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Police Use of Covid-19 Fixed Penalty Notices in Scotland

Trends in enforcement from March 2020 to May 2021

¹Dr Victoria Gorton, ²Dr Ben Matthews,

¹Professor Susan McVie and ¹Dr Kath Murray

¹Edinburgh Law School, University of Edinburgh

²Faculty of Social Sciences, University of Stirling

3 Profile of FPNs issued in Scotland

3.1 Overall use of enforcement

The number of FPNs issued under the Regulations in Scotland was relatively small in comparison to other types of policing activity.

Between March 2020 and May 2021, Police Scotland data show that 20,410 FPNs were issued under the Regulations. This is around three times higher than the number of police FPNs issued for anti-social behaviour during the year prior to the pandemic (see McVie 2022). However, it is relatively small when compared to other types of policing activity. For example, the police recorded just under 150,000 Covid-related interventions on the CVI system, and around 570,000 crimes and offences, over the same time period.¹⁷ Moreover, it means that less than 0.5% of the adult population in Scotland was issued with an FPN, which reflects a high level of public compliance with the public health Regulations.

Looking in more detail at the data recorded on the CVI system, Figure 3, shows the majority (84.6%) of interventions involved use of dispersal powers, with members of the public either being ‘informed’ of the public health risks by police officers (64.4%) or being ‘instructed’ to comply with the rules (20.2%). A further 3.2% of interventions involved the ‘removal’ of a person from a place or premises (e.g., being escorted from a location or taken home).

These three types of intervention broadly conform to the first three of the ‘Four Es’ Strategy (i.e., engagement, explanation and encouragement), which was widely adopted by UK police forces during the pandