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

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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.

Acknowledgments

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Finally, thanks are due to our independent peer reviewers who provided insightful comments and suggestions to improve the analysis and reporting.

Background and context

As part of the management of the Coronavirus (Covid-19) pandemic, legislation, under the Public Health (Control of Disease) Act 1984, enabled the Secretary of State for Health to introduce regulations to give the police service powers to enforce the measures to help prevent the spread of the virus. These powers came into effect on 27 March 2020. Police officers and Police Community Support Officers were able to issue Fixed Penalty Notices (FPNs) to individuals who were in breach of the law as defined in the new regulations. FPNs require the payment of a fine as specified in the regulations.

Aside from issuing fines, the police were given powers to direct people to return home, leave an area or disperse if in a group. They also had powers to ensure parents were taking necessary steps to stop their children from breaking these rules. The regulations differed in some respects between England and Wales.

The National Police Chief's Council (NPCC) and the College of Policing issued guidance to forces on how to implement the new regulations[1]. This made clear that *enforcement* was only to be used as a last resort, when attempts to *engage* with individuals to *explain* the regulations and *encourage* compliance had not been successful (known as the 4Es approach). The NPCC commissioned analysts from the Government Statistical Service (GSS) to undertake independent analysis of demographic data at police force level and this report presents the results. Details of the analytical approach can be found in the Methodology section of this report.

The NPCC have been routinely publishing summary statistics including national breakdowns of the age, sex and ethnicity of those issued with fines and aggregate numbers of fines issued by police forces. Secondary analysis of this data, and that supplied by a number of (but not all) police forces in response to a Freedom of Information request, was presented as evidence to a recent Home Affairs Select Committee[2]. In that oral evidence session, it was argued by civil liberties campaigners that there was disproportionality in the police enforcement of the new regulations. Black, Asian and minority ethnic (BAME) people were reported to have experienced much higher rates of fines than White people across several Police Forces Areas (PFAs).

This analysis was based on incomplete data and force level disparity rates had been calculated without considering the significant proportion of people who were issued with a fine in a different PFA to that in which they were normally resident (e.g. a resident of Leeds issued with an FPN in North Yorkshire).

[1] https://www.college.police.uk/What-we-do/COVID-19/Documents/Engage-Explain-Encourage-Enforce-guidance.pdf
[2] https://committees.parliament.uk/oralevidence/524/default/

Introduction

This paper explores the extent to which there is evidence of disproportionality in the way in which the police service enforced these new regulations in England and Wales. Disproportionality could legitimately result from the fair application of the regulations when sub-groups differ in their observance of the regulations. Or it could result from an uneven enforcement by the police of the regulations across different sub-groups of the population.

The analysis covers FPNs issued by the police under the Health Protection (Coronavirus, Restriction) Regulations 2020 for both England and Wales between the 27th March and 25th May. These data were extracted on 8th June from the ACRO Criminal Records Office database and results may differ slightly to more recently NPCC published headline figures, which have been subject to ongoing revision.

Results are presented for England and Wales and at a PFA level. The analysis examines rates of FPNs issued on two different bases: force area where the individual was present when issued the fine, and the force area where the individual issued the fine was normally resident. Most of the headline analysis and commentary within this report focuses on comparing the results for the BAME population compared with the White population. However, more detailed ethnic group breakdowns are presented in the Appendix tables.

Population rates quoted are based on Office for National Statistics (ONS) 2016 ethnic group mid-year population estimates, these are the most recently available population estimates at PFA level that also provide an ethnicity breakdown. Owing to concerns about the quality of these estimates, ONS have designated them as research outputs, rather than official, statistics. The alternative was to use population figures from the 2011 Census which provides richer detail (such as age and sex breakdowns). However, the population in England and Wales has grown significantly since 2011 (up 4% from 56.1m to 58.4m) and its ethnicity has become more diverse (for example in 2011 the Asian group accounted for 6.8% of the population whereas by 2016 this proportion is estimated to have increased to 7.6%). Preliminary analysis was conducted using both sources and the pattern of rates across different ethnic groups were similar. Therefore, the authors judged it better to use this more up to date source given the substantial changes in the population since the 2011 Census.

Overview of FPNs issued (rates per 10,000 population)

Compared with existing powers, sanctions issued by the police relating to these new regulations were used infrequently. The actual number of FPNs issued[3] (17,039) represented a rate of 3 fines for every 10,000 residents in England and 6 fines per 10,000 Wales. It is important to note that these figures represent the number of incidents, rather than prevalence, as around 7% of FPNs were issued to people who had previously received one[4]. The rate in England and Wales was lower than has been reported in Scotland (6 per 10,000 population)[5].

[3] Includes FPNs issued to individuals in England and Wales by the British Transport Police and the Ministry of Defence Police.

[4] The NPCC reported that 1,020 FPNs has been issued to repeat offender over this period – see https://cdn.prgloo.com/media/download/d57449ab50eb4c2994dea494bd31b5c2

To put this in context, over a similar 8-week period, the police in England and Wales (in normal times) might be expected to have issued around 409,300 FPNs for motoring offences[6]. In addition, the NPCC has reported[7] that during the 4-week period to the 24th May alone, the police recorded 134,188 incidents that were related to policing of the Covid-19 pandemic. This will include a wide range of incidents including cases when officers proactively offered advice to people, responded to reports from the members of the public alleging breaches of the regulations by others and offences where criminals have sought to take advantage of the pandemic. This is likely to under-count the actual number of interactions with members of the public related to the policing of the public health regulations as it only captures those that have been recorded on force incident management systems.

While it is known that there is inconsistency across forces in their approaches to incident recording the volume of incidents dealt with provides wider context around the use of sanctions analysed here. The relatively small number of FPNs issued suggests the guidance issued by the NPCC and College (the 4Es approach as mentioned above) was being followed with enforcement to be used only as a last resort.

Data is not available on the ethnicity of all individuals that the police engaged with when dealing with these regulations. This makes analysis of whether enforcement action occurred evenly across different ethnic groups challenging. It is not possible to establish what proportion of such encounters resulted in enforcement action. The Lammy review[8] showed race disproportionality can be cumulative with each stage of the criminal justice process. This is important because we don't know whether there was any disproportionality in the initial police-public contacts and the extent to which any enforcement action made disproportionality better or worse.

Number and proportion of FPNs issued by demographic characteristic

Before looking at any disproportionality by ethnicity, we consider other demographic factors such as age and sex. Chart 1 below shows that men, especially those aged below 45, were disproportionately represented amongst those who were issued with an FPN. 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. The youngest age-group for women (18-24) were roughly represented in proportion to their presence in the general population whereas young men of the same age-group were six times higher than would be expected.

Men in the 35-44 age-group were also slightly over-represented amongst those issued with an FPN with women of the same age under-represented. In all age-groups above 35-44, there was under-representation, more so for women than men.

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[6] Calculated from annual figures reported here: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/841408/police-powers-procedures-mar19-hosb2519.pdf

[7] See https://cdn.prgloo.com/media/download/d57449ab50eb4c2994dea494bd31b5c2

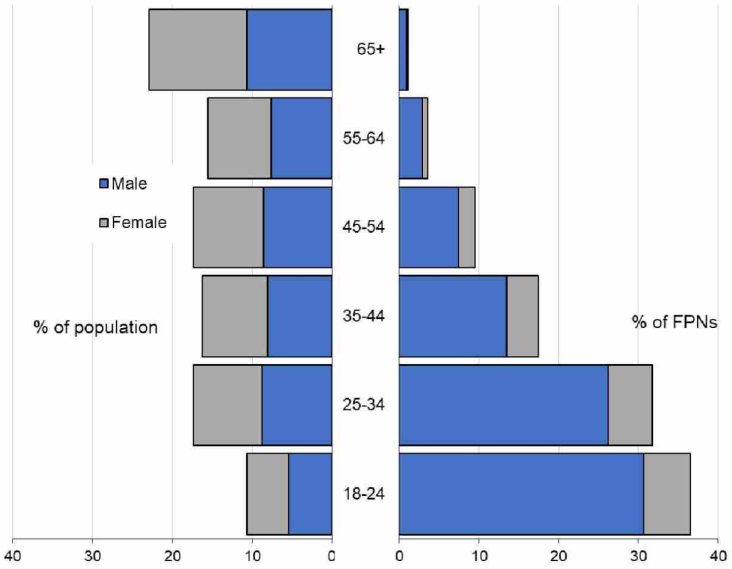
[8] https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/643001/lammy-review-final-report.pdf

Charts 2 and 3 provide a similar breakdown as Chart 1 but separately for individuals from a White and BAME background. It generally shows a similar pattern, as Chart 1, with respect to the over-representation of men in younger age-groups. However, there were some specific differences:

- Young men (aged 18-24 and 25-34) from BAME backgrounds were over-represented among those in receipt of an FPN by around twice the rate of young White men in the same age-groups.
- Young women (18-24) from a White background had similar levels of representation among those issued with FPNs as suggested by their representation in the general population whereas women of the same age from a BAME background were slightly under-represented.

Such analysis can only be conducted at the England and Wales level since the published ONS population estimates we have used do not provide breakdowns of age and sex at sub-national levels. The resulting lack of age-standardised rates in the analysis that follows is a significant limitation.

Chart 1: Distribution (%) of FPNs issued to individuals (by resident force) compared with ONS Annual Population Survey estimates (2019), by age and sex, England and Wales

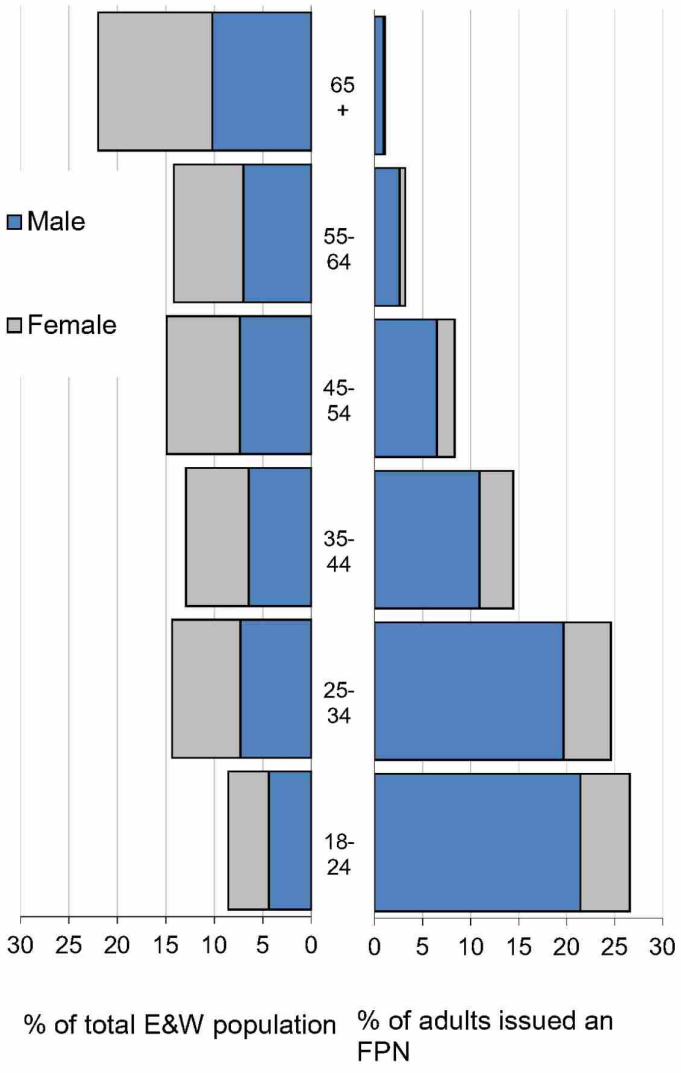


Note: only includes FPN records where age, sex and ethnicity were available and excludes 1,144 records (7% of the total).

N: FPNs (15,847), ONS Annual Populations Survey (APS) estimates (2019), England and Wales[9], 18+ (45,963,227)

