

COVID 19 INQUIRY: MODULE 2C

WRITTEN CLOSING SUBMISSIONS OF THE NATIONAL POLICE CHIEFS' COUNCIL

Introduction

1. The National Police Chiefs' Council (**the NPCC**) is a national co-ordinating body which provides a representative function for UK policing. It has been a Core Participant in Modules 1, 2, 2A, 2B and 2C of the Inquiry. No individual police service or officer is a Core Participant.
2. In Module 2C, the NPCC represents the interests of the Police Service of Northern Ireland (**PSNI**). The NPCC holds no directive power over any individual officer or police service.¹ Rather, the chief officers of each police service, including PSNI, retain operational power and independence and are able to derogate from the decisions of the Chief Constables' Council. In keeping with this, the NPCC itself did not itself play a direct role in enforcement during the pandemic. The PSNI does "*regularly rely on NPCC structures across a whole range of policing disciplines: public order, public safety, firearms policing. Anything that requires a national standard, we would strongly rely on [their] research and the best practice that arises and is disseminated through NPCC.*"²
3. The role and functions of the NPCC are set out in detail in the organisation's written opening submissions for Module 2 (dated 25 September 2023) and in the statement of former Assistant Commissioner Martin Hewitt.³ Similarly, the NPCC has previously

¹ INQ000339575_0004 at §§16-17

² [15/05/2024, 155, 12-15]

³ INQ000216925 at §§4 – 21.

shared information on the purpose and day-to-day activities of the policing response to the pandemic, known as “Operation Talla”.⁴ This information is of equal application in Module 2C and is not repeated herein .

4. Detailed information about the history of PSNI, its governance arrangements, and the policing response to the pandemic in Northern Ireland – which was also called “Operation Talla” – are set out in the statement of former Assistant Chief Constable Alan Todd, and again not repeated here.⁵ Mr Todd led the operational response to the Covid-19 pandemic in Northern Ireland as the Gold Commander of Operation Talla, and gave evidence to the Inquiry on 15th May 2024.

The NPCC and the enforcement of the Covid-19 Regulations

5. The ‘Four Es’ guidance, which was drafted by the NPCC⁶ and with which the Inquiry is now very familiar, was at the heart of PSNI’s pandemic response. It remained unchanged throughout the relevant period and required officers to move through a four-stage approach in interactions with members of the public: Engage, Explain, Encourage, Enforce. It was designed and intended to achieve compliance with the Covid Regulations, with enforcement as the last resort.
6. PSNI gathered data centrally in its 24-hour Command Centre, showing how each of the 4Es had been used. This permitted a rolling assessment and check on the consistency of approach across the eleven police districts, and informed the regular reports made throughout the pandemic by Mr Todd to the Northern Ireland Policing Board.⁷⁸

⁴ *Inter alia*, in the statement of Martin Hewitt (INQ000216925 at paragraphs 31-46).

⁵ INQ000257360 at paragraphs 4-13.

⁶ Information about the Four Es guidance was set out in the written closing submissions of the NPCC in Module 2 at paragraphs 21-26.

⁷ [15/05/2024, 189-190, 13-24]

⁸ INQ000272689

7. This data shows that the autumn of 2020 was the peak of enforcement in terms of the issue of Fixed Penalty Notices, and comprehensively answers a question raised about the robustness of PSNI's approach to enforcement during this period in particular. This issue was notably - and perhaps unsurprisingly, in light of the data - not pursued in the questioning of Mr Todd.
8. The PSNI faced formidable challenges in policing during the pandemic. Some of those were common to other police services in England, Scotland, and Wales. Others were unique to Northern Ireland, where community trust and public confidence in policing have been harder won than anywhere else.
9. The pandemic meant that, pursuant to their public health duties, the police were expected to interfere with people's lives and freedom of movement in a way that neither the police nor the public had ever experienced before. This presented enormous challenges. The expectations on the police were, in some cases, unrealistic. The police were rightly scrutinised by the public, the media and politicians.
10. At the same time, normal policing activity had to continue. As Alan Todd told the Inquiry:

"the bigger strategic question for me as a Gold Commander was how do I continue to operate an effective police service to the communities across Northern Ireland, with 40% absence, with a pandemic -- how do we create safe working spaces, how do we run contact management centres, how do we investigate crime, how do we make provision for victims of potentially rising domestic abuse, how do we provide those services and, if forced to make choices, where are those choices about service delivery going to be made. [...]

