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COVID-19 Response:
Police Service of Northern Ireland

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never one thing or the other: it is just a change in emphasis. The language that we are using inside the Police Service is that we are moving from policing a COVID-19 crisis to delivering policing in a COVID-19 environment. That means that we will keep some of the things that we are doing that are good practice. We will therefore keep the custody arrangements. You may have seen the press coverage of our COVID-19-specific custody suites, and how we provide for the safety of detained persons, staff, legal professionals and others involved. We will retain them in the medium term, as we anticipate that COVID-19 will be with us in the medium term. We will continue with dedicated, equipped COVID-19 crews for districts, because, again, we think that those will be a necessity in order to deliver policing services in the round in the medium term. That will have to be done on top of a return to policing within the COVID-19 arrangement, however, where more traditional and more normal demands start to emerge.

My role at this stage has very much moved from the initial eight-week period of a crisis management plan more to the recovery phase, which is about rebalancing the organisation to bring it closer to what it looked like previously, with some additional demand placed on it. It is about how we configure ourselves for that, and then, like any other organisation, how we configure safety in the workplace, through social distancing, working practices, and business practices. Some of the services that the Police Service has not been prioritising or delivering, such as back-room support and administrative functions, which have been downscaled in recent weeks, will need to be built up again in anticipation of other services, including courts, starting to return to normal. It is a balanced, nuanced change, but that is what we are currently undertaking.

To be more specific about the COVID-19 piece itself, I can say that moving from policing a COVID-19 crisis to policing in a COVID-19 environment will also see a change in the emphasis that the police will place on policing the current health protection restrictions. Those restrictions have been relaxed. As you relax restrictions, you move from a model that has an emphasis on enforcement, and therefore an emphasis on policing, to one that has an emphasis on common sense, public trust and public responsibility, which is less a place for policing and more a place for good citizenry. The police will have a role to play around that but not perhaps in the centre of it, as would have been the case previously. You will therefore see our role and emphasis change in the days and weeks ahead.

This is not just a PSNI position but a national policing one. There is coverage in 'The Times' today of the head of the National Police Chiefs' Council (NPCC), Martin Hewitt, articulating such a position right across UK policing. In my regular conversations with my opposite number in an Garda Síochána, I am seeing a similar transition. It is therefore a broad approach for policing.

We need to be careful about our language and our interpretation of the relaxation of restrictions. The newspaper that I read this morning defined it as the police retreating from their enforcement role. That is unfortunate, inaccurate and unfair. You have to accept that, as legislators loosen legislation and requirements, there will be less policing of them. The two go hand in hand, not separately, so that is certainly a direction of travel that we will be developing.

The Chairperson (Mr Givan): Thank you. I should have said at the start that we have three Committee members who are joining us via teleconference: Sinéad Bradley, Paul Frew and Jemma Dolan.

I will pick up on a couple of those points. You have articulated well the point about restriction of movement. In one respect, that is easier to enforce at the start, when people are constrained by the restrictions in place, as it is very clear what they are. As those are relaxed, enforcement becomes a lot more difficult, as you say, and it becomes more about people having to exercise good citizenry and common sense. Where do you strike the balance in your enforcement role when interacting with the public, when some, acting in good faith, do not believe that they have broken any regulation? The difference between the subjective interpretation that members of the public may have and what your officers are ultimately able to discern is what can create tension. If people feel that they have done nothing wrong when they have, albeit unknowingly, that can have an impact on wider confidence in policing. You have to police all of that.

I would like you to elaborate a little bit more on how you are going to walk the line between policing in a more relaxed regime and dealing with a public who feel that they are acting in good faith and using common sense, even though, strictly speaking, going by the regulations, that may not be the case.

ACC Todd: I absolutely understand that. I identify with some of the points that you raise, Chair. With new and short-term regulations, all of this is a journey. It is very rare that we deal with such circumstances in any real terms, so a lot of this is new. If you chart the journey, there was the lead-in

time to the restrictions becoming law, where people were being told what to expect, but there was no enforcement around that. The restrictions then came in, and the police, in good faith, did not immediately move to enforcing the new regulations on 23 March. I had a conversation here in which I said that, for the first week, 10 days or fortnight, we would seek to use engagement, explanation and encouragement, without the authority of enforcement. That is what we did for the first 10 days or so.

There was a strong feeling heading into the Easter weekend, probably because the regulations were new and were not really being enforced in any major way, that people were starting not to comply with them. That led to a tightening of the enforcement approach, which in turn led to a significant level of fixed penalty notices and community resolution notices being issued from the Easter weekend and over the next two or three weeks. As the police became more comfortable with the regulations and people became more comfortable with the fact that there was going to be enforcement, and they therefore needed to comply, enforcement tailed off.

We then moved to the first phases of stage one of the Executive recovery plan, which allowed people to do more things in more places more of the time, so to speak. Anticipating that that will continue to be the pathway, policing has moved back to the three Es from the four Es, with the enforcement piece being eased back, as I said in my introduction.

Does the current situation cause any real difficulty for policing? Not particularly, because regulation 5, which deals with restriction of movement, now has a whole raft of defined exceptions, to the extent that it can operate really only as a public trust model. It would be unfair to ask police to police the restriction-of-movement measures in any meaningful way, except in extremis or where there has been a blatant disregard. The practical outworkings of that are that we are not conducting the same number of road checks or stopping the same number of people that we were. There are so many exceptions to restrictions on movement under regulation 5 that we have to trust people to do the right thing. There are so many exceptions that it is not a good use of time or good for public confidence to engage in the part of the operation that we would have been quite strong on in the early stages, for all the obvious reasons. Legislation has now eased that to a point at which it has to be a trust model rather than an enforcement-of-compliance model, and legislators will have to review the impact of that.

Regulation 6, which covers gatherings, is where policing will continue to identify a need for enforcement. There are no powers in the legislation per se for police to enforce social distancing. Although people may think that police officers are going about with two-metre measuring sticks, that is not in the legislation. That is not in our plan or, indeed, in our mindset, so I can put people's minds at ease about that. Where we see large gatherings of people not socially distancing, in breach of regulation 6, that will become the enforcement space until such a time as that too moves from enforcement to trust in legislation.

The Chairperson (Mr Givan): I have made the point before that policing our way out of the regulations is not going to be effective, because it is just not possible to have the police carry out the kind of role that would be required to enforce the regulations 100% consistently. That is just not possible, and that is where you have to trust the public. You applied a caveat very well by saying that, where there is blatant disregard, that will still be policed and enforced. The message still needs to get out, however, that people need to exercise common sense and take decisions that are not going to put people at unnecessary risk.

ACC Todd: For me, the challenge is joining up that policing approach with central messaging from the Executive, health authorities and others on what the clear message is that you want the public to understand. The trust model will work only where there is clear messaging that makes sense to the public, whereby they feel that something is a good thing to do and that it makes sense to do it. Policing fits best into that model. Where we have, and have had before, stresses and strains is where the intention of the regulation, the messaging going out and what we have been asked to police are disjointed. People look in different directions and see different explanations. With a trust model, the messaging becomes even more important. There was some discussion about the relaxation of the regulations that asked people to stay local, but, from what I can see from the outworkings of wider public behaviour at the minute, that is not what is happening out on the roads and streets around Northern Ireland. We have taken cognisance of that in our policing approach and said that that is not a space for us to get involved in.

The Chairperson (Mr Givan): I have a more factual question. Can you give us an updated picture of sick leave in the police as a result of COVID-19? At the start of this, I think that the rate was 10% or 11%.

ACC Todd: As of this morning, on the police officer side of the organisation, we are sitting at about 92% availability — about 8% absence — and that is a combined absence number. That is not just down to COVID-19. It is an organisational number. On the staff side, availability is about 89%. The figures are really healthy when compared with national averages. I get a national comparison daily, and we are sitting probably in the top half of comparators across the UK and are broadly in line with our colleagues in an Garda Síochána.

That is a healthy space to be in, but we should not be complacent, Chair. It is for health professionals, including the Chief Scientific Adviser (CSA) and the Chief Medical Officer (CMO), to advise us on the potential for the R rate to go up or down. The impact that that would have on the organisation has to be considered, as does the impact of track, trace and isolate and, coming into the summer season, the impact of quarantine arrangements on anybody travelling. We have to keep a wary eye on all those things to make sure that we protect our organisational capability to deliver services.

The Chairperson (Mr Givan): How have you found the outworkings of the changes that you have made to the process for trainee recruits coming through?

ACC Todd: A significant amount of work has been done at the college with student officers to reduce class sizes, to deliver distance training and to increase social distancing right across the college. For some of those reasons, we are not running at the same capacity that we were, but we have been pretty successful at reshaping our service delivery and our training delivery away from some of the stuff that we traditionally do in service in order to protect the student officer programme at the front end.

People are leaving the organisation through retirement and other reasons, and we need to make sure that we are not making short-term decisions now on shutting down student officer training that will have long-term tails for our operational capability and for the desire of the Chief Constable and the Policing Board to see our numbers grow.

The Chairperson (Mr Givan): Are there officers who postponed their planned retirement? A call was put out for people to consider doing that.

ACC Todd: A national call was put out at the time for people to consider doing that. We have not done that in a major way. Individual people will make individual choices to suit their circumstances. It has not involved a big number of people for us. Some people will have chosen not to retire perhaps because the cruise that they had booked was cancelled. All will have their own reasons and explanations, but we have not seen a significant shift in the trend of officers retiring.

Ms Dillon: I have a couple of questions, with the domestic abuse issue first.

We know that there is an increase in incidents, but do you have any figures on that? Is there any change in the type of incident? Have you found that there is an increase in referrals to organisations such as Women's Aid, the Men's Advisory Project, and La Dolce Vita in Derry? Some of those organisations are saying that they are concerned that they are not getting the number of people contacting them that would correlate to the domestic abuse figures coming through. They are worried that, in the aftermath of COVID, there will be an avalanche of stuff coming at them because people are not coming to them now, but they will have to at some point, so we are trying to make sure that those organisations are prepared.