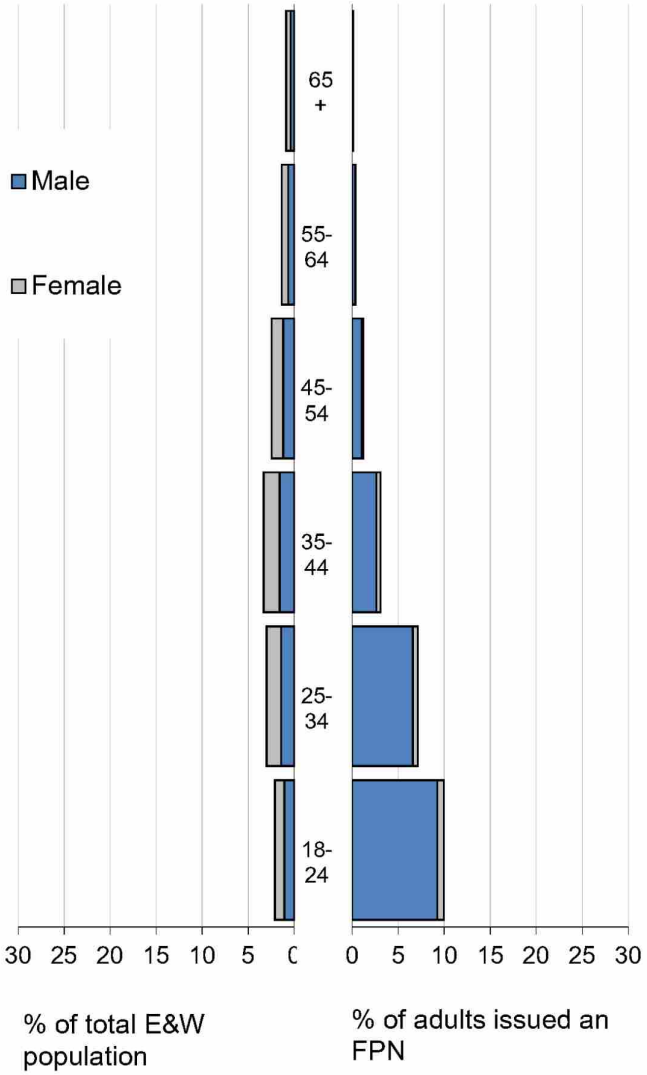
[9] ONS produced this estimates in response to an ad-hoc request and can be found here: https://www.ons.gov.uk/peoplepopulationandcommunity/culturalidentity/ethnicity/adhocs/11946ethnicitybysexandagesinenglandandwales2011to2015. These estimates are based on data from the Annual Population Survey (APS).

Chart 2: Proportion of FPNs issued to White individuals compared with ONS APS estimates (2019), by age and sex, England and Wales, up to 25th May



N: FPNs (12,387), ONS APS estimates (2019) (White 18+: 39,754,353)

Chart 3: Proportion of FPNs issued to BAME individuals compared with ONS APS estimates (2019), by age and sex, England and Wales, up to 25th May



N;FPNs (3,460), ONS APSS estimates (2019) (White 18+: 6,208,874

Overview of FPNs issued at Police Force Area (PFA) level

Comparisons at PFA level need to be made with caution since force areas differ significantly in terms of the size, structure, composition and density of their resident population, geographic nature, levels of crime, police resources and so on. In addition, while the NPCC and College of Policing issued national guidance, individual forces were responsible for operational decisions about how the powers were to be used locally.

There was wide variation in the number and rates of FPNs issued at PFA level (see Appendix tables 2 and 6). While most force areas were clustered around the England and Wales average (3 per 10,000), there were a number with much higher rates. Based on their resident population[10], the following police forces had rates twice or more that of the England and Wales average:

- **Dyfed-Powys (22 per 10,000)**
- **North Yorkshire (12 per 10,000)**
- **Dorset (8 per 10,000)**
- **Cumbria (8 per 10,000)**

These force areas will have a disproportionate impact on the England and Wales average. This is illustrated by the higher number of other PFAs that had rates of around 1 per 10,000. These areas were:

- **Essex**
- **Greater Manchester**
- **Hampshire**
- **Humberside**
- **Kent**
- **London[11]**
- **Staffordshire**
- **Warwickshire**
- **West Mercia**
- **West Midlands**

However, these rates need further investigation as the pandemic has changed the normal ways in which society has operated especially in relation to daily travel flows. For example, in normal times city areas tend to have net inflows of non-residents (commuters, business travellers and tourists) that swell day-time populations. Conversely, many suburban and rural areas usually experience a net outflow of the daytime population. Given the massive reduction in road traffic and use of public transport in this period (as reported in the daily Government briefings[12]), it is apparent that such normal movements have changed substantially during the pandemic. Given this change in usual travel flows, one might expect the data to show most fines issued by forces were to residents of that PFA. However, some forces issued a high proportion of fines to non-residents (see the next section of this report), in particular, those that attract tourists to coastal areas and beauty spots.

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[10] For this analysis we used ONS published experimental statistics providing 2016 mid-year population estimates broken down by ethnic group: https://www.ons.gov.uk/peoplepopulationandcommunity/populationandmigration/populationestimates/datasets/populationcharacteristicsresearchtables

[11] Due to the small resident population in the City of London Police Force Area, FPNs issued by the Metropolitan Police Service and the City of London Police have been combined.

[12] https://www.gov.uk/government/collections/slides-and-datasets-to-accompany-coronavirus-press-conferences#transcripts

FPNs issued to individuals in a different force area to where they were normally resident

When looking at an individual's place of residence, 43 FPNs were found to have been issued to residents of Scotland and five individuals whose home addresses were in the Republic of Ireland. These records have been excluded from part of the analysis (that which is based on the resident force of the individual issued with an FPN) presented in this paper and the related appendix tables.

