

Witness Name: ACC Alan Todd

Statement No.: 1

Exhibits: 4 (INQ references)

Dated: 30/04/2025

UK COVID-19 INQUIRY

CORPORATE WITNESS STATEMENT ON BEHALF OF THE POLICE SERVICE OF NORTHERN IRELAND

I, Alan Todd, will say as follows: -

Introduction

1. This is the corporate witness statement on behalf of the Police Service Northern Ireland (**PSNI**), drafted in response to a Rule 9 request for Module 7 dated 19 December 2024 (**the Rule 9 request**), in order to assist the Chair of the UK Covid-19 Inquiry.
2. The information in this statement is (a) drawn from my own knowledge and experience; and (b) taken from material provided by staff within the PSNI, as well as documentary records.

Role and background

3. At the time of the pandemic, I was the Assistant Chief Constable (**ACC**) with responsibility for Local Policing. In March 2020, I took on responsibility for all aspects of the PSNI response to Covid-19.

4. I retired on 31 July 2023. Prior to retiring, I was the ACC responsible for the Justice Department in PSNI, encompassing Legacy and Disclosure Branch, Criminal Justice Branch Contact Management, Custody Policy and Justice Healthcare. By the time of retirement, I had over 30 years' experience in policing.
5. I previously provided a witness statement [AT-7/01 INQ000339575] to the Inquiry on behalf of the PSNI in response to a Rule 9 request for Module 2C. That statement was dated 31 October 2023. As per the Inquiry's request not to simply refer back to a previous statement, large sections of that statement are repeated below to assist Module 7.
6. Professional policing in Northern Ireland was established in the early 19th century. At the very end of the 20th century policing and justice matters were officially devolved to the Northern Ireland Assembly legislative power under the Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010.
7. The PSNI was established in 2001 following the Police (Northern Ireland) Act 2000 (**The Act**).
8. The PSNI is a single police service with responsibility for policing the whole of Northern Ireland. The word 'service' is used quite deliberately and in preference to the word 'force'. Police service has the same legal meaning as police force, but the linguistic nuance is important. It is recognised that 'service' better reflects our ethos of community-based policing and public service.
9. PSNI currently has around 6,314 police officers and 2,387 police staff under the direction and control of the Chief Constable.
10. For operational purposes Northern Ireland is divided into three areas and 11 districts; mirroring the local council boundaries. Police service ranks, duties, conditions of service and pay are in line with those of other UK police forces.
11. The PSNI comprises the following specialist teams:

Crime;

Local policing;

Justice;

Operational Support;
Professional Standards Department;
Strategic Communications and Engagement;
Strategic Planning and Transformation;
People and Organisational Development, and;
Corporate Services.

12. The Act introduced a new body corporate; the Northern Ireland Policing Board (**the Policing Board**), to have oversight of the PSNI. The Policing Board is an independent public body made up of ten political and nine independent members. The Policing Board has a range of statutory functions to deliver accountability and effective oversight including holding the Chief Constable to account for the delivery of the policing service.
13. Overall governance of the PSNI sits with the Department of Justice (**DOJ**) in the Northern Ireland Assembly. The DOJ is also responsible for funding the PSNI, save for certain reserved matters such as national security which has separate Treasury funding. The DOJ is presided over by the Minister of Justice.
14. Criminal Justice Branch (**CJB**) is a branch of PSNI's justice department. The branch has responsibility for justice delivery, justice reform, social policy and legislation, extradition and mutual assistance. During the pandemic the CJB were responsible for drafting operational guidance in respect of Covid-related operational matters, including enforcement.
15. The Emergency Planning Unit¹ is the organisation's link to the National Police Coordination Centre (**NPoCC**), monitoring police capability in line with national standards.
16. The Emergency Planning Unit works together with local government, statutory and community partners in planning for, response to and recovery from emergencies and disruption². Their fundamental role is to draft and control contingency plans, including the influenza plan.