ACC Todd: That conversation reflects our nervousness around what the unknown unknowns are. There are things where we have a sense that might not be right and that some reporting might not be happening, for a range of circumstances. In our conversation with our third sector partners and others, we all probably expected to see more than we are seeing. As of last week, domestic abuse crime incidents that were reported to the police were broadly in line with the average for the same week last year. Everything else is down. We sort of expected that to happen, and it has. Others have given explanations to the Committee that domestic abuse reporting levels have been significantly above the weekly trend average, but last week, it was broadly in line with that.

That may reflect some easing of the regulations. People are able to get out of the home more, there are more things to get out to do and maybe that has eased some of the stresses in the domestic situation. I suspect that academic research and other research over time will give us the answers, looking backwards, but it is a little difficult to understand all the nuances of it in the current space, looking forward.

On one level, it is a good news story in that we are not continuing to see significant levels above the normal, notwithstanding that the levels are too high in any case, but we are not seeing that huge increase above the trend that we might have anticipated. That is borne out by incident reporting and by the crime conversion rate of that, and it is borne out by our conversations with our other partners in this space. Whether, when we look backwards, that turns out to be the true picture of the trend, I do not think that any of us are in a position to make a judgment. Neither do we get the sense that there are service delivery shortcomings by either the police or partners that are short selling people in that space. I think that there is some degree of comfort from where we are. A lot of the work has been done proactively, but I do not think that we will fully understand the picture until we are further on.

Ms Dillon: OK, I appreciate that. You talked a bit, Alan, about transitioning from COVID policing to "normalised" policing, for want of a better word. Obviously, quite a bit of work went on around creating the neighbourhood policing team and getting that focus back on community policing. On what you said about your moving from the space where it can be policed, I think that Chair is 100% right: it cannot be policed. It has to be about the community and individuals taking individual responsibility to do the right thing, as far as possible. My approach to this is that, if everybody does as much right as they can, that is a good place to be in, because not everybody will do the perfect thing all of the time. That is just human nature.

Moving forward, getting neighbourhood policing teams in place — that community policing and engagement, even though it will be different from what we might have thought about or planned — is even more important, because you are going to want the community to work with you and do the right thing, rather than you having to try to police it.

I think that is as much on the side of the people who make complaints as it is about those who are complained about, so that the public understand why the police take the position that they do. Obviously, there are people who have a very hard-and-fast view. They say that there are seven people in that garden and they want the police to come out and put one of them out of that garden. That is very difficult. The community needs to understand the police position on this, and, for that reason, I think that community policing and neighbourhood policing teams are more important than ever. Where are we on moving that forward and putting it in place?

ACC Todd: I can give you good news on that, because we are in the same space around it. As part of our recovery and normalisation process, the decision was made, last week, to move towards returning neighbourhood policing officers to their local teams. We always leave a number of weeks for that to work through, because that involves people's shifts and days off changing and their childcare and domestic arrangements being altered. You cannot decide that on a Wednesday and do it on a Thursday.

We took the decision last week, and I anticipate that, in the next couple of weeks, the majority of neighbourhood police officers will have returned to their local neighbourhood teams. There may be a smaller number who will take a little while longer to return, because some of those officers are in COVID protection crews. We are just rotating some of that through and moving people around the organisation. The decision has been made to do it. Some people will have already started to revert to neighbourhood duties, and the majority of the neighbourhood officers will move towards that space in the coming two weeks. If we have this conversation again, in a month's time, I would expect that to be largely completed. Those neighbourhood teams will, in effect, be back and working their districts within weeks.

Ms Dillon: I just want to make one more comment rather than a question. The last time you were here, I said that, broadly, the police have taken the right approach. I know that some individuals may have had some issues but, broadly — I can speak for my own area — the police have taken the right approach. I appreciate that you are working in difficult circumstances. I was in a circumstance yesterday where someone was not well. Two police officers were dealing with the person, and, given the circumstances, people have done their best and no more can be asked of them. It is important to take that approach.

People have said to me that they do not think that the police have come down hard enough. I have been straight with them and said that we are asking them not to. It is about trying to work with people, first and foremost, and, where enforcement is required, that is where you move to. That is the right approach, and it will feed in better, with people acting responsibly where they do not feel that they are being forced but are responsible enough to do the right thing. That is, hopefully, going to work for us. Again, not everybody will do the right thing; that is just life.

Mr Dunne: Thanks, Alan, for your presentation and update. I want to reinforce what has been said about the return to community policing. In North Down, we appreciate the work that has been done by the COVID teams, which we were very much aware of, and the community policing efforts. We saw the evidence there; I think we mentioned it before that great strides have been made in rebuilding community policing, so we look forward to that happening again. We welcome it because it is so important.

In areas like North Down, especially along the various coastal paths throughout the area, there will be an increase in the number of people who are out and about. The police will need to exercise balance in managing that. Local people are fearful that crowds will increase the risk of COVID again. I appreciate that it will be managed in a much softer way, but I hope that there will be some "monitoring" — I think is the good term — of how potential crowds could be controlled in future.

My second point is about family funerals. I have been to two funerals in my constituency, both of which were of former elected representatives. Both were held from funeral parlours. There were about 12 people at one and about 100 at the other. The cortege left the funeral parlour and went down to the town. There were 12 people outside one and probably about 100 people at the other funeral. I consulted the police at the second one, and we got some advice. The police were reasonable but reinforced the law to all of us that we could not follow the hearse in a cortege but could assemble in the street. That was done. Everybody acted responsibly and stayed 2 metres apart, and there were no issues. The public are confused about this. A lot of people, especially in Northern Ireland, very much respect funerals and the dead. People feel deeply about that.