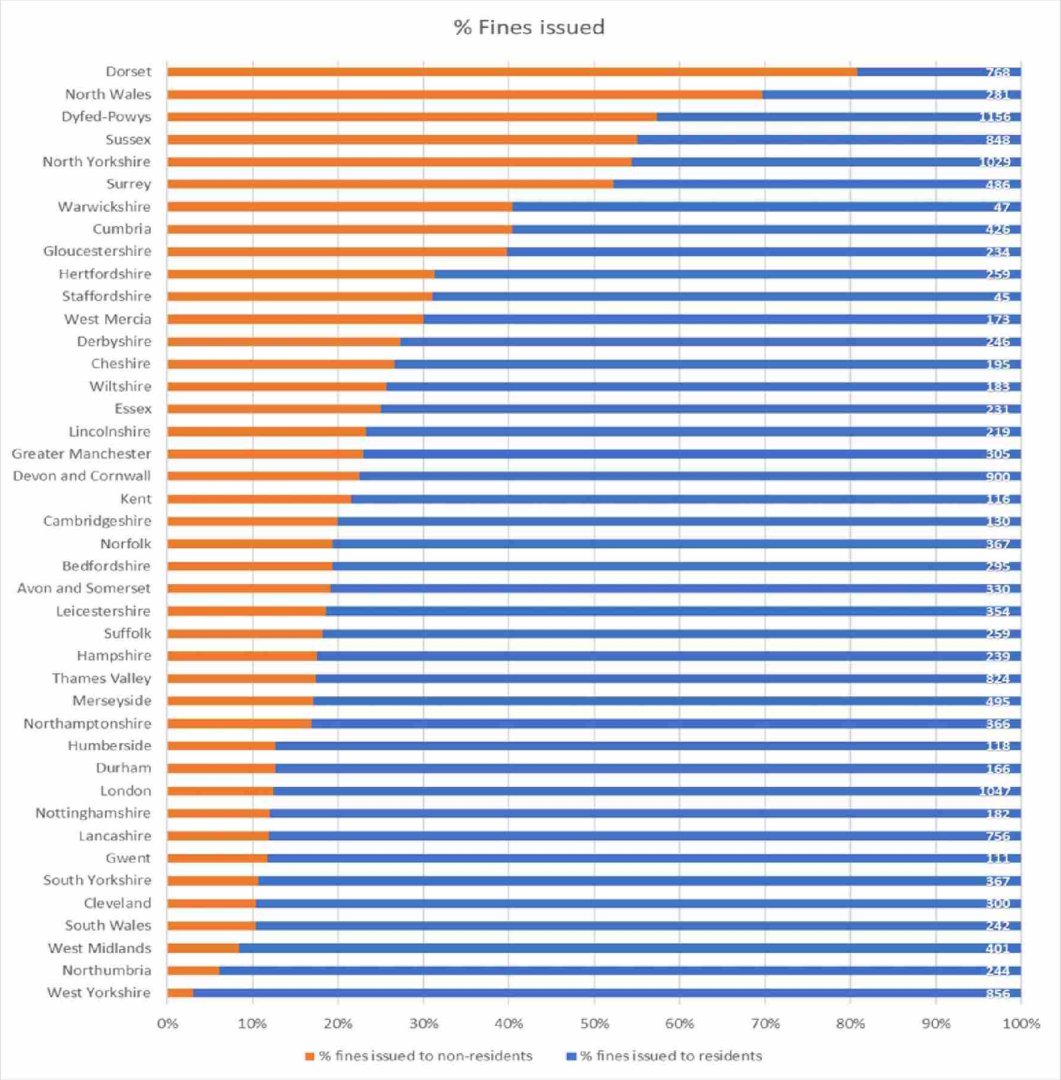
Just under a third (29%) of all FPNs were issued to individuals in PFAs where they did not permanently reside. However, this varied considerably by PFA, as shown in Chart 4. While there were some exceptions, in general, forces with rural and coastal areas tended to issue higher proportions of fines to non-residents than forces covering larger urban areas. This is an important factor to note when assessing disproportionality rates since these factors will also interact with ethnicity as we know that the BAME population tend to be disproportionately concentrated in metropolitan areas[13].

Several forces highlighted above as having apparently high rates of FPNs, were also found to have issued relatively high proportions to non-residents. Forces with the highest such proportions were: Dorset (78%), North Wales (69%), Dyfed-Powys (57%), Sussex (55%), North Yorkshire (55%), Surrey (52%), Cumbria (41%) and Gloucestershire (41%).

Further analysis looked at the relationship between the proportion of fines issued to non-residents and the population density of the PFA and is illustrated in Chart 5. This shows that many of those areas with the highest proportion of fines issued to non-residents also had a lower population density. For example, Dyfed-Powys has the lowest population density of 47 people per square kilometre and over half (57%) of their FPNs were issued to non-residents. This contrasted with the four most densely populated metropolitan areas where below average levels of FPNs were issued to non-residents.

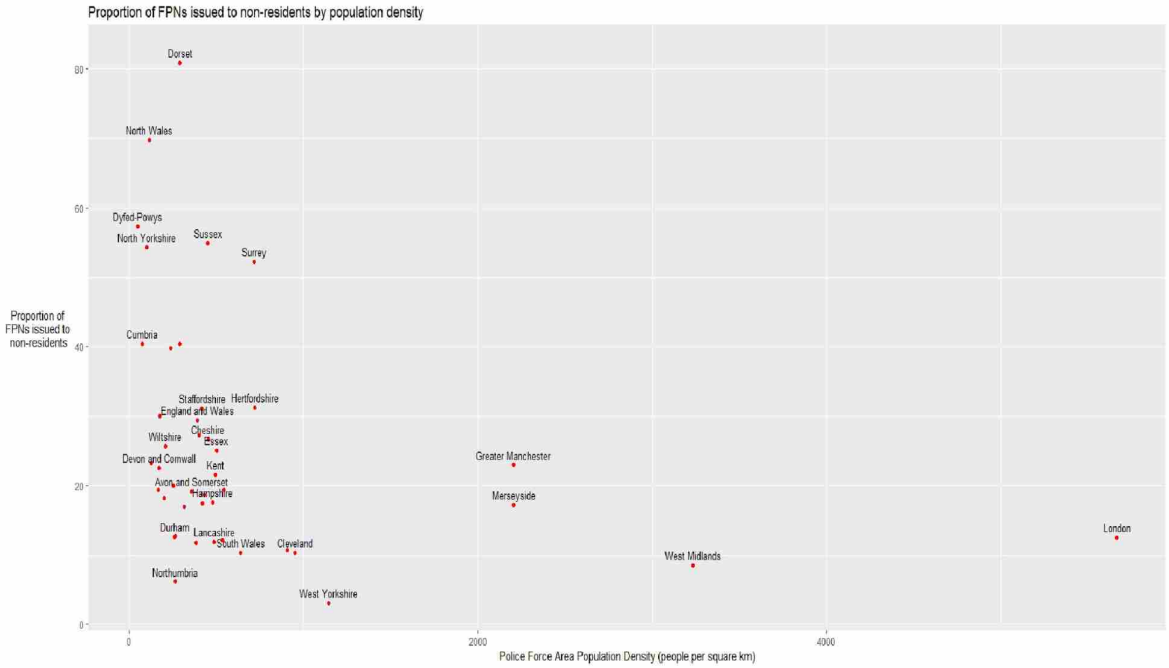
[13] https://www.ethnicity-facts-figures.service.gov.uk/uk-population-by-ethnicity/national-and-regional-populations/regional-ethnic-diversity/latest

Chart 4: Proportion of fines issued to residents and non-residents, by issuing force. England and Wales.



Note: the base number on which the proportions are calculated is shown on the right of each bar

Chart 5: Proportions of FPNs issued to non-resident individuals in the PFA compared with population density (people per square km)



Assessing disproportionality by ethnicity

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 that 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 using the whole population as a denominator to consider how groups are affected by the framing of the regulation and the application of sanctions. As is often the case with such analyses, we use the resident population in a given area. This is not without challenges since detailed sub-national population data broken down by ethnic group are not routinely available. The richest data, from the 2011 Census, provides detailed breakdowns of the resident population by their age, sex and ethnicity at small area level. However, this data is nearly a decade old and the population is known to have changed considerably since 2011, both in size and its ethnic composition.