¹ Previously known as 'Head Quarters Emergency Planning'

² The Civil Contingencies Act 2004 and the Northern Ireland Civil Contingencies Framework provides the statutory guidance for this work.

17. PSNI is a participating organisation within the NPCC and contributes to its funding. PSNI's role is the same as that of signatories to the NPCC Agreement. Accordingly PSNI is able to derogate from the decisions of the Chief Constables' Council where necessary and justified, for example to ensure compliance with Northern Irish legislation. The PSNI operated within the UK framework for policing Covid-19.
18. The role of the NPCC in relation to PSNI during the Covid-19 pandemic was coordinating and representative, in that it acted as a conduit for information sharing between forces and had some engagement with Whitehall on behalf of policing interests. However, the NPCC played no role in the enforcement of Covid-19 regulations in Northern Ireland, and it has no operational directive powers in relation to PSNI or any individual officer.

Module 7 scope

19. PSNI had no involvement in the enforcement of testing or tracing. The regulations requiring the public to test, trace and isolate came in to force without any associated offences attached to the regulations. It was never an offence *not to* test, trace and isolate. Accordingly, there was no enforcement role for PSNI.
20. PSNI's only involvement in the enforcement of isolation was in relation to enforcing the requirement, as set out in the regulations, to self-isolate after international travel. This was separate to 'test, trace and isolate'.
21. The requirement to self-isolate following international travel was accompanied by an offence of failing to do so. Suspected breaches of that requirement were, in the first instance, the responsibility of UK Border Force to address. Once they had attempted to contact individuals and failed they would then refer cases to PSNI for investigation.
22. Module 2 of the Covid-19 Inquiry focused on enforcement. PSNI provided a witness statement to assist Module 2C and I gave evidence on 15 May 2024. That statement and the transcript of my evidence sets out the full extent of PSNI's role in terms of enforcement. There is a limit to the extent to which PSNI can assist the Inquiry in respect of Module 7 due to the fact that 'test, trace and isolate' was not enforced by PSNI.

Pandemic preparedness / planning

23. In anticipation of the pandemic taking hold in Northern Ireland, PSNI held a pandemic planning meeting on 03 February 2020. The meeting was called for and chaired by Inspector Mark Roberts from the Emergency Planning Unit. Inspector Roberts had previously authored the flu pandemic plan and had the organisational lead for Civil Contingencies. He was well placed to determine the need for early preparatory meetings.
24. At that stage there had been no direction from Public Health Northern Ireland to the PSNI in terms of declaring a pandemic or initiating a pandemic response plan. In light of what was developing internationally, this and further meetings in February and March 2020 were considered necessary for the PSNI to prepare our response to the pandemic. The decision to hold these meetings was in line with the NPCC approach to holding similar preparatory meetings before the pandemic was declared.
25. The officers working in the Emergency Planning Unit are subject matter experts in their fields – from flooding emergencies to major event planning. Inspector Roberts acted as a tactical advisor to me as he understood the health dimension and had the relevant contacts and connections from his influenza pandemic planning work. He was able to coordinate and prepare our response in the first instance.
26. As ACC with responsibility for Local Policing at the time, it was agreed that I would lead the PSNI operational response to the pandemic, as Gold Commander. I was aware, from NPCC and COBR meetings, that a lockdown was coming. I had been due to be on leave from 02 to 08 March 2020, I returned early on 06 March 2020. Superintendent Sam Donaldson had taken the lead in my absence.
27. I set the PSNI Gold objectives on 09 March 2020. Central to the objectives was an overall intention to *'continue to provide a high-quality police service during our response to Coronavirus and to work with the Department of Health and other agencies in response to the outbreak'*. Other intentions focused on maintaining the health and safety of officers to enable them to carry out their duties safely; enabling and encouraging communication and information sharing within PSNI as well as with other relevant agencies; minimising risk to the public, and; providing reassurance to the public. These intentions and objectives were regularly reviewed and updated.

