



**BOBBY SINGLETON
CHIEF CONSTABLE'S OFFICE**

Our Ref: Com Sec 1602-21
Your Ref: LM.07012021

25 January 2021

Dear Louise,

BLACK LIVES MATTER DEMONSTRATIONS

Thank you for your letter dated 20 January 2021 reference 'Black Lives Matter Demonstrations'.

This continues to be an extraordinary and very challenging period for our communities and, indeed, policing itself. At times, we in policing have struggled to find the right balance in upholding the continually changing restrictions and the rights of all individuals in our community. The restrictions placed upon us all are often a fundamental interference with individual human rights but have been made morally and legally necessary by the scale of the threat to the health of those in our community, in particular the most vulnerable. Perhaps, unsurprisingly, the Police Service has prioritised the Article 2 'Right to Life' under the ECHR over all the rights except for Article 3. This we believe has been in line with both the intention and the spirit of the Coronavirus Regulations agreed by the Executive.

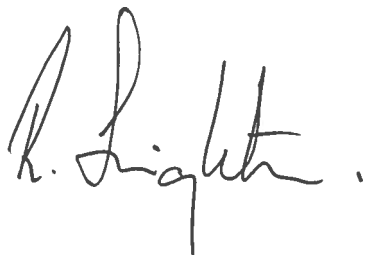
We welcome the support, the analysis and challenge contained within the reports of both the Northern Ireland Policing Board and the Police Ombudsman. We do not seek to be defensive about any aspect of our approach or, indeed, the findings in the reports. We are keen to acknowledge shortcomings, admit mistakes and are determined to learn lessons.

Having carefully considered both reports and their recommendations, the Police Service is in a position to accept the vast majority of recommendations. We have however been unable to accept the report's recommendations relating to the withdrawal and cancellation of the Fixed Penalty Notices and prosecutions pursuant to our enforcement of Health Protection Regulations.

We are advised that existing Regulations make no provision for any Fixed Penalty Notices to be rescinded by the police or by the Public Prosecution Service. The only mechanism by which an enforceable penalty registered under Regulation 12 can be set aside is by direction of the Magistrates' Court.

Those individuals who have been reported to the Public Prosecution Service (PPS) for suspected breaches of the Regulations will have their cases subjected to independent assessment by the PPS in terms of available evidence and public interest. We are further advised that were the Police Service to interfere with prosecutorial decision making this would raise real questions about potential breaches of human rights.

Those recommendations which have been accepted will be added to our overview systems, with timeframes and senior responsible owners. We will, of course, keep both the Ombudsman and the Northern Ireland Policing Board updated as to progress against the recommendations.

A handwritten signature in black ink, appearing to read 'B. Singleton', with a small flourish at the end.

BOBBY SINGLETON

Chief Superintendent
for Chief Constable

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