*policing doesn't stop just because there's a pandemic."*⁹
11. Covid regulations in Northern Ireland were frequently poorly drafted, bereft of clear supporting guidance, published with limited notice to the police, and often amended

⁹ [15/05/2024, 157-158, 24-9]

but rarely consolidated.¹⁰ The task of grappling with the Covid regulations and producing clear and comprehensible guidance to individual police officers was “*very, very difficult work*” carried out largely successfully under severe time constraints.¹¹

12. During the first months of the pandemic, the police were the sole entity with powers of enforcement. In this, Northern Ireland was unique. Thus, for example, it was the police in Northern Ireland who carried out over a thousand pub inspections as the hospitality sector re-opened, and several thousand visits within the retail sector. PSNI foresaw the need for a wider enforcement partnership as the pandemic wore on, so as to avoid excessive or impossible demands on the police service.¹²

13. Penalties for breaching the regulations remained relatively low, equivalent to those imposed for littering and importantly at a level some people were prepared to pay, leaving the police without meaningful deterrent powers. Of a house party attended by over 30 guests, in blatant breach of the regulations, Mr Todd explained:

*“the householder decided they were quite happy to pay the £1,000 fine as the householder, and £60 -- £30 for each of the attendees as a price for having the party ... the police had no further powers in relation to it and no further deterrent in relation to it. And I don't think that sort of event, which obviously becomes public knowledge, helps a police service or a government manage a health pandemic. ...”*¹³

14. Witnesses who commented in their evidence on policing in the pandemic included the Chief Medical Officer and the Minister of Justice. They were consistent in their assessment.

¹⁰ [15/05/2024,160-175, 12-8]; [15/05/2024, 196-198, 14-11]

¹¹ [15/05/2024, 197, 17-25]

¹² [15/05/2024, 189-190, 13-8]

¹³ [15/05/2024, 191, 1-14]

- Professor Sir Michael McBride: *“I was fully supportive of the four Es approach it was a very difficult ask for the PSNI on top of other competing demands, and I think we all knew that ... we couldn’t police this virus into submission... I think the important part of the police’s role was their role, in my view, in engaging and explaining; enforcement where there are egregious breaches, which there were in some instances, and fines were issued, but I think it was just about encouraging the public and reminding the public. And I think by and large my assessment was the police did a very good job in very challenging circumstances.”*¹⁴
- Naomi Long: *“It was an unprecedented ask of police officers and staff in an unprecedented time. I believe that, overall, the PSNI endeavoured to enforce the regulations fairly, sensitively, and proportionately; advise the Executive of the limitations of their powers and of the regulations and/or guidance; and work in a collaborative manner throughout. Their actions were also subjected to a higher level of scrutiny during the pandemic than almost any other body, by the public, media, politicians, NI Policing Board (NIPB), OPONI and Her Majesty’s (now His Majesty’s) Inspectorate of Constabulary, Fire and Rescue Service (HMICFRS). Whilst a matter of record that they received criticism in relation to their handling of a number of high-profile incidents, I believe that they were, at times, placed in a nigh on impossible position.”*¹⁵

15. As the NPCC has previously observed, the challenges of the Covid-19 pandemic demanded exceptional dedication and perseverance from policing and from police officers in Northern Ireland, in particular. Senior officers worked around the clock to respond to the crisis, maintain critical levels of policing service and confidence in the police service, and adapt to evolving legislation. Those police officers working on the front line put their lives at risk every day to keep the public safe.¹⁶

¹⁴ [10/05/2024, 176, 3-20]

¹⁵ INQ000436642_0042, paragraph 198

¹⁶ NPCC Module 2C Opening Submission, paragraph 22