

POLICING THE PANDEMIC:

**Detailed analysis on police
enforcement of the Public
Health Regulations
and an assessment on
disproportionality across
ethnic groups**

Authors: Rosanna Currenti and John Flatley

Summary

This report analyses the use of new police powers in England and Wales to issue individuals with a fine, via a Fixed Penalty Notice (FPN), for breaching the new public health regulations to control the spread of Coronavirus (Covid-19). The analysis presented in this report covers such fines issued between 27th March and 25th May 2020.

Previous secondary analysis of aggregate data had suggested high levels of disproportionality at Police Force Area (PFA) level in the issuing of such FPNs. This report presents independent analysis of record-level data on the characteristics of individuals issued with an FPN.

Disproportionality could legitimately result from the fair application of the regulations when sub-groups differ in their observance of the regulations or from an uneven enforcement by the police of the regulations across different sub-groups of the population.

There are various ways in which disproportionality can be assessed. A direct measure would be to compare the level of enforcement activity (FPNs issued) in a given area with the volume of people acting in contravention of the regulations in that area, or at least the subset of the latter that came to the attention of the police. With such data it would be possible to assess whether people from different ethnic backgrounds who the police engaged with were treated differently.

However, such data were not available to us. Therefore, we must rely on an indirect approach which uses the whole population as a denominator to consider how groups are affected as a whole by the framing of the regulation and the application of sanctions.

We calculated disparity rates using two main approaches. First, by comparing rates per 10,000 population for FPNs by ethnic group based on the resident population of that PFA. Second, and because the proportion of FPNs issued to individuals in a different PFA from the one where they were usually resident was relatively high (29%), by assigning individuals to the PFA in which they were normally resident and re-calculating rates based on the resident population of that PFA.

The analysis shows that:

- The number of FPNs issued was relatively low – at a rate across all of England and Wales equivalent to 3 per 10,000 resident population and lower than reported in Scotland (6 per 10,000).
- The number of FPNs issued to all BAME people across all of England and Wales was at a rate of 4.0 per 10,000 population. This compared with 2.5 per 10,000 population for people who identified as White. Rates per 10,000 were highest for Asian (4.7) and Black people (4.6), followed by Mixed (3.1) and Other ethnic minority people (2.6).
- Expressed as a disparity rate (i.e. the rates per 10,000 BAME people as a ratio of the rates per 10,000 White people) showed that it was 1.6 times higher for BAME people than White people. Disparity rates were higher than the BAME average for Asian and Black people (both 1.8 times higher than White people). Those people in the Mixed ethnic group experienced a rate 1.2 times higher than White people, while those from the other ethnic minority groups had the same rate as for White people.



- While the context is very different, these disparity rates are lower than for the police power of Stop and Search. The latest published official statistics on Stop and Search showed, for example, the disparity rate for all BAME people was 4.3 and highest for Black people (9.7).
- Other groups in the population had disproportionately high rates of enforcement compared with their representation in the population. Young men, across all ethnic groups, were significantly over-represented amongst those who were issued with an FPN for breaching the regulations. For example, those aged 18-34 were estimated to comprise 14% of the resident household population in England and Wales but accounted for 57% of those issued with an FPN – a rate some four times higher than would be expected if FPNs were issued proportionately across all age-groups.
- However, young men (aged 18-24 and 25-34) from BAME backgrounds were over-represented by around twice the rate of young White men in the same age-groups. In contrast, young women (18-24) from a White background had similar levels of representation (among those issued with FPNs) as their representation in the general population whereas women of the same age from a BAME background were slightly under-represented.

Disparity rates were calculated based on the resident population of the force area in which the FPN was issued with a value of 1 meaning BAME people experienced the same rates as White people; a value over 1 showing how much the rate was compared with the White population and below 1 how much lower it was. For example, a disparity rate of 1.5 would mean BAME people received an FPN at a rate that was one and a half times higher than White people.

It should be noted that both the relatively small number of FPNs issued and the relatively small size of the resident BAME population in some force areas can produce large differences in rates per 10,000 population which are the result of a very small difference in the absolute numbers. This is particularly so for specific ethnic groups within the BAME population and careful interpretation of the comparative rates is required.

Disparity rates at Police Force Area level showed:

- Considerable variation across force areas with the disparity rate ranging from 1 to 6.5 comparing all BAME people with White people. Rates were generally higher in those force areas that attract tourists to coastal areas and beauty spots. It was apparent that in such areas, FPNs issued to non-residents explained some of the disproportionality observed.

Disparity rates were found to be generally lower when rates were calculated on the basis of where the individual was usually resident. The upper range of the disparity rates fell from 6.5 to 4.6 and the lower end from 1 to 0.3.