28. The PSNI operational response formally commenced on 12 March 2020 when the Gold Command meeting took place. This was attended by Chief Superintendent Sam Donaldson, in my absence. The first Operation Talla Gold meeting I attended was on 16 March 2020. Following my return from leave, I initially conducted daily meetings. From 20 April 2020, the daily meetings reduced to meetings three times a week on Mondays, Wednesdays and Fridays.

Strategic Coordination Centre

29. The Civil Contingencies Act has not been implemented in full in Northern Ireland. The function carried out by Strategic Coordination Groups (**SCG**) in England and Wales is delivered in Northern Ireland through the activation of the Northern Ireland Central Crisis Management Arrangements (**NICCMA**) Protocol. The NICCMA Protocol was activated in response to the Covid-19 emergency.

30. In Northern Ireland, the SCG function for multi-agency partnership is delivered through the activation of the NICCMA Protocol, which is designed to facilitate strategic co-ordination across a large number of local, sub-regional and regional organisations. The PSNI are not a lead organisation but partners to the Protocol.

31. In order to deliver a structure that could provide effective Command and Control of the PSNI response I directed that the Strategic Coordination Centre (**SCC**), which is the PSNI's purpose-built facility for joint coordination, be stood up.

32. The SCC facility can be stood up as and when needed to enable partners to work together more effectively and share resources and expertise in order to mitigate the impact of emergencies on communities. Major events have been planned and delivered from the SCC including the G8 summit, Olympic Torch Relay, Giro D'Italia and the Queen's Baton Relay. I was the Gold Commander for many of those events.

33. The SCC facility was operational shortly after I took on the Gold role for the pandemic. I ensured it was staffed 24 hours a day, seven days a week, with a duty Silver Operational Commander in charge on a shift rotation. The SCC was a crucial part of the PSNI's response to the pandemic. It provided fast paced and operational control in ever-changing circumstances, whilst also ensuring the consistency of the operational policing response across Northern Ireland.

34. The Silver Operational Commander identified two main Covid-related risks to the PSNI. Firstly, a potential reduction in organisational capacity and compromised policing capabilities if police officers contracted the virus. Scientific projections were estimating a work force loss of up to 40%. For this reason I prioritised sourcing PPE for PSNI officers and staff. I also set up an internal test and trace system and instigated a triage system for sending particular crews to particular incidents depending on level of PPE required for officers and the risk of Covid at the incident.
35. Secondly, the public reaction to policing the pandemic in accordance with the developing legislation and regulations. It was with this risk in mind that the NPCC developed the 4E's approach to the policing response, an approach that PSNI adopted to support the day-to-day, community-based focus already followed by our officers.
36. I am asked by the Covid-19 Inquiry (Module 7) to comment on media reports that fines were imposed 'willy nilly'. This assertion is entirely baseless. As Gold Commander, I ensured that the policing of the restrictions was consistent across the service, with decision making underpinned by necessity and proportionality. We maintained daily records of the enforcement figures, broken down by type of breach and policing District in which they occurred. In accordance with the 'Four Es' rationale, enforcement was reserved for clear, unambiguous (and on occasions, repeated) breaches of the Regulations.

Co-Working with Other Jurisdictions

37. Throughout the pandemic the PSNI adopted the NPCC's 'Four Es' approach to enforcement: Engage, Explain, Encourage, Enforce (**the 'Four Es' guidance'**). Where any matter attracted national guidance from the NPCC, PSNI applied that national approach insofar as was practical, taking in to account operational considerations and the local Northern Ireland context. I considered it was important to maintain consistency in policing and adhere to the national structures in place, where possible to do so.
38. There were, on occasion, developments that affected Northern Ireland only. For example in respect of powers made available to PSNI under Regulation 7. The PSNI also adopted a different approach in terms of the SCC structure. The SCC maintained control of PSNI's 'enforcement' limb of the 'Four Es', in that there was a requirement that proposed enforcement action was briefed to, and approved by, SCC prior to it

occurring. This ensured corporate consistency in respect of enforcement and was regarded as a success for Northern Ireland policing.