I would like your opinion on whether it is time to review that. I fully appreciate that the matter is not in your hands, but the police are involved in the management and review of it. It is time that something was done to clarify the situation. There is a lot of disappointment and fear that people just cannot attend. They almost feel that they could be arrested in the street for going to a funeral. That is wrong, and we need to review that and move on.

ACC Todd: You are right, Gordon. Funerals are a hugely emotive and sensitive time for everybody involved. There has been a lot of public discourse from a lot of angles about funerals.

It is not for the Police Service to take a view. What is permissible or not and what is guidance or not are matters for the legislators and the Executive. In your conversation with the Attorney General at this Committee, a couple of weeks ago, you said that 10 people seemed to be the settled number. The police have never said that it was 10; it is not our job to do so. That figure was discussed in guidance, which I think was actually informal guidance.

The police are, generally, operating in a space where there is no legislation and not a lot of guidance, and trying to apply some common sense about a successful outcome. I know, from talking to public representatives such as yourself, funeral directors and clergy from all denominations, that this is fraught with challenge. In our approach, as you might expect, we have tried to be sensitive to all the dynamics in play in a funeral space, bearing in mind that if you opt to go to a police enforcement approach to a funeral, you are probably going to end up hands on streets with mourners. I am not sure that any of thinks that is a good idea in terms of an outcome.

Our approach in policing is that we will engage with families. Obviously, there are lots of funerals in lots of places every day, but where we have a sense that somebody has a status in their community, is likely to have a following or where there is likely to be a crowd, we will talk to the family, to the clergy involved in the service and anybody responsible for the church, and to the funeral directors, and we will try to get a sense of how that is being managed and look for reassurances that the dynamic of family, church and funeral directors is sufficient to bring about an acceptable outcome in the spirit of the health protection regulations. That has been our approach.

There have been occasions when people have given those assurances only to make other arrangements not known to the funeral directors, sometimes not known to the family and certainly sometimes not known to the church, so that does not always hold together. We have been in situations where we have been forced into a choice of whether to physically intervene at short notice in a funeral and in the middle of a cortege of people attending a funeral or to merely seek to try to gather evidence that may bring people before the courts, in due course, for breaching the regulations?

That is a difficult space, and there are decisions to be made in there. That has been our approach. I have not issued guidelines to officers on funerals because there are no guidelines issuing from the people who laid the regulations. It is one of those things. This rule of 10 people has been floating

about, and I know that you quoted the Attorney General. He had a view, very much in line with the policing approach, about trying to keep to the spirit of the generality of it.

The original regulations on gatherings do not specify how many people may attend a funeral. One exception to a gathering is a funeral. Regulation 5 states that you cannot travel to a funeral unless you are a close family member or a friend in the absence of there being close family members, which is quite restrictive. The police are then saying, "Well, 100 people have turned up and they're not committing any offence under regulation 6 because it is a funeral, but under regulation 5, they shouldn't have been travelling". You can see the difficulties in trying to make decisions on enforcement. As I said earlier, with the relaxations in regulation 5, social distancing and responsible behaviour, that is not a space in which police will get involved. How funerals are conducted, and whether there is to be any further guidance, rules or whatever, will have to come from legislators and from the Assembly. In the meantime, police will continue to apply our principles on engaging with families, churches and providers in order to get a sense of whether something looks as though it is sensible and safe in the spirit of the health protection regulations, and to advise people of the arrangements if we feel that it is not. If we feel that people breach that, we have decisions to make as a service about the level and timing of any enforcement or follow-up action. That has been our approach to date and will continue to be our approach going forward.

Mr Dunne: Thanks for that. I think that the regulations were designed for the extreme circumstances of high risk and a high volume of deaths that, fortunately, did not materialise. I do think that they need to be reviewed. I must say, to be fair, that the police laid down the law — to those who were involved, in brackets — but, at the end of the day, common sense prevailed and there were no issues. However, there is a very negative message about whether the public can attend a funeral. What I witnessed — while there were 100 people — was perfectly reasonable behaviour, carried out in a very dignified way, with social distancing, and the risk was relatively low as a result. Perhaps we need to push to get the matter reviewed in the light of where we are at present.

ACC Todd: It will always be a difficult one, Gordon. I am not a healthcare professional or the Chief Scientific Officer — they will have their own view — but a group of 150 people who are not socially distanced at a funeral does not have any greater or lesser health risk than 150 people who are not socially distanced at a football match. However, the emotions and environments at the two are completely different. The policing approach understands that, but no real difference is made in the regulations. Again, I think that we did little or no active enforcement at the time because of the dynamic, optics and appropriateness of the situation. That makes it a difficult space for policing, which goes back to the conversation that I had with the Chair and Linda earlier about how, progressively, the health protection regulations will become less of a space for policing over time.

Miss Woods: Thank you, Alan, for attending today. I have a few questions. I appreciate that you have outlined the change in the emphasis in policing and enforcement. Have you introduced, or been given, any updated guidance on the issuing of fines? I note that it has been reported this morning that the number of fines has gone down from 400 to 30 in a month. Have you had any backlash against any enforcement, given the recent reported actions of a certain political adviser in England? Has that affected any of your work so far?

