution of offenders. **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 the individual requesting the information.** Therefore, at this time, it is our opinion that for these reasons the information should not be disclosed.

Question 3

For all the equipment types available for use by police officers in situations of protest that are supplementary to normal police equipment, please provide me with data including:

b) The amount of times that such equipment types have been used in the last five years;

Answer

This information requested can be accessed via the PSNI website using the link provided below:

http://www.psnipolice.uk/directory/updates/updates_statistics/updates-statistics_on_police_use_of_force-2.htm

Question 4

What guidance and training are police provided with on use of equipment for dealing with protest? Please send a copy or direct website link to any guidance documents regarding the use of force in such situations.

Answer

The PSNI train to national standards and guidelines regarding public order. Further information can be accessed via the link provided below

http://www.npia.police.uk/en/search_results.htm?varChunk=1&search_page=search_results.htm&search_section=public_html&search_text=public+order+

Question 5

Has the police or government compiled any evaluation reports on the policing of protests in the past five years? If so, please send a copy of the evaluation documents or direct me to the direct on-line link.

Answer


Yes. HMIC Rules of Engagement Report following the London riots in 2011. Further information can be accessed via the link provided below:

<http://www.hmic.gov.uk/publication/rules-engagement-review-august/>

The NIPB produce an Annual Report regarding Human Rights. Further information can be accessed via the link provided below:

http://www.nipolicingboard.org.uk/human_rights_annual_report_online_version.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  sni.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.psnipolice.uk

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