Coronavirus Regulations in Northern Ireland and guidance

39. The Coronavirus Regulations in Northern Ireland were drafted by the Department of Health and laid before the Assembly – although, for reasons of urgency, the Regulations were often not debated and approved by a resolution of the Assembly until after they had become law. The Regulations in Northern Ireland closely followed the Regulations in England and Wales but were adapted for the Northern Ireland context.
40. One key difference between the legislation in Northern Ireland and in other parts of the UK was the introduction of Regulation 7 powers of entry. I had been aware of an operational issue regarding police powers of entry for the purpose of investigating Covid breaches. Prior to the Regulation 7 powers being introduced, police powers of entry were for situations where there is consent to enter, where there is an immediate risk to life and limb (as per Article 19 PACE (NI) Order 1989), or in other limited circumstances.
41. It is likely that I would have discussed, with DOH and / or DOJ officials, powers of entry as an operational issue, but I cannot recall a specific conversation or meeting about it.
42. The PSNI did not make any requests for the introduction of new powers, including the Regulation 7 powers. As with all of the Covid legislation and regulations, the PSNI contributed to discussions on proposed regulations and amendments but were not part of the decision-making process and had no expectation that contributions made to those discussions would be taken forward. This was particularly the case in respect of Covid legislation and amendments to legislation which were led by Health officials.
43. Regulation 7 permitted a relevant person to ‘take such action as is necessary to establish...’ whether a breach of the Regulations had occurred. The PSNI sought guidance from the DOJ and the DOH regarding the extent to which it was envisaged this Regulation would be utilised by police. In particular, PSNI sought clarity on whether it had been envisaged that this provision would be used as a power of entry to domestic dwellings. The DOH were responsible for the reasoning, decision-making and any other considerations in respect of Regulation 7. The DOH were responsible for the commencement, drafting and amendment of the Regulations throughout the pandemic.

44. The DOH and DOJ published 'Guidance on the Exercise of Police Powers under Regulation 7' This Guidance was requested by PSNI and provided a framework for operational consistency amongst those responsible for exercising these new powers. The powers came into force at 19:30 on 29th January 2021.
45. The PSNI's SCC oversaw the use of the Regulation 7 powers. If an officer wanted to gain entry, using Regulation 7 as their lawful basis to do so, then they first required approval from the SCC. The use of the powers was reviewed daily within the SCC structure. Regulation 7 powers were not used to enforce 'test, trace and isolate'. As set out throughout this statement, the PSNI had no power to enforce 'test, trace and isolate' in Northern Ireland.
46. Where legislative provisions were amended in Northern Ireland, the Criminal Justice Branch authored Practical Peelers for internal PSNI use only. I provide further explanation of Practical Peelers below.
47. The PSNI faced many challenges as the body responsible (along with Harbour Police) for the enforcement of the Regulations. These challenges were outlined to government representatives during meetings. Concerns were raised regarding the continual amendments to regulations rather than consolidation. This made the task of producing guidance for police officers particularly challenging as it was not always immediately obvious what had changed.
48. On 17 April 2020, Chief Constable Simon Byrne sent a letter to the Health Minister Robin Swann outlining concerns in respect of policing the pandemic and operating in a public health context which was not an arena the police were familiar with. In the letter CC Byrne sought reassurance that the restrictions and requirements imposed by the regulations were proportionate to the public health threat in Northern Ireland. The Chief Constable also enquired about the possibility of designating enforcement to other partner agencies who had more experience in the public health field, such as environmental health, health & safety, and council wardens. CC Byrne requested a greater level of consultation with PSNI before making further changes to the Regulations. The letter acknowledged that in seeking to police a public health crisis, public confidence in PSNI could be adversely impacted.
49. On 23 November 2021, the Chief Constable sent a further letter to the Health Minister, Robin Swann, to place on record concerns 'regarding the pace of change to the

Regulations' and the emphasis on police enforcement. CC Byrne expressed concerns regarding the impact on public confidence in the police.

50. The Chief Constable's concerns in respect of public confidence were borne out of concerns around public confusion around the Regulations. Her Majesty's Inspectorate of Constabulary and Fire & Rescue Services' report into the PSNI's handling of the Bobby Storey funeral on 30 June 2020 [AT-7/02 INQ000272750] made a finding that the Regulations in force at the time of the funeral were confusing and conflicting. This is a finding with which the PSNI agrees. Not just at the time of the funeral but throughout the period of the Covid-19 restrictions there was a lot of public confusion, hence the request for clarity from the Department of Health.

Development of Covid-19 regulations in Northern Ireland

51. The PSNI worked closely with colleagues in the DOH and the DOJ from the outset of the pandemic, to ensure that we were aware of the legislation, amendments and any guidance being introduced. The PSNI's role (in common with all police forces and services in the UK) is to police the legislation, not to seek to amend or alter it. We normally had a few days' notice when new regulations were coming, but we did not necessarily know exactly what the regulations would say. Our approach was to wait until the Regulations were published, and we could be sure of exactly what they were, before drafting our own guidance to officers.

52. We were further assisted by the guidance and briefings produced by the College of Policing for police forces in England and Wales, and shared by the NPCC. These were useful documents and assisted the PSNI with drafting our own operational guidance applicable to the Regulations in Northern Ireland.

Enforcement and adherence in practice

53. As set out above, no regulations required police enforcement of the test, trace and isolate regime in Northern Ireland. Breaches of Regulations in respect of the requirement to self-isolate following international travel were enforced in the same way as any other breaches of the regulations. What follows in this section is relevant to enforcement of regulations that did require enforcement.

54. Throughout the pandemic the PSNI adopted the NPCC's 'Four Es' approach to enforcement: Engage, Explain, Encourage, Enforce (the 'Four Es' guidance'). Enforcement being the last resort. The Four Es guidance was a key resource for the SCC in respect of ensuring a consistent approach to policing.
55. I wrote Operational Guidance for the SCC which supported the 'Four Es' guidance. The Operational Guidance was regularly reviewed, and updated as and when required. As a working document it was not published or widely distributed but shared between me and the Silver Commanders in the SCC. The Operational Guidance was a high level, strategic document that outlined how SCC should operate. It was supported by the key principals against which Silver Commanders should operate the National Decision Model.
56. Chief Inspector Jacqui Gillespie worked with a team of officers from the CJB to produce a series of publications for police officers called 'Practical Peelers'³. These were shared across the PSNI via a dedicated Covid-19 area on POINT (the police intranet) and by email. The aim of these documents was to give police officers an easy to read, accessible update on any new legislation and a practical understanding of what it meant in practise and how any restrictions were to be explained and enforced. A Practical Peeler was not written for 'test, trace and isolate' as police had no function in respect of its enforcement.
57. Where regulations were continually amended rather than consolidated, this made the task of producing a Practical Peeler particularly challenging as it was not always immediately obvious what had changed.
58. Chief Inspector Jacqui Gillespie and her team cross referenced from one set of Regulations to previous Regulations and amendments, to understand exactly what had changed. Chief Inspector Gillespie had contact with the DOH and attended the Silver Command meetings, she used those sources of information and support to confirm her understanding of the Regulations and to assist with drafting the Practical Peelers. As the Bronze Commander, Chief Inspector Gillespie signed off the Practical Peelers, which I then circulated.

³ The term 'Peeler' comes from the colloquial term for police officers in Northern Ireland. It is a reference to Sir Robert Peel (1788-1850).

59. Minutes and actions were circulated after Gold and Silver meetings on a daily basis. I worked with a Deputy Principal from the communications team on a communications exercise. Together we drafted, and I signed off, an all-organisation email, which went out every evening at first, although they became less frequent over time, the email was called 'the Covid-19 update'.
60. The emails were the quickest and most efficient way to get messaging out on changes to regulations, guidance and the PSNI operational approach. The email updates were supported by POINT, the PSNI website and Practical Peelers This was a multi-stranded approach to ensuring that officers understood the Regulations.
61. I also held a 'senior manager update' telephone call. This was conducted via an open invitation to police staff grades of Deputy Principals and above, and officers of Chief Inspector rank and above. The telephone call could hold up to about 150 callers and it was generally full to capacity. This started as a twice weekly call, then reduced to once a week. The information I imparted was already available via the 'Covid-19 update' emails so the telephone call was an opportunity for people to raise questions, discuss the update and provide feedback up the chain of command. Following the call, attendees were then able to brief their own staff.
62. I received feedback from officers in person and via telephone conversations confirming to me that the Covid-19 update emails and the Practical Peelers were being accessed, read and understood by officers. Colleagues in the SCC also provided further reassurance that officers were staying on top of the Regulations as and when they changed.
63. The DOH were responsible for public health messaging. To reinforce those messages, I worked closely with our senior communications staff to communicate messages on the policing of restrictions and enforcement via radio and television interviews, as well as social media feeds.
64. For reasons of consistency and fairness, the PSNI adopted a three Es approach and did not move to formal enforcement of new restrictions, contained within new regulations, until a Practical Peeler was available to all officers. This resulted in 'non-enforcement windows'. When a new regulation was published, a Practical Peeler would be published as soon as possible, often the next day. My daily 'Covid-19 update' email would then announce when we were moving to formally enforce.

65. 'Non-enforcement windows' were generally one or two days, to ensure officers across the service had the opportunity to understand the amended Regulations that had been enacted.
66. PSNI's approach to changes in the restrictions differed depending on whether an amendment removed a restriction or introduced a new one. Changes to the regulations often followed patterns in the rest of the UK and were sometimes trailed in the media. The public were also aware of the likely changes to the regulations that were coming.
67. For reasons of proportionality and fairness, where it was anticipated that a restriction would no longer be enforceable in the upcoming amended Regulations, officers ceased to enforce that particular restriction. Where a new restriction came into force, the focus would be on the first three Es: engage, explain and encourage; without enforcement until the new restrictions were embedded and more widely understood.
68. This approach to policing was not only consistent with the overarching 4Es approach but also goes to the heart of the PSNI approach to fundamental fairness and good faith. Thanks to the Bronze Commander, Chief Inspector Jacqui Gillespie's close liaison with DOJ officials, we had a good understanding of what was likely to change. However, until the new Regulations were laid before the Assembly we could never be certain of exactly what would change, how and when. For example, during the drafting process, the wearing of face coverings on public transport changed from mandatory to advisory and then to mandatory with a two-week run-in period.
69. At any one time there would be between four and six officers on duty in the SCC including Tactical Advisors. Tactical Advisors were responsible for developing subject matter expertise to assist in identifying risks and to provide advice to commanders and operational personnel, on how to mitigate any identified risks thereby enhancing public and officer safety.
70. We added Covid-related questions to all emergency calls that came in, for example '*do you or does anyone in your home have any Covid symptoms like a persistent cough?*' The Silver operational commander had oversight and overview of all incidents that the service was dealing with and was responsible for triaging resources accordingly. Where there was a Covid-related risk, the operational commander would authorise officers with PPE to attend the incident.

71. The continuing pandemic required an evolving response. The SCC objectives adapted accordingly to ensure that front line policing received a consistent source of advice and guidance. The SCC monitored radio airwaves to maintain live updates on what officers were dealing with. Officers needing advice or authorisation contacted the SCC by telephone.

72. The SCC worked in liaison with a logistics team who were responsible for acquiring PPE, hand sanitisers, face masks, gloves, aprons, wipes etc. The team was headed by Chief Inspector O'Connor with staff from Procurement and Logistics Services (**PALS**).

The use of Fixed Penalty Notices

73. The Covid-19 Fixed Penalty Notice (**FPN**) scheme was introduced on 28 March 2020 under the Health Protection (Coronavirus Restrictions) Regulations (Northern Ireland) 2020, made by the Department of Health in exercise of powers conferred under the Public Health Act (Northern Ireland) 1967.