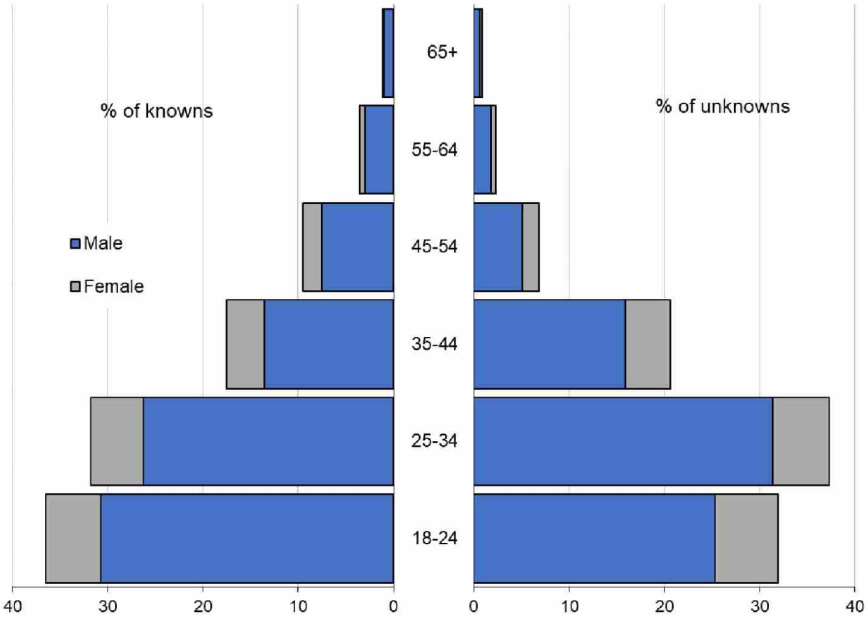
An alternative to the 2011 Census data was more up-to-date sub-national mid-year population estimates broken down by ethnic group. These were released by the Office for National Statistics (ONS) in 2018 (based on 2016 mid-year population estimates) as research outputs. While more recent than the Census, it should be noted that the ONS did not consider them to be of sufficient quality to be designated as Official Statistics. Further these data do not have detailed breakdowns of ethnic groups, for example by age and sex. Appendix Table 1 provides a force-level breakdown of these population estimates.

We calculated rates using both sources of population data. As expected, while the aggregate rates varied by source there was only a marginal difference in the relative rates across the different ethnic groups. We therefore decided to use the more recent population estimates and thus the rates presented below are based on estimates of the whole resident population. This is a broader population than those liable to be fined for contravening the regulations (adults aged 18 and over).

Initial reporting by NPCC showed a high level of missing ethnicity data (around 23%-25%). Prior to completing this analysis, a data cleaning/editing exercise was conducted to seek to reduce that proportion (see methodology). This led to a reduction of missing data to 5% of all records. As this proportion was relatively small, the rates and analysis presented in this report and accompanying tables exclude cases where ethnicity was not available.

Further, we compared the demographic profile of records where ethnicity was provided with those where the data was missing. This showed that generally their profiles were similar, although there was a higher proportion of 25-34-year-old males whose ethnicity was unknown which suggests the risk of the results being skewed by systematic under-representation of some groups is low.

Chart 6: FPNs issued by sex and age, and whether ethnicity was available, England and Wales



(n: knowns:15,847; unknowns: 785)

Across all of England and Wales the proportion of records where the ethnicity of the individual issued with the FPN was not available was low (5%). However, there was large variation in this proportion across police forces, ranging from 0% to 23% (Appendix Table 2). For those forces with higher levels of missing ethnicity data the analysis presented is more problematic. We have less confidence that the ethnic profile of those for whom ethnicity data is available does not differ from those where it was not.

Further caution is needed in interpreting rates of FPNs issued to people from BAME backgrounds at PFA level due to both the relatively small numbers issued and the relatively small size of the resident BAME population. This can produce large differences in rates per 10,000 population, between forces but which are actually the result of a very small difference in the absolute numbers. This is even more so for specific ethnic groups within the BAME population. For example, Cumbria Police issued 30 FPNs per 10,000 to Black individuals compared with 8 per 10,000 to White individuals.

This appears to be a significant disparity; however, it should be kept in mind that these rates are based on very small numbers. For example, in the case of Cumbria there were 3 FPNs issued to Black people.

If one less, or one more, FPN had been issued to a Black person in that county this would have changed the rate from 30 per 10,000 to 20 and 40 per 10,000 respectively.
In assessing disproportionality, we have analysed the data in several ways:

1. Disproportionality by issuing force for:
    a. residents only
    b. non-residents
    c. both
2. Disproportionality by PFA of residence - while we provide PFA breakdowns on the same basis, it should be noted this provides a measure of the extent to which residents of that area experienced any disproportionality in the issuing of fines by the whole service rather than by an individual force.

Each approach provides a different perspective but there is no single measure which would provide the true level of disproportionality in the policing of these new regulations.

Using approach 1 (simply considering the force area in which the fine was issued), the number of FPNs issued to BAME individuals 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 individuals who identified as White (Chart 7). 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) (see Appendix table 6).

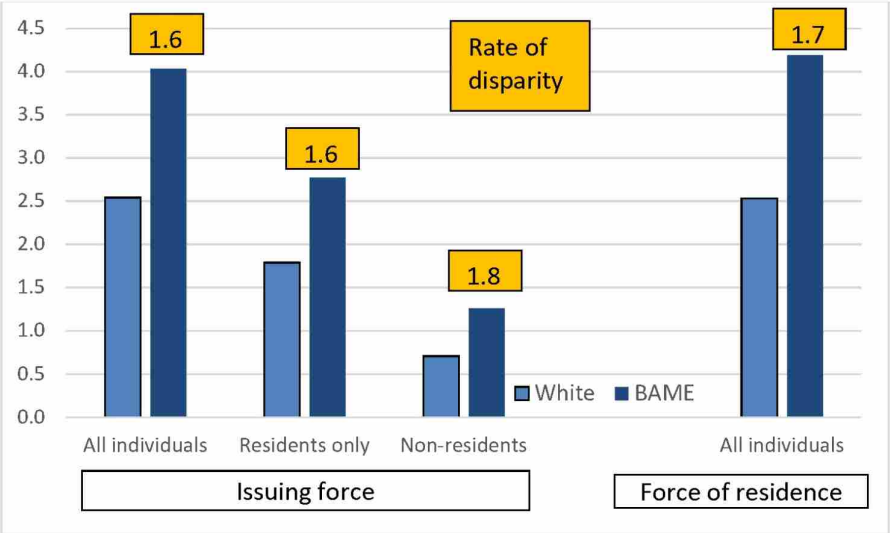
Expressed as a disparity rate (i.e. the rates per 10,000 BAME people as a ratio of the rates per 10,000 White people) showed that it was 1.6 times higher for BAME people than White people. Disparity rates were higher than the BAME average for Asian and Black people (both 1.8 times higher than White people). 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[14] showed, for example, the disparity rate for all BAME people was 4.3 and highest for Black people (9.7).

