



FREEDOM OF INFORMATION REQUEST

FOI Reference number: 06/2021

Date: 16 March 2021

Request:

FREEDOM OF INFORMATION REQUEST.

Please provide me with a copy of the Communication sent to the Policing Board by the Police Ombudsman as she was required to do by section 60A of the Police Act 1998 as amended.

This communication was sent by the Ombudsman on the 12 June 2020 detailing her reasons for making the decision to carry out an investigation into police actions and protests held on 6 June 2020.

Answer:

Please attached copy of correspondence requested.

If you have queries about this request or the decision please contact the Board quoting the reference number above. If you are unhappy with the service you have received and wish to make a complaint or request a review you should write to the Board's Chief Executive at the following address:

Northern Ireland Policing Board
Waterside Tower
31 Clarendon Road
Clarendon Dock
Belfast BT1 3BG

Email: foi@nipolicingboard.org.uk

If you are not content with the outcome of your complaint, you may apply directly to the Information Commissioner. Generally, the Information Commissioner's Office cannot investigate or make a decision on a case unless you have exhausted the complaints procedure provided by the Board. The Information Commissioner can be contacted at:-

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
SK9 5AF

Telephone: - 0303 1231114
Email: - ni@ico.org.uk

Please be advised that Policing Board replies under Freedom of Information may be released into the public domain via our website @ www.nipolicingboard.org.uk.

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

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| Ref No: | | Chair's Copy |
| Received: | 16/6/2020 | |
| Scanned: | | |
| Allocated To: | | |
| Action: | | |

12 June 2020

Mr Doug Garrett
Chair
Northern Ireland Policing Board
Waterside Tower
31 Clarendon Dock
Belfast
BT1 3BG

Dear *Doug*

Re: Commencement of a Policy and Practice investigation under s.60A of the Police (Northern Ireland) Act 1998

As required by s.60A of the Police (Northern Ireland) Act 1998 I am writing to notify you of my intention to commence an investigation of PSNI policy and practice in relation to fixed penalty notices served on members of the public under the Health Protection (Coronavirus Restrictions) Regulations (Northern Ireland) 2020 (as amended) at 'Black Lives Matter' protests on Saturday, 6th June 2020.

Since the aforesaid protests at Customs House Square, Belfast and the Guildhall Square, Derry/Londonderry, I have received a number of public complaints expressing concerns at the circumstances surrounding the service of these notices.

In deciding that it is in the public interest to commence an investigation of these matters I have considered the following factors:

1. The limited scrutiny afforded the Health Protection (Coronavirus Restrictions) Regulations (Northern Ireland) 2020 prior to their introduction, particularly how the legislation might impact on civil liberties such as freedom of expression and peaceful assembly.
2. Public concern as to the nature of PSNI policy relating to fixed penalty notices and the consistency of their use in enforcing the legislation, including suggestions of discriminatory practice.

I attach a copy of the terms of reference for my investigation.

It is important to note that as of today's date I have not received a complaint in relation to the conduct of any police officer at the two protests.

I am also writing to the Chief Constable and the Permanent Secretary at the Department of Justice to advise them of my decision to commence this investigation.

Yours sincerely

Marie

Marie Anderson
Police Ombudsman for Northern Ireland



New Cathedral Buildings, Writers' Square, 11 Church Street, Belfast BT1 1PG

Tel: 028 9082 8600 Fax: 028 9082 8615 Textphone: 028 9082 8756 Email: info@policeombudsman.org

www.policeombudsman.org

Terms of Reference

The Police Ombudsman having received public complaints pertinent to police enforcement of the Coronavirus Regulations by way of issuing fixed penalty notices at the 'Black Lives Matter' protests at Customs House Square and the Guildhall Square on 6th June 2020, Section 60A of the Police (Northern Ireland) Act 1998 is the appropriate mechanism by which to commence an investigation of the manner by which police implemented related PSNI policy.

Public Interest Factors

The Health Protection (Coronavirus Restrictions) Regulations (Northern Ireland) 2020 were introduced as emergency legislation in the face of a grave global pandemic. Consequently there was limited scope for related scrutiny and/or consultation, particularly in relation to how the legislation might impact on civil liberties such as freedom of expression and peaceful assembly. There has been expression of public concern regarding the nature of PSNI policy and the consistency of its implementation in relation to enforcement of the legislation by way of fixed penalty notices, including suggestions of discriminatory practice. These factors engage issues of public confidence in policing policy which the Police Ombudsman has reason to believe are of sufficient public interest to merit investigation in the public interest.

1. Conduct an assessment of PSNI 'Gold' Command policy for the enforcement of Coronavirus Restrictions Regulations by way of fixed penalty notices in order to identify the parameters and/or guidelines contained therein and the factors that influenced modifications, if any, to the policy between 23 April 2020 and 6th June 2020.
2. Assess the effectiveness of the PSNI in communicating 'Gold' Command policy to operational police officers.
3. Establish the manner in which police implemented the PSNI's Covid-19 'Gold' policy for enforcement of the Coronavirus Regulations through fixed penalty notices at the 'Black Lives Matter' protests at Customs House Square, Belfast and the Guildhall Square, Derry/Londonderry on 6th June 2020.
4. Identify any inconsistencies in the tactics employed by police, including the nature of engagement with members of the public, in their enforcement of the Coronavirus Regulations through fixed penalty notices at the 'Black Lives Matter' protests at Customs House Square, Belfast and the Guildhall Square, Derry/Londonderry on 6th June 2020.
5. Identify any inconsistencies in the tactics employed by the PSNI in enforcing the Coronavirus Regulations in relation to publicised gatherings estimated to be of more than 300 people, between 16th May 2020 and 6th June 2020, when compared to those employed at the 'Black Lives Matter' protests on 6th June 2020.
6. Secure a position from the PSNI's Covid-19 'Gold' Command in relation to inconsistencies that may be identified in the aforesaid matters.
7. Alert the Police Ombudsman to any matter which indicates that a police officer may have committed a criminal offence or behaved in a manner which would justify disciplinary proceedings.
8. Make prompt operational or strategic recommendations to the PSNI in relation to any 'lessons learned' with a view to improving policing policy or practice.
9. At the conclusion of the investigation compile a comprehensive investigation report for submission to the Police Ombudsman.