

Our ref: 70381806-2013

Date: 27 February 2015

Mr Raymond Spiers  
Ballymacarrett District LOL No6  
178A ALBERTBRIDGE ROAD BALLYMACARRET  
BELFAST  
DOWN  
BT5 4GS

Dear Mr Spiers

### **Re Complaint against Police**

I refer you to our meeting of 7 July 2014 when I attended your Orange Order Hall at Albert Bridge Road with my colleague Investigation Officer Andrina Higgins. Also present were your colleagues Reverend Mervyn Gibson and Nigel Booth. You will recall we shared with you an overview of our investigation into the issues you complained about as contained within your documentation delivered personally to this office on Saturday 23 November 2013. You stated that you were seeking a formal apology from police on behalf of your members.

I am now formally confirming that our investigation into these matters has now been concluded. I also apologise for the unavoidable lengthy delay in communicating our formal findings to you and your members.

The role of the Police Ombudsman for Northern Ireland, which is totally independent of the Police service, is to consider whether an officer's behaviour fell below the standard set out in the Police Code of Ethics.

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## Your complaint

Your complaint consisted of a number of elements associated to the Operational Policing surrounding the return parade of your members on 12 July 2013 to East Belfast.

1. Your principle complaint was that police failed to protect your members who were subject to a sustained and pre planned attack.
2. That the lead police landrover blocked and prevented the parade proceeding in its normal fashion along the Lower Newtownards Road and that despite numerous calls from a number of your representatives including the Reverend Gibson to senior PSNI officers to have the situation resolved no response was received.
3. You enquired as to what instructions or radio communications were given to the driver of the landrover and what was its purpose given that the PSNI motorcycles had until then preceded the parade.
4. You allege that the landrovers movement was deliberate and the officer in charge of the vehicle ignored your member's pleas and it was your belief that police were also engaged in covert video evidence gathering.
5. You allege as the landrover stopped opposite St Matthews Chapel your members came under attack from the church grounds and police stood by and did nothing to protect your members.
6. You enquired as to the number of police deployed both inside and outside the Short Strand area and how many officers where positioned at St Matthews Chapel and if any were mutual aid officers.
7. Your members complained that an Assistant Chief Constable used an opportunity on the BBC Nolan radio show to try and attribute blame for violence on the parade.

## Our Investigation

The Police Ombudsman for Northern Ireland obtained all relevant police documentation in respect of this incident, which was subsequently examined and reviewed.

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On receipt of your complaint I met with a number of senior police officers during which I shared all of your concerns as documented within your correspondence. This was a very candid meeting during which senior police acknowledged the concerns raised and they confirmed that they had conducted an internal review of their operational policing strategy and acknowledged that there were a number of learning issues identified for future parades in this area and between both sides of the community. At that time they remained anxious that despite a number of disputed areas between police and your members that communication lines remained open. Police confirmed ongoing interaction and personal contact with your Reverend Mervyn Gibson.

### **Analysis of Police Documentation**

A large volume of police documentation was provided to the Police Ombudsman's Office in respect of these allegations. This included:

- Parades commission determination
- Police deployments
- Operational Order
- Risk assessments
- Evidence Gathering arrangements
- Overall agenda for parades on 12 July 2013 which included the authorisation and deployment of AEP and Water Canon.
- Silver command log
- Briefing notes
- Criminal Justice Strategy
- Press statement made by the Chief Constable in relation to the overall public disorder and in particular the Lower Newtownards Road.
- Information provided to the Policing Board in respect of the incidents in the Short Strand/ Newtownards Road.
- CCTV footage

The above documents clearly evidence the policing operational and strategic planning surrounding parades across Belfast and included East Belfast. In respect of the issue of Mutual Aid Officers ACC Kerr has already addressed this issue with members of the Orange Order and explained the operational need and rationale for such deployment. Mutual Aid officers were deployed in East Belfast.

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From examination of the documentation and engagement with senior police officers it was confirmed that there were no police deployed within the grounds of St Matthews Church or within the Short Strand. This was a strategic policing decision based on the rationale that to put police officers within what would be classified as sacred ground may create community perceptions which were counterproductive. Equally it was considered counterproductive and may have inflamed and heightened tensions to deploy police within the Short Strand area. This was based on the context of previous parades held in this locality and of the agreement within each community. Police were satisfied that The Short Strand community had demonstrated that self community policing could be achieved. Therefore it was strategically agreed and risk assessed that the correct deployment was behind barriers located at Bryson Street. As the disorder occurred and escalated this strategy was reviewed and police did try to access the chapel grounds however due to the gates being locked access was not gained. Whilst there is no CCTV coverage of residents from the short strand being within the chapel grounds missiles can clearly be seen coming from that area.