Separating out residents and non-residents of the issuing force, Chart 7 shows that non-resident BAME individuals received FPNs at a slightly higher rate (1.8) than non-resident White individuals. This disparity rate was also slightly higher than the comparable one for residents (where BAME people were in receipt of FPNs at a rate 1.6 higher than their White counterparts).

[14] https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/841408/police-powers-procedures-mar19-hosb2519.pdf

Chart 7 – Rates per 10,000 population of FPNs issued to individuals and disparity rates compared with the White population, England and Wales



1. Excludes estimates of the ethnic group for those individuals whose ethnicity was not recorded (see methodology)
2. Rates based on ONS 2016 mid-year ethnic group population estimates
3. Excludes FPNs issued to individuals living in the Republic of Ireland (5) and Scotland (43), BTP (342) and MoD (35).

Using approach 2 (looking at individuals issued a fine based on where they were normally resident), rates of issue were similar to the above with White individuals issued fines at a rate of 2.5 per 10,000 population and BAME individuals issued fines at a rate of 4.2 per 10,000 population, giving a slightly higher disparity rate of 1.7. The small difference at national level merely reflects the exclusion of residents of Scotland and the Republic of Ireland. However, there were significant differences in the disparity rates between the two approaches at PFA level.

A breakdown of such disparity rates by PFA is shown in Chart 8. These data need to be interpreted carefully. Whilst the rates have been calculated using the residential population of a force area, as explained earlier, there were several forces where significant proportions of FPNs were issued to non-residents. To get a different perspective, we have also looked at disproportionality within each force area by including all residents within that force area, regardless of where they were issued the fine. This, however, is not a perfect method either as it assumes that each police force operated in the same way in terms of how they issue fines. The relatively low BAME population, together with the low number of FPNs issued to them, in several PFAs means these rates are prone to much more fluctuation than for the White group at PFA level. The analysis below focuses on comparisons between all BAME people and White people due to the small numbers at PFA level for individual BAME ethnic groups.

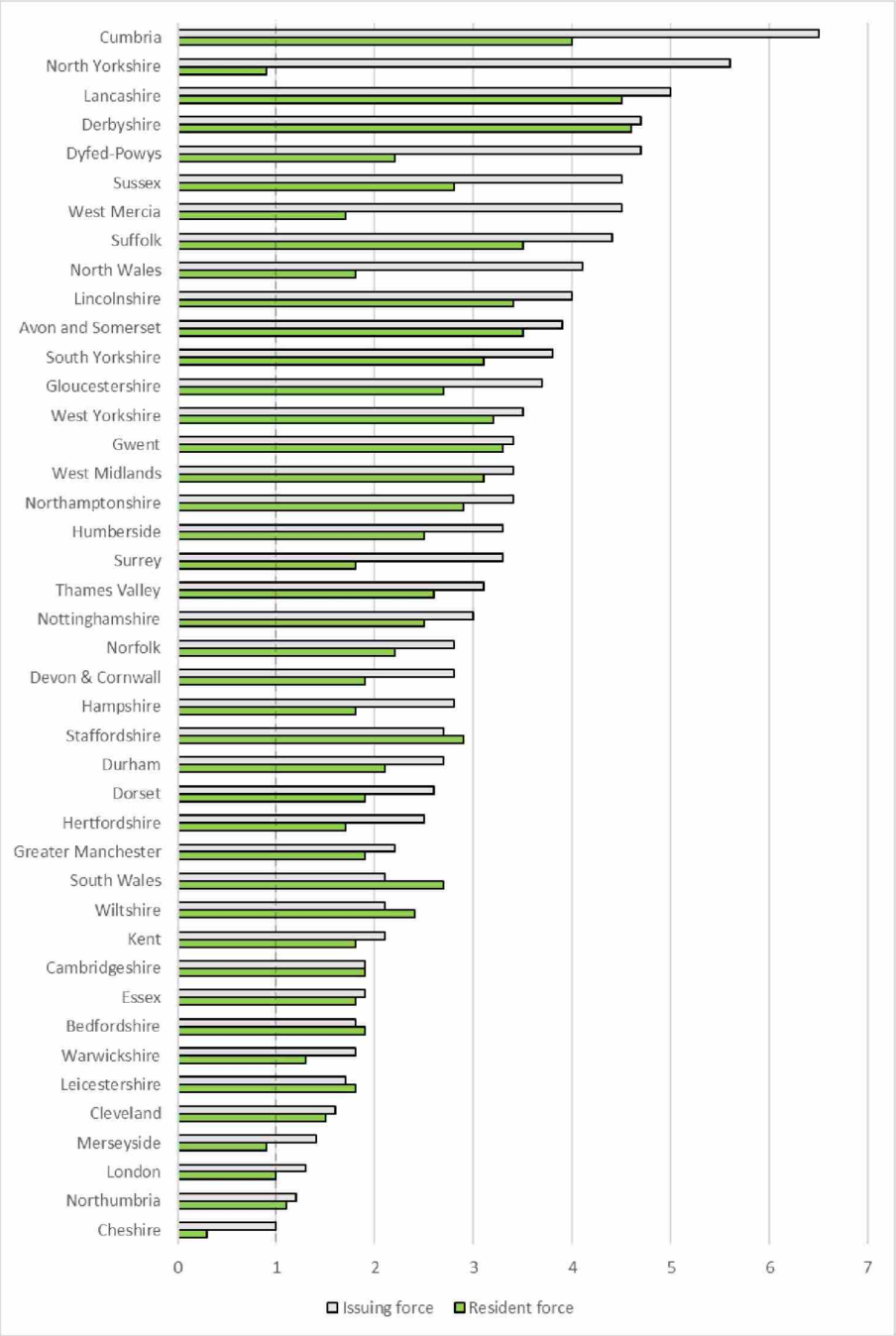
While detailed breakdowns are provided in the Appendix tables comparisons between force areas needs to be made with caution.

Comparing the disparity rates based on the two approaches described above shows some different patterns across force areas. The grey bars in Chart 8 show that some forces had much higher disparity rates of issue compared with the national average of 1.6 (see Appendix tables 14, 15, 16 and 17). A number lower than 1 indicates that BAME individuals in this force area received FPNs at a lower rate than White individuals.