ACC Todd: A lot has been made of the changing trend with regard to fines over time, and I gave an explanation of that earlier: I think that it is just part of the natural journey. They were high in the initial circumstances, because, at that point, the regulations were at their tightest and people's ability to be in breach of them was at its highest, and the public was coming from a 10-day period of non-enforcement into an enforcement period.

It is always good to go back and understand where we were at that point in time. In the mouth of the Easter weekend, there was substantial nervousness across all shades of political opinion and policing about the infection rate, the ICU bed rate, the good weather forecast for the Easter weekend, and the trend in public behaviour in ignoring the regulations up to that point required an enforcement response in order to try to rebalance it. I think that the enforcement response was entirely proportionate and professional. The vast majority of people who were in breach of the regulations did not get a penalty because they took the advice that was given and returned home. We should not lose sight of that.

Much has been about travel for exercise. However, only six out of 400-plus fines were issued for travel for exercise, and they were on the extreme end of what anybody might have anticipated. We should not lose sight of that. However, over time, as people get used to the regulations, compliance improves

and the need for fines diminishes. Then, as you start to relax the restrictions, there is less space for penalty and, therefore, fines. We need to understand those numbers in that context.

You would expect me, as the senior commander in charge of the operation, to look at that on a daily basis to make sure that we are getting it right. If we think that we have been too lenient in one place, we look at what we might need to do about it, and if we think that we have been a little bit too firm in others, we put steps in place to move that back. That is done on an ongoing basis in response to community concern, people's feedback and general conversations in places like this. It is good professional policing to do so. That is the picture of the penalties issued over time.

When you listen to my officers recount some of the conversations that they have been having in recent weeks, you realise that there has been a change in the public mindset between being in lockdown and not being in lockdown. You are now getting members of the public challenging the police's right to ask them the question in the first instance. That is a space that I do not particularly want to put police officers in. We got quite a bit of incoming on social media at the weekend because we turned traffic away from Portstewart. People were saying, "What right have the police to do this?". Well, Portstewart was full to the brim. We were not there enforcing COVID-19 regulations; we were there enforcing public safety and traffic management.

The Chairperson (Mr Givan): I have seen that in the summer, when you have had to block the town off because so many people have come up.

ACC Todd: In the current environment, Chair, it is entirely indicative of a changing public mindset. People are saying, "We were happy to play by the rules then, but now we are not". Some people have been quite belligerent with officers at the roadside, saying, "You have no right to ask me what I am doing here". I will leave it for others to judge how other events have played into that space, but my officers are certainly getting that experience on the ground.

Miss Woods: Thank you. I certainly have an opinion on why that might be, but I will leave it there.

Do you have an indication of how many people have used the COVID-19 hotline? Are there any statistics or follow-ups on that?

ACC Todd: I do not have the numbers. It was heavily used in the first instance, although that use has decreased over time, which, again, reflects people's changing mindset. We reported thousands of uses in the first couple of weeks. Interestingly for us, a lot of that turned out to be about breaches not of the COVID-19 restrictions but of the COVID-19 guidelines, which were not exactly the same thing. A lot of them also turned out to be breaches of COVID-19 guidelines applicable in England but not here. Quite common ones were, "I have seen my neighbour go out for the second time today for exercise", or, "I have seen my neighbour do this". It might have been outside the guidance, or outside guidance that might not even have been applicable in Northern Ireland, but people's perception was that it was against the law and they reported it to the police, and obviously we had a triage around that. As people have got used to what the law is, what the guidance says and the difference between the two, that reporting has decreased. Of course, as the restrictions have been relaxed, people have also stopped reporting some of that. You can see the trend in reporting. The hotline is still there; it is still in use and still available. We anticipate that that will continue to be the case, because it is a good way for us to manage demand. It has certainly declined over time. I do not have the specific numbers today, but I can follow it up for you.

Miss Woods: That is great. Thank you. At the Executive's COVID-19 briefing a couple days ago — it was Tuesday, I believe — Minister Swann said that a second wave of the virus is expected in the months ahead. Is the PSNI prepared for that with the reorientation of staff back to a normal policing situation? Do you have adequate levels of PPE if that does happen?

ACC Todd: It is a really good question. This is the tension for somebody in my role and for the Chief Constable. The Chief Constable is very keen — and I am very keen to support his desire — to put all neighbourhood officers back on neighbourhood duties, as per the answer that I gave to Ms Dillon. However, we have one eye on what might need to be done down the road. I am keen not to put officers on a changed shift and then have to change them back again. We are trying to ensure that we do not do anything that we could not quickly undo or make other provisions for. That does not mean that I have an immediate plan to put neighbourhood officers back on neighbourhood duties and then withdraw them from that — I think that we can do that a different way — but it is certainly something that is on our minds. The planning will allow for that. I will have discussions with staff associations and

my planners today, and again on Monday, about the shift arrangements for our local policing teams. That question plays in to the conversation about those plans. It also plays in to the plans for the wider organisation, all our logistics and our acquiring of equipment. As I said earlier, there is a need to keep the strategic coordination function running on COVID-19, including the filtering of calls and the need to keep COVID-19 crews and COVID-19 custody. We are not dismantling any of that, as we anticipate that we will need it for the medium term.

Miss Woods: There have been reports and photographs circulating of a number of nitrogen dioxide canisters being found in certain communities, particularly in north Down. Out of interest, are there any measures for the police to deal with that in the current situation? What class of drug are they counted as? Are they illegal?

ACC Todd: I do not know the answer to the question about its classification, but I will look into it and come back to you. It is classed as a noxious substance, so you are not allowed to possess it. I do not think that it is quantified under the Misuse of Drugs Act as a drug, but it is considered to be a noxious substance, and there are controls around it. For Hansard, and for the Committee, that is an uninformed view. I will seek to inform my view and come back to you.

Mr Frew: Alan, thanks very much for your time here and your answers today. It has been very informative, as always. What presence do the police have at the very heart of decision-making and strategic thought on this? If the Executive had such a thing as a mini-COBRA, how much of an input would the PSNI have in that regard? Although this draconian legislation has saved lives, I do not know whether we can quantify how many lives it has saved, compared to normal everyday human-being, common-sense practices. We are not designed, as a people or a nation, to have draconian legislation like this. It has been an experiment, and I think that it has proven a lot, even for the police in trying to enforce something. That poses a danger for public confidence in the police, society and government as a whole. The legislation is designed to legislate for every twist and turn of a human being's life. That just does not work. If there are discussions going on about lifting restrictions or imposing them again, what presence do the police have in that consideration?

ACC Todd: The formal structure that exists at the moment is the civil contingencies group for Northern Ireland, which is a cross-departmental group chaired by the head of the Civil Service. Until recently, it was a daily meeting. Obviously, that has been revised, given the changing circumstances. I am a regular attendee, albeit by teleconferencing, given the days that are in it, as is the Chief Constable. That gives the Chief Constable and me a direct line into the thinking and decision-making at departmental level across the Executive.

In addition, our host Department — the Department of Justice — consults with me, as the police lead, and with other senior police officers about policy development issues across government as and when they feel that there is a relevance for police. There are also other ad hoc, common-sense arrangements. I have a regular phone conversation with the Chief Medical Officer and his staff. I am sure that the Health Department does not normally see policing as being one of its control measures in delivering healthcare for the population, but, on this occasion, clearly, we are. Therefore, discussions about infection rates, what may or may not work, and what may or may not be required in relaxation or restriction is a consideration for those people. I am indebted to the Chief Medical Officer and his staff for the opportunity to give police feedback and observations into that informal decision-making process as well. There are formal structures around the civil contingencies group and the DOJ and around consultation on policy. There are informal pieces between me and other senior leaders across government. That is covered by the overall umbrella of the National Police Chiefs' Council, which is based in London and represents UK policing. It has a direct input to COBRA. By and large, that is the landscape in which policing operates. I do not think that policing seeks to influence the outcomes, but we certainly feed in the implications of various proposals for public policy.

Mr Frew: I get that the police, as much as all of us, are servants of the law, and you really should enforce only what is in statute. Everything else is outwith the law. Are there are times in those meetings, which may be sensitive and private, when decisions are made that are contrary to police thinking and may put you in a bad position or in a situation that you do not think is necessary? Has there been that sort of friction?

ACC Todd: I do not believe so, at least not in anything that I have been party to. Other areas of legislation are analogous to this in the policing approach. For policing to work best, our relationship with lawmakers is to say that legislation is a matter for legislators. Senior police officers like me are probably best positioned if we say that, if decisions are made about the law, these are the policing

implications, or something might need to be policed in a certain way, and that may have impacts on the community or the service. We talk to people about the implications of their decision-making. However, it is unhealthy for the police to be seen to try to influence the law. Rather, we advise on the implications of the laws or policies under consideration.

Mr Frew: I am interested in your response to Rachel's question about the number of penalties for people going to exercise. Is there a breakdown of that? If people are being disrespectful of, or belligerent to, a police officer who is basically trying to coax them to head home, that is a different story altogether. Is there an itemised breakdown of why each ticket was issued?

ACC Todd: I do not have that with me today, Mr Frew. There is a broad categorisation of the regulation under which a ticket was issued. Regulations 3, 4, 5 and 6 are the principal ones for enforcement. Regulations 3 and 4 lie mostly with local councils now that they have been designated, and there is a limited space for policing. We can give you a breakdown of the notices and the community restorative notices that were issued under regulations 5 and 6.

Mr Frew: That would be very helpful. We never want to be in a position where we do this again. Hopefully, that will be the case.

There will have to be a massive reconfiguration of budgetary requirements, essentials and everything else. Maybe this is not your pigeon, Alan — I get that — but where are the police on budget requirements for your needs and demands? Are you below or above budget? Do you need more money or — dare I say it? — will you be giving money back, given that crime rates are down? What dynamics are in play?

ACC Todd: The COVID-19 crisis has added significant costs over and above our normal demand, given the structure of the organisation. Like any public service, a big part of our spend goes on salaries. Even though demand may go down for traditional crime, that does not impact on the overall salary costs of the organisation. With the COVID-19 crisis, there has been a significant increase in some of our contracted services. As you would expect, cleaning services are running way above normal for reasons that will not require any explanation to the Committee: vehicle cleaning, buildings cleaning, new protective measures across the police estate, specific custody facilities, large amounts of personal protective equipment, the police being put on shift arrangements and making sure that there are significant numbers to deliver not only normal policing demands but COVID-19 demands. All those are resource-intensive, and all have required additional funding. The Police Service has received some additional COVID-19-specific funding, and I understand that there may be more to add to that. Obviously some areas of our business are seeing some reduction in spend, but, at the moment, the broad sense is that the COVID-19 crisis has added expense over and above our budget baseline.

Mr Frew: Thank you, Alan. Thanks, Chair.

The Chairperson (Mr Givan): Do any other members wish to come in?

Ms Dolan: Yes, Paul, may I come in, please?

The Chairperson (Mr Givan): Yes, of course.

Ms Dolan: Thanks very much for that, Alan. I have had a couple of concerns in my constituency. Have you had an increase in reports of antisocial behaviour (ASB) or violent crime? How does the Police Service manage those?

ACC Todd: Antisocial behaviour has not seen a spike in numbers, but it has maybe changed somewhat in its nature, because reporting on antisocial behaviour has, at times, had a COVID-19 link to it. The nature, rather than the numbers, has changed, to be truthful. I know that there are reported areas where there have been particular problems with groups of young people. I think that that probably gets more focus in a COVID-19 environment. It is not that it, or the approach to resolving it, is particularly new, but it probably has a focus and a newsworthiness that gives it a certain prominence in the current environment rather than by virtue of being over and above what we would normally deal with. So, there are no significant concerns on the level of ASB.

Violent crime numbers are down, in line with the numbers that I talked about earlier. That probably should not surprise us, particularly given that town centres and centres of population have not had the same density of people in them. The fact that pubs, clubs, restaurants and the evening economy are not operating contributes to the recording of violent crime. Violent crime against the person is down significantly over the period, although, as I said earlier, that gap is beginning to narrow.

Ms Dolan: Thank you.

The Chairperson (Mr Givan): Paul, I think that your phone is causing a bit of disruption to come through. Thank you.

Ms S Bradley: Thank you for your presentation. I have two points. Apologies if this has been touched on; the sound quality is not great here. We do understand that domestic violence is recorded against the types of crime that are ongoing, regardless of that 30% to 40% reduction in crime, which I understand has narrowed to 20%. I would like to have an understanding of the other crimes that still exist and which the PSNI has been dealing with throughout the COVID-19 breakdown.

My other point has to do with messaging. I think that the public is very confused. I am sure that the PSNI, like constituency offices and many advice centres across the North, is getting a whole plethora of questions specific to somebody's business. A person with a business may be unclear about whether they could consider opening, and their measure of that is that, if they were to open up or do something, the first they would know that they might have breached a regulation would be when the PSNI presented to them. Therefore, in their logic, a natural first approach is to contact the PSNI, almost to seek approval before they do something for which they could be reprimanded or for which their business could get a bad reputation. People are very cautious, and with good reason. Does the PSNI feel, as we move through to the next stages, hopefully sooner rather than later, that it has a role to play in communicating clear, timed messaging and acting as a conduit between the Executive and a very confused public?

ACC Todd: I think that the initial question was on what sort of crimes we are currently dealing with. The truth is: everything that we normally deal with, just a little bit less of it, and, as I said earlier, there are variations. You get really big reductions in shoplifting, but it is still there; while it may be down by 70% in some places at certain times, there is still some shoplifting. Violent crime is down, but there is still violent crime. Burglary is down, but there is still burglary. Theft and robbery are down quite a bit, but they still occur, and that is because there are still people who are out on the streets. All the social problems and dynamics that sit behind crime still exist in a COVID-19 environment, notwithstanding the restrictions. No crime type has disappeared, and, other than the COVID-19 restrictions, no new crime type has emerged. Although, cyber-attempts, cybersecurity and cyber-theft, which I have mentioned before, are a continuing concern and have probably been exploited in the current environment. That is my answer to your first question.

In answer to your second question, at the risk of saying that I believe that the answer is no, I have studiously tried to avoid the PSNI becoming the guidance body for the healthcare regulations. We are one of the designated bodies for the enforcement of the regulations, and most of that designation involves our work, previously on regulations 5 and 6, now largely on regulation 6. The conduct of business, and whether businesses should be open or closed, or trading and not trading, falls under regulations 3 and 4. That is a designated space in which local councils have a role; we have a role in supporting them in that. However, I am personally not in favour of the PSNI, or local councils, acting unilaterally to issue guidance, because that would only confuse messaging further. The regulations come from the Executive, and, therefore, the guidance as to how they are interpreted, and what is or is not possible, should be considered from a single point of that guidance that is joined up across Departments. Individual bodies, be it councils, the PSNI or anybody else, stepping in to fill the void will create more problems than they solve by creating public confusion.

There is a difficulty in the police providing guidance to somebody when we are an enforcement body. That is because people will then misquote or misunderstand the advice that they were given as a defence to something that they may have breached the restrictions on, so it is for those two reasons. We will always try to be helpful, but a large number of MLAs will have written to me on a whole range of things asking for guidance, and I have had to say, politely, "I cannot help you with this one. It is just not appropriate".