Missiles can also clearly be seen being returned from members of the crowd on the Lower Newtownards Road.

The overall police action to this activity as can be seen on the CCTV footage was non-responsive other than a monitoring presence as they themselves also became subject of missile attack.

It is clear from the footage that whilst police landrovers were positioned on the footpath at the chapel side of the road no police officers were deployed on foot patrol. It has been established that the reason police were not deployed on foot was that a strategic decision which had been risk assessed was taken not to deploy officers. That decision was in keeping with tradition and the expectation that the Orange Order Marshalls would be sufficiently effective in policing their own community members. It was also confirmed that it was for the same reason that whilst outriders on motorcycles had been deployed in the City Centre their role ceased on arrival at the Lower Newtownards Road under the same risk assessment strategy.

### **Operational Order**

The Operational Order and Policing plan has been examined. The overall operational order for this parade and the associated silver command logs have been

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subject to review. This was a substantial Operational Order covering a number of parades which included the return of the No 6 LOL. Relevant risk assessments were attached to those documents as were the roles and deployment of staff including mutual aid officers. For operational reasons local neighbourhood officers were not deployed. Whilst deployment and resourcing are an operational decision there is no evidence or intelligence that the resources deployed were inappropriate.

The PSNI are fully accepting that this incident has caused increased tension within both communities and lessons for the future parades and policing in this area have been learned. Despite strained relationships lines of communication remain open with senior police.

It was confirmed that overall Reverend Gibson has had a number of communications with police from as far back as September 2013 when a meeting had been arranged at Stormont regarding dialogue going forward. Police records show that this was cancelled by the Orange Order. Records also show that a further meeting did take place on 25<sup>th</sup> November 2013 at PSNI Newforge which was attended by 25 senior representatives including community leaders, local politicians and orange order members.

It has also be confirmed that the silver Commander did have dialogue and telephone communication with Reverend Gibson during the return parade incident and the blockage caused by the landrover. It was also confirmed that other calls from your members to other senior officers did go unanswered due to operational pressures.

## **CCTV**

The CCTV footage that relates to the landrover incident were the Orange Order allege that police have deliberately stopped and facilitated the attack on their members from the Short Strand has been extensively reviewed.

The overall analysis of this CCTV footage shows that the landrover had no option but to stop in the road due to the large volume of members of the public who emerged onto the Lower Newtownards Road and who were waiting to greet the return parade. This crowd gathered directly in front of the landrover. This included men women and young children. Whilst they were essentially good natured their actions nevertheless necessitated the landrover to come to a halt. The expectation of police in this

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situation was that the Orange Order Marshalls would have intervened and facilitated continuous movement of the landrover so that the parade would not become as vulnerable as it did. Whilst it can be seen on CCTV footage that representatives did approach the landrover the driver had limited options to engage with them and due to the volume of the crowd and no dispersal signals by the Marshalls his focus remained on the safety of the crowd at the front of his vehicle. The review of the radio transmissions associated to this CCTV footage clearly confirms that the driver of the landrover was concerned for public safety and despite instructions from Senior Police to move on as quickly as possible he remained alert to the dangers and reminded his senior officers that he was having to move very slowly due to the crowd in front of the landrover some of whom were women and children. The driver's actions therefore are considered to be lawful and proportionate in the circumstances given the short period of time the landrover remained stationary. There is no evidence this was a deliberate tactic to facilitate the parade to come under attack from the residents of the Short Strand. This officer's actions do not therefore amount to misconduct.

The period of time that the landrover was stationary can be evidenced as being a matter of 2 minutes however it is acknowledged that at the time this would have been perceived to be much longer.

It is correct to say that at the point the landrover was forced to stop was in close proximity to St Matthews Church. This was never the intention of police as it was their expectation with the assistance of the Orange Order Marshalls that the parade would remain mobile and it would continue uninterrupted.