Once an individual's force of residence was factored into the analysis, disparity rates were lower for almost all forces. North Yorkshire saw the biggest reduction using this method, falling from a disparity rate of 5.6 to 0.9. Other area showed a disparity rate of less than 1 when basing it on area of residence of the individual fined (e.g. Cheshire and Merseyside). The rate in Cumbria reduced from 6.5 to 4.0 while other forces saw little change in their disparity rates with, for example, Gwent having a disparity rate of 3.4 using the first approach and 3.3 with the second. In London, the disparity rate was 1, meaning there was no difference in the rate of FPNs received by White and BAME people. However, whilst disparity rates were generally lower for forces when using the second method, BAME people were still shown to be disproportionately represented compared with White people.

Chart 8 – Police force area breakdown - disparity in rates of FPNs issued to BAME individuals compared with White individuals, issuing force compared with resident force

Number greater than 1 signifies BAME group received an FPN at a higher rate compared with White group. 1 means no difference. Lower than 1 means BAME group received an FPN at a lower rate compared with White group.



(Issuing force: N=16,662, Resident force=16,991) Note: National totals slightly differ for the force of issue and resident force as BTP (342) and MoD (35) are excluded from the issuing force and figures for FPNs issued to Scotland (5) and Northern Ireland (43) are included in the issuing force figures but not the resident force figures.

Conclusions

The analysis presented above shows a complex picture around the police enforcement of the public health regulations introduced to prevent the spread of the Covid-19 Coronavirus. This is more so at police force level where a range of factors are likely to have had varied impacts in different areas.

It is apparent that police forces issued FPNs at varied rates. The data on its own cannot tell us whether that is due to different approaches to enforcement activity, possibly reflecting local context, or because observance of the regulations varied across the country.

Without data on the number and background characteristics of those individuals that the police engaged with policing the regulations we cannot directly assess the level of disproportionality in their enforcement. Instead we must rely on indirect measures by simply calculating sanctions based on the resident population. This also has limitations as it is known that even within PFAs, the geographical distribution of ethnic groups varies considerably, and lower-level geographical data would be useful to answer the disproportionality question.

This raises several questions which are not easily answered with the data available. For example, does the generally lower rate of FPNS in the metropolitan force areas reflect a more sensitive approach to the challenges of complying in built-up areas without as much access to private open space or was there simply better public compliance? Similarly, do the higher rates of enforcement in many of the force areas with beauty spots reflect a lower tolerance of the police of those in breach of the regulations? Were stops of vehicles simply based on information yielded from their number plates and not any profiling or stereotyping on the part of some officers?

These questions cannot be answered by this report. However, the findings suggest that there has been disproportionality in the issuing of FPNs. BAME people were issued with FPNs at a rate 1.6 to 1.7 times higher than for White people. However, analysis at PFA level shows the higher disparity rates previously suggested by Liberty have not considered the significant proportion of individuals issued with a fine in a different area from where they normally reside. Once this is considered levels of disparity were generally reduced.

During the analysis we have become aware of several limitations of the data including:

- weaknesses in the data collection which resulted in an initially large proportion of records with missing ethnicity data;
- even after the exercise carried out to improve the ethnicity data, some forces still had a relatively high level of records with missing ethnicity data; and,
- Inconsistent use of classification schemes to record the ethnicity across forces limiting the level of disaggregation that is possible.

Some of these may reflect the speed with which this new process was put in place following the implementation of these unprecedented new powers. However, we suggest there should be a data improvement strand in the plan of action that the NPCC has recently announced[15] and that will examine concerns about racial inequalities in policing.

[15] https://news.npcc.police.uk/releases/police-determined-to-tackle-inequalities-and-injustices

Methodology

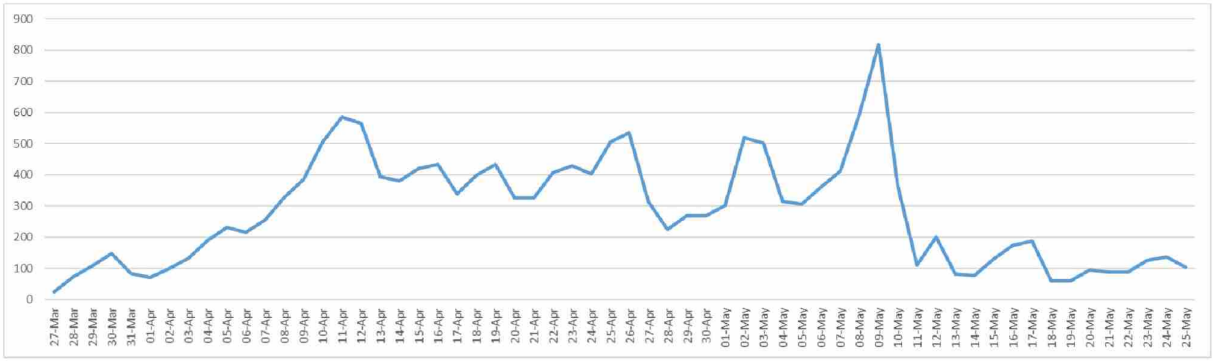
Background

Individual record-level data was extracted by the ACRO Criminal Records Office from their central database of all individuals issued with a Fixed Penalty Notice (FPN) under the Health Protection (Coronavirus Restrictions) Regulations between 27th March and 25th May 2020. The cut of data provided by ACRO was taken on 8th June. Before supplying data to analysts in the Government Statistical Service (GSS), personal data fields were removed to ensure the data was anonymised and individuals could not be identified.

Between 27th March[16] and 25th May, 17,039 fines were issued by forces in England and Wales (including MoD and BTP). Guidance issued by the NPCC and the College of Policing stated that an FPN should only be issued as a last resort after attempting to Engage, Explain and Encourage.

Looking at the daily count of FPNs issued since 27th March, there was a steady increase in the first couple of weeks with some rises at the weekends in April, particularly the Easter Weekend. There was a peak in the Early May Bank Holiday and since there has been a significant drop in the number of fines issued, coinciding with the easing of lockdown restrictions.

Chart A1: FPNs issued by forces in England and Wales, 27th March to 25th May



When issuing a fine, officers were required to record the reason for issuing an FPN and could select more than one reason for doing so. Table A1 shows that the most common reason for issuing an FPN was for breaching rules around travel restrictions (75% of FPNs were issued for this reason). A quarter of FPNs were issued for gathering in a group of more than two people in public.

[16] Includes 3 FPNs issued to individuals prior to 27th March.

Table A1: FPNs issued to individuals by forces in England and Wales by reason of issue

Reason for issue	Number of FPNs
Contravene requirement as to restriction of movement during emergency period	12,814
Contravene requirement to not participate in a gathering in public of more than two people	4,201
Contravene a direction or fail to comply with instruction	2,445
Contravene requirement from a relevant person	468
Obstruct person carrying out a function under the regulations	285

Note: total number of reasons exceeds total number of FPNs issued as one fine can be given multiple reasons for being issued.