74. Regulation 9 provided for fixed penalty notices, stating:

9 (1) An authorised person may issue a fixed penalty notice to anyone that the authorised person reasonably believes: (a) Has committed an offence under these Regulations; ...

(2) A fixed penalty notice is a notice offering the person to whom it is issued the opportunity of discharging any liability to conviction for the offence by payment of a fixed penalty to the authority specified in the notice.

75. Prior to Covid-19, FPNs were available in Northern Ireland for low level offences such as traffic violations. The Covid-FPN scheme fitted within the wider Penalty Notice for Disorder (**PND**) approach⁴. PNDs are commonly used as an efficient police disposal for dealing with public disorder offences. They act as a financial deterrent for offences which cause a public nuisance.

⁴ Introduced by the Justice Act (Northern Ireland) 2011

76. FPNs are an escalation of another commonly used police disposal, the Community Resolution Notice (CRN). CRNs are used for low-level offences where recourse to formal criminal justice sanctions is not warranted, or not possible for example when the offender was under 18 years old. CRNs are a non-statutory option, the use of which in appropriate circumstances reflects the PSNI's community-based approach to policing and the focus on restorative justice.
77. The decision to issue a CRN rather than an FPN is a matter of proportionality in respect of the individual and the breach. For example, where there was a low-level, first-time breach by someone who had perhaps misunderstood the regulations that sort of breach may be appropriate for a CRN disposal.
78. During the pandemic CRNs were available to officers in the usual way as part of the continuum of police intervention options and were used consistently with the 4Es approach. The SCC were notified of Covid-related CRNs. CRNs are a police disposal and are only inputted on to NICHE.⁵
79. Unlike forces in England and Wales, PSNI were the enforcing authority for Covid-19 regulations and were therefore directly responsible for issuing FPNs. FPNs were recorded via the Causeway system⁶ and therefore show on Criminal Record Viewer (CRV) checks.
80. The original Operational Guidance, drafted by me, and issued to both the SCC and to officers, included guidance on the issuance of FPNs in general. Silver and Silver Support drafted later iterations of this guidance [AT-7/03 INQ000303259].
81. A police officer who suspected a member of the public of being in breach of a Covid restriction would move through the 4Es. Where the officer was satisfied that the individual had breached the regulations, to the extent that a formal sanction was required, they would contact the SCC. This was an extra step unique to Covid-related FPNs and not normally required for issuing an FPN or PND. The officer would telephone

⁵ NICHE is the PSNI's core operational information system used for case management. It provides information on people, locations, vehicles and incidents.

⁶ Causeway interlinks all criminal justice agencies in Northern Ireland and facilitates information exchange between criminal justice partners to increase efficiency of information sharing and improving service to the public. Causeway automatically sends information directly to PSNI's own internal law enforcement software system called NICHE.

the SCC and discuss the matter with the senior officer in charge. Authority would be issued or declined by the senior officer for the issuance of a ticket.

82. Where authorisation was given, the FPN was issued immediately. This involved the officer taking the individual's details and reading out the 'penalty notice statement' to the individual. Each notice included information for the recipient to take away and read, as well as an equality monitoring form to be filled out by the issuing officer with the agreement of the recipient. The individual then had 28 days to either pay the fine or contest it.
83. On a daily basis I reviewed the number and category of FPNs issued the previous day to analyse trends, inform decision-making, and brief the DOH and DOJ. This review included an analysis of the reasons for issuing the FPN, and whether the reasons for doing so were legally correct.
84. During the relevant period, one CRN and 90 FPNs were issued, and 14 reports to the Public Prosecution Service for 'self-isolation' breaches.
85. The collection of the fine and all administration for the fine was carried out by the Northern Ireland Courts and Tribunal Service (**NICTS**).
86. Where an FPN was contested or the recipient failed to pay, the Causeway system automatically issued a letter to the recipient and referred the matter to the NICTS. The NICTS then notified the PSNI that the FPN had been withdrawn from their system while the Public Prosecution Service (**PPS**) considered whether or not to prosecute. PSNI would have no further direct involvement unless or until the matter was referred, by the PPS, for a court hearing at which the police officer who issued the FPN may be called, as the investigating officer, to give evidence.
87. During the pandemic the PSNI issued Prohibition Notices to licenced premises that were suspected of being in breach of Covid Regulations. Because of the structures of the licencing regime⁷ in Northern Ireland, the police are the only enforcement body that can issue Prohibition Notices. In other parts of the UK, Prohibition Notices are issued and enforced by local authorities.