The Chairperson (Mr Givan): That takes me into my final point. I have heard MLAs and Ministers, when asked, "What is the advice in this scenario?" respond with, "Well, ask the police". It is one of

those questions that whenever I have been asked by business, "Can I do this?" or "Can I do that?", I try to go to the relevant authority. There was a question with DAERA, for example, about fishing and another about the recycling of waste, and I was trying to get my council to reopen the facility, and they said, "I am seeking advice from the police" and I said, "Why? DAERA is the Department that will issue your advice", so it creates an issue as to who is the authority. We raised that with the Attorney General, for example, who is the authority in providing the advice.

Ministers who, unable to give that advice, often say, as I have heard, "That is a matter for the police", that, ultimately, puts the police in the frame to give an answer. If you cannot give an answer, we go round in a circle, and then I can understand why the wider public gets confused. For what it is worth, I totally sympathise with your position; in fact, I agree with it. I do not think that it is fair to say, "That will be a subjective decision that the police need to take". The regulation is the regulation: that is the law. Therefore, beyond your discretion, you have to enforce the law, and I think that you have outlined why it is not for the police to make the law but to advise on the consequences. So getting the advice will be important.

That takes me to a question that I have about the comments that have been made so far on regulation 5: restrictions on movement. In effect, that is not being enforced. That is what I am hearing. There are now so many exceptions to regulation 5, restrictions on movement, that it puts the police in an almost impossible position to have an offence created under that regulation, and your real policing space is now with regulation 6, restrictions on gatherings.

If regulation 5 is in effect defunct, should it be repealed as opposed to added to further, because it is no longer efficient legislation? It puts the police in a difficult position, because people complain that somebody is moving, and you have to investigate that and police it. If it is no longer effective legislation, what has been your advice to the civil contingencies group on restriction of movement?

ACC Todd: Without being overly politic, Chair, the health protection measures are there at the behest of the Department of Health for a range of outcomes. The judgement as to whether regulation 5 is required now, or may be required in the future, is a judgement for the Executive. That is in line with the position that policing has taken.

I will not duck your question. Regulation 5 is not defunct. It may have a serviceability, and there may still be occasions when the police seek to enforce it. However, that would be in extremis and for blatant disregard rather than something that brings a wider number of our communities into play. As you articulated, there is now a range of defined reasonable excuses. The newer ones allow you to meet other people and engage in outdoor activity. No restriction is attached to those, even by way of reasonable in the circumstances by way of travel. The exceptions are wider than the restriction. It is only likely to be used by police, therefore, in blatant disregard or in more extreme circumstances.

The serviceability and desirability of that as an outcome is for the people who own the health protection regulations. This is exactly the sort of conversation that was had at the civil contingencies group, where I said that the regulations were open to this, and these would be the policing consequences and impact, as I have just outlined. That was understood by all those present, and in the way in which it is understood in this Committee. It is a natural progression from the relaxation of the restrictions.

The Chairperson (Mr Givan): That is helpful, because I am aware of certain scenarios. Sometimes it is useful to give an example. Say someone lives in the north-west — Strabane, for example — and their best friend lives in Newcastle. They are allowed to meet in a gathering of six. There is no restriction that states that it has to be within five, 10 or 50 miles. That is where you turn to members of the public to exercise common-sense judgement and ask themselves whether that is appropriate, given the risks. However, from a purely legal, policing point of view, there is nothing to stop someone travelling from Newcastle to Strabane to meet in a socially distanced way outdoors, as long as it falls within regulation 6 and the gathering of up to six people. That has been very helpful.

The number of people — six — can present a challenge. I know of examples of people meeting in a park, and it so happens that another family whom they know is also there, and all of a sudden six turns to 12. That was not planned, but all those people live in the same locality. How do you police that type of scenario, where people are standing around and rather than it being half a dozen, it is a dozen people?

ACC Todd: This is where we fall into the four Es approach, which recommends a proportionate policing response to all these matters, irrespective of which regulation is involved. Police officers on patrol — in Ormeau Park in Belfast, for instance — might meet seven or eight people, socially distanced and being responsible, who meet each other, come together for a short time and move on. Frankly, from our perspective, that may have been a conversation such as, "Folks, if you would move on in due course, that would be great". You might also have had four or five people playing five-a-side at the multi-surface football park who are not social distancing, which requires a different policing response. As always, the legislation is there as a framework; the nature of the law is that it will always have numbers. We apply the proportionality of the four Es approach to that to determine to what degree that becomes an engagement, explanation, encouragement and enforcement space. That is a matter for professional judgement, as it is in so many parts of the law where proportionate and responsible policing is required.

The Chairperson (Mr Givan): Thank you for your time, Alan. We went beyond what we had indicated, but I had a feeling that your session would be the lengthiest, for obvious reasons. I appreciate your making yourself available, as you have done for every request by the Committee. Thank you for the work that you are doing. I do not envy the job; you have to walk a difficult line. We appreciate the fact that you have been transparent with the Committee and, as always, given us honest answers.

ACC Todd: Thank you, Chair. Thank you, folks.