Only adults aged 18 and over were eligible to be issued a fine although it is possible that at the time of issuing an FPN, the age of an individual was not known. The dataset included 9 records that were for individuals aged between 16 and 17. Where an FPN was found to have been issued to an individual under the age of 18, the fine was subsequently cancelled.

Officers were also encouraged to record the ethnicity of an individual; individuals were asked to provide this information themselves but where this was not disclosed officers could provide an officer-perceived ethnicity. For several reasons, for example because an officer had to be urgently called away, ethnicity was not always recorded.

As police forces have their own systems and codes for recording ethnicity, we grouped codes into the ethnicity categories used for the 2016 mid-year population estimates:

White

- English / Welsh /Scottish / Northern Irish / British
- All Other White: Irish / Gypsy or Traveller / Other White

Mixed / Multiple ethnic groups

- White and Black Caribbean / White and Black African / White and Asian / Other Mixed

Asian / Asian British and Chinese

- Asian British / Indian / Pakistani / Bangladeshi / Chinese / Other Asian

Black / African / Caribbean / Black British

- Black British / Black African / Black Caribbean / Other Black

Other ethnic group

- Arab / Any other ethnic group

Given the apparently high level of missing ethnicity data as shown in the initial reporting by NPCC (around 23%-25%), ACRO undertook an exercise to reduce the volume of missing data. This included ACRO double-checking FPNs submitted by forces to see if the ethnicity field had been completed but not captured in the processing of the form and to ask forces to review their own records to retrieve information where it was available. This led to a reduction of missing data to 5% of all records.

Data preparation Postcode matching exercise

On receipt of the data, GSS analysts undertook a series of checks for missing/incomplete and erroneous data liaising with the data suppliers at ACRO to resolve issues.

Postcode data were downloaded from the ONS Geoportal.
https://geoportal.statistics.gov.uk/datasets/national-statistics-postcode-lookup-may-2020

Using a lookup, these were mapped onto Police Force Areas (PFA) and then postcodes of individual records were matched to PFAs. Once this step was completed, records where the match failed were manually reviewed. Most of these were a result of a mistake in the keying of the postcode which could be easily corrected. After this there remained a small number of records where it was not possible to identify with confidence which PFA it should be assigned to. GSS analysts asked ACRO to look up these missing records on their database to identify the PFA based on the full address. This resulted in all records being assigned to a resident PFA.

Obtaining population estimates

Data source: mid-2016 residential population (all ages) – obtained from the ONS website here:
https://www.ons.gov.uk/peoplepopulationandcommunity/populationandmigration/populationestimates/datasets/populationcharacteristicsresearchtables.

Estimates are provided at local authority (LA) level with ethnicity breakdowns. Figures compiled using Annual Population Survey estimates.

- Estimates are rounded to the nearest thousand.
- 'Chinese' has been included in 'Asian' therefore all estimates for 'Chinese' in this analysis are included in the 'Asian' category. This follows the Government Statistical Service 'Harmonised Principles[17]'. Only 4% of FPNs in the Asian group were recorded with an ethnicity of 'Chinese'.
- Due to small sample sizes, some LAs were assigned an 'N/a' for disclosure control purposes.
- HO statisticians created estimates for police force areas (PFAs) by building up estimates from LA level.

It should be noted that the ONS 2016 ethnic group population estimates are based on the whole resident population as age-breakdowns have not been published by ONS.

[17] https://gss.civilservice.gov.uk/wp-content/uploads/2019/04/Ethnic-Group-June-17.pdf

Analysis of disproportionality

In assessing disproportionality, we have analysed the data in several ways:

1. Disproportionality by issuing force for:
    a. residents only
    b. non-residents
    c. both

Disproportionality by PFA of residence - While we have provided PFA breakdowns on the same basis, it should be noted this provides a measure of the extent to which residents of that area experienced any disproportionality in the issuing of fines by the whole service rather than by that individual force.

Quality assurance

Each stage of the data preparation and analysis process has been checked by an independent analyst.

The methodology has been peer reviewed by an independent statistician and a draft report peer reviewed by 3 independent analysts.

Limitations

Population data

The 2016 population estimates (PES)[18] used in this analysis were developed by the ONS to provide more up to date religion and ethnicity population estimates as the last available statistics are from the 2011 Census which are generally acknowledged to no longer reflect the current ethnic distribution.

Comparing to the latest ONS mid-year population estimates (2019), since the 2011 Census the total population in England and Wales has increased by 6%. However, these were designated as research outputs and not Official Statistics owing to concerns about their quality.

The 2016 PES are produced using the Annual Population Survey (which is the Labour Force Survey plus various sample boosts), the mid-year population estimates and 2011 Census, using the method described in the accompanying research paper produced by the ONS[19].

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18 https://www.ons.gov.uk/peoplepopulationandcommunity/populationandmigration/populationestimates/datasets/populationcharacteristicsresearchtables.

19 https://www.ons.gov.uk/peoplepopulationandcommunity/populationandmigration/populationestimates/methodologies/researchreportonpopulationestimatesbycharacteristics

It is noted that the 2016 PES are robust at National and County level however, due to low/zero estimates at local authority level, caution should be taken when interpreting the data for lower geographies[20]. City of London (CoL) estimates have been included in the total London figures due to small sample sizes for CoL.

Other factors

This analysis has not looked at the interaction between age and race as the 2016 population data do not have age breakdowns. The 2019 APS data showed that BAME populations tend to have a younger profile compared with White populations.

Table A2: Age distribution in England and Wales, by ethnic group, 2019 Annual Population Survey estimates

	White	Black	Asian (incl. Chinese)	Mixed	Other
0-17	19%	31%	30%	56%	28%
18-24	8%	10%	11%	11%	11%
25-34	13%	14%	16%	11%	19%
35-44	12%	15%	19%	11%	18%
45-54	14%	14%	13%	7%	14%
55-64	13%	10%	6%	3%	7%
65+	20%	6%	5%	1%	4%

As stated in the main report, men, especially those aged below 45, were disproportionately represented amongst those who were issued with an FPN (accounting for 70% of all FPNs issued yet they only comprise 22% of the population). Given that BAME populations tend to be younger than the White population, this may account for some of the disproportionality seen in the data. However, in the data that we have used to calculate rates it has not been possible to separate age and ethnicity at PFA level. The resulting lack of age-standardised rates in the analysis is a significant limitation.

[20] Estimates provided in the tables are individually rounded to the nearest thousand. Totals may not add exactly due to this rounding. Values shown as zero may be values less than 500 which have been rounded to zero rather than true zeroes.