The static position of the landrover did however afford an opportunity for missiles to be thrown from the Short Strand. It is therefore not in dispute that the returning parade and the local community did come under attack. This was not anticipated by police who have retrospectively acknowledged this as a weakness in their strategic planning.

The landrover did have a mounted camera on the roof. There is no evidence however of any covert evidence gathering taking place and it has also been established that there was no aerial footage of the incident.

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## **Conclusion**

Overall there is no dispute that the parade did come under attack from the Short Strand. This had not been envisaged on the part of police as it was their expectation that the parade would have continued unhindered. It was also their expectation that adherence to community self policing could be achieved. In reality it can be seen from the footage that the crowd who had gathered to welcome the parade had unwittingly contributed to the blockage which caused the landrover to come to a halt. The attack on your members was therefore not envisaged by police.

## **Complaint 1**

This complaint is substantiated in its entirety. Given that this was an operational policing issue and from which police have acknowledged lessons have been learned no specific misconduct has been identified on the part of any individual officer. You indicated during our meeting on 7 July 2014 that all you and your members were seeking was a formal acknowledgement and apology from the PSNI. The Police Ombudsman has therefore made the PSNI aware of the findings of this complaint and our investigation.

## **Complaint 2 & 3**

There is no dispute that the landrover did stop and prevented the parade from moving for a short time. There is however no evidence that this was a deliberate act on the part of any police officer. The driver of the vehicle was correctly concerned for the health and safety of individuals within the large crowd that had gathered at the front of the landrover and had limited options without causing injury to your members.

Whilst your members can be seen trying to engage with the driver of the landrover due to the volume of the crowd in front of the landrover it was impractical for the PSNI driver to stop the landrover and engage with the district members. Radio transmissions confirmed that at this time the driver of the landrover was instructed to move his vehicle at the earliest opportunity. However, given the health and safety risk to members of the public the vehicle remained static for a total of two minutes. It is also acknowledged that senior district members were also in telephone contact

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with police on this issue, that these calls went unanswered due to operational pressures, however the Gold Commander did eventually engage by telephone with your member Reverend Mervyn Gibson

The purpose of the landrover was evidence gathering. It has been established that the decision to change from police motorcyclists to an armoured landrover was an agreed strategic operational decision.

#### **Complaint 4**

As stated previously it was impractical for the officers within the landrover to engage with members of the crowd. The purpose of this landrover was evidence gathering and as such it had a camera mounted on its roof. There is no evidence that there was any covert filming taking place from within the camera.

#### **Complaint 5**

There is no dispute that the parade was attacked and police have confirmed that it is their belief that the first attack did come from the Short Strand. The evidence shows that police were aware of the attack and were trying to deploy resources to the area. The officers nearest to the parade were themselves attacked and coming under considerable pressure from the crowd and it has been evidenced that one of the landrovers was disabled by having its tyres slashed. Given the geographical divide/barrier between both communities there was limited protection that the police could have afforded the Orange Order members. The police have acknowledged that this is a learning issue for them and have documented that for the future they will review deployments and tactics in this locality.

#### **Complaint 6**

The operational order for this and other parades on this date have been examined and it has been confirmed that route searches were conducted prior to the parade. It has also been confirmed that a strategic operational decision was taken not to deploy any officers within the grounds of St Matthews Chapel given that each community had agreed to self police their own community members. However officers were deployed nearby some of whom were mutual aid officers deployed both within Short strand and the Lower Newtownards Road.

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## Complaint 7

The Assistant Chief Constable to whom this allegation refers remains of the view that his comments were not inappropriate and were said in context to the overall disorder that occurred across Belfast and East Belfast. The Police Ombudsman has not identified any misconduct associated to this broadcast.

In conclusion the police are fully accepting that these events have impacted on your member's level of public confidence within the PSNI. I am aware that you and your members continue to have dialogue with both the Chief Constable and senior police officers within B District to further reduce tensions.

You will also be aware that the overall review of the police operation was conducted at the time by the then Assistant Chief Constable George Hamilton who saw fit to have the review placed on the BBC website. I am aware that your members continue to engage with the Chief Constable of the PSNI.

I would like to take this opportunity to bring it to your attention that the Police Ombudsman will retain a record of your complaint and all associated correspondence on file.

Yours sincerely



**John Devitt**

Senior Investigating Officer  
*Office of the Police Ombudsman for Northern Ireland*

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