



<b>Subject:</b>	<b>Motion: Black Lives Matter Demonstrations – Response from Police Service of Northern Ireland</b>
<b>Date:</b>	19th February, 2021
<b>Reporting Officer:</b>	John Walsh, City Solicitor/Director of Legal and Civic Services
<b>Contact Officer:</b>	Jim Hanna, Senior Democratic Services Officer

<b>Restricted Reports</b>	
<b>Is this report restricted?</b>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
<b>If Yes, when will the report become unrestricted?</b>	
<b>After Committee Decision</b>	<input type="checkbox"/>
<b>After Council Decision</b>	<input type="checkbox"/>
<b>Sometime in the future</b>	<input type="checkbox"/>
<b>Never</b>	<input type="checkbox"/>

<b>Call-in</b>	
<b>Is the decision eligible for Call-in?</b>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>

<b>1.0</b>	<b>Purpose of Report/Summary of Main Issues</b>
1.1	To consider a response from the Police Service of Northern Ireland to a motion on Black Lives Matter Demonstrations, which was passed by the Council at its meeting on 7th January.
<b>2.0</b>	<b>Recommendation</b>
2.1	The Committee is requested to consider the response and to take such action thereon as may be determined.
<b>3.0</b>	<b>Main Report</b>
3.1	<p>At the Council meeting on 7th January, the following motion, which was proposed by Councillor Matt Collins and seconded by Councillor Ferguson, was passed:</p> <p>“This Council notes the recent Ombudsman report into the policing of Black Lives Matter demonstrations in Belfast and Derry on 6th June, 2020. The Council notes, in particular, the Ombudsman’s conclusions that the PSNI’s actions on the day were disproportionate, discriminatory and showed disregard to people’s human rights in relation to freedom of expression and freedom of protest and further notes the inappropriate use of the Serious Crimes Act (2007) to caution organisers of the events.</p> ”

	<p>Accordingly, the Council calls for all penalty notices to be rescinded and prosecutions against Black Lives Matter activists relating to 6th June protests to be abandoned, as the first step toward redress. Furthermore, the Council calls on the PSNI to exercise its discretion to withdraw or rescind the applications made to the courts for registration of the Fixed Penalty Notices. The Council reiterates its support for the Black Lives Matter movement and its call for a real and robust racial equality strategy to help tackle the systemic problem of institutional racism.”</p>
3.2	<p>Chief Superintendent Singleton has responded to the motion on behalf of the Chief Constable’s office. A copy of that response is attached.</p>
3.3	<p>Chief Superintendent Singleton highlights the ongoing challenges being faced by communities and by the Police Service and points out that the Service has struggled to find the correct balance between upholding the continually changing restrictions and the rights of all individuals in the community. Whilst those restrictions are often a fundamental interference with individual human rights they have, he states, been made morally and legally necessary by the scale of the public health threat posed by Covid-19. The Police Service has, therefore, unsurprisingly, prioritised the Article 2 ‘Right to Life’ under the European Convention on Human Rights over all the rights, except for Article 3. This, it believes, has been in line with both the intention and the spirit of the Coronavirus regulations, as agreed by the Northern Ireland Executive.</p>
3.3	<p>He goes on to state that the Police Service welcomes the support, analysis and challenge contained within the reports of the Northern Ireland Policing Board and of the Police Ombudsman and that, rather than be defensive about any aspects of its approach or the findings in the reports, it is keen to acknowledge shortcomings, admit mistakes and learn lessons. Having carefully considered both reports, the Police Service is, he points out, in a position to accept the vast majority of recommendations. However, it is unable to accept the recommendations relating to the withdrawal of Fixed Penalty Notices and prosecutions, pursuant to its enforcement of Health Protection Regulations.</p>
3.4	<p>Chief Superintendent Singleton points out that the Police Service has been advised that the existing Regulations make no provision for Fixed Penalty Notices to be rescinded either by it 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 for suspected breaches of the Regulations will have their cases independently assessed in terms of available evidence and public interest. The Police Service has been advised that, should it interfere with prosecutorial decision-making, it would raise questions around potential breaches of human rights.</p>
3.5	<p>He concludes by pointing out that those recommendations resulting from the Northern Ireland Policing Board and the Police Ombudsman reports which had been accepted by the Police Service would be added to its overview systems and allocated timeframes and responsible owners. The Policing Board and Police Ombudsman would be provided with regular updates as that work progressed.</p> <p><b><u>Financial and Resource Implications</u></b></p> <p>None associated with this report.</p> <p><b><u>Equality or Good Relations Implications/Rural Needs Assessment</u></b></p> <p>None</p>
4.0	<p><b>Document Attached</b></p>
	<p>Response from PSNI</p>