⁷ the Licensing (Northern Ireland) Order 1996 and the Registration of Clubs (Northern Ireland) Order 1996.

88. The regulations requiring the public to test, trace and isolate came in to force without any associated offences attached to the regulations. It was never an offence *not to test, trace and isolate*. Accordingly, there was no enforcement role for PSNI and there is no enforcement data available.

Communication with The Executive Office

89. At the beginning of the pandemic I attended regular, twice-weekly meetings with junior ministers in The Executive Office at their invitation. Also present at these meetings were senior officials from the TEO, the Chief Medical Officer or a deputy CMO, the head of communications from DOH or a nominated deputy, and other individuals from local councils and a representative from the Society of Local Chief Executives ("SOLACE"). In total, there were generally around ten to 12 participants at the meetings. The TEO officials were responsible for minute taking and actions following on from the meeting.

90. At these meetings I advised on the likely outcomes of particular approaches to encouraging compliance and an effective enforcement / deterrence strategy. The PSNI, and therefore I personally, was purposefully not involved in decision-making in relation to the content of regulations⁸.

91. The Department of Health did not make the failure to test, trace and isolate an offence and I do not recall police enforcement of test, trace and isolate ever having been discussed as a viable option.

92. As a typical example of my input into these meetings, I informed junior ministers of the anecdotal evidence in respect of issuing £60 fines for non-compliance with regulations, as part of the FPN Covid scheme. £60 was reduced to £30 if paid within a certain time frame. I informed ministers that many individuals appeared happy to pay the £30 in order to continue to exercise their (pre-Covid) freedoms. The fines, at that level, were therefore not a sufficient deterrent to achieve the aim of compliance.

93. While the number of meetings with ministers reduced over time, there continued to be open communication between PSNI and the DOH and the DOJ. As part of that open

⁸ Further details of my engagement with government is provided in (and exhibited to) PSNI's Module 2C statement [INQ000339575].

communication, the lack of guidance published with the regulations, and the challenges this presented to policing, was raised with the Minister and the DOH on a number of occasions.

94. The PSNI requested a formal commissioning arrangement to set out how enforcement supports the public health response. It was thought that this would be useful in respect of secondary legislation, the purpose of which was to protect health, being human rights compliant when it came to policing. My view was that the proportionality would be better served if the tasking was directed by health professionals and supported by health data. The Minister of Health responded to this request in correspondence, dated 21st April 2020 [AT-7/04 INQ000303261]. In the end no 'formal commissioning arrangement' was entered into.

Vulnerable groups and enforcement in police custody

95. Throughout the pandemic, custody officers and staff were given guidance on how detained persons should be treated to ensure the safety of all persons concerned. This guidance included specific requirements where the person had tested positive for Covid-19, or who reported symptoms of Covid-19. This was general guidance, updated and amended as required during the pandemic. There was no police guidance in relation to test, trace and isolate for the reasons set out above and throughout this statement.

96. For further details on PSNI's approach to vulnerable groups and our commitment to equality and diversity please refer to our Module 2C statement [INQ000339575]. The Module 2C statement also contains details of the PSNI's lessons learned and recovery work (which is ongoing) since the pandemic.

Statement of Truth

I believe that the facts stated in this witness statement are true. I understand that proceedings may be brought against anyone who makes, or causes to be made, a false statement in a document verified by a statement of truth without an honest belief of its truth.

Signed:

Personal Data

Dated: _____

9.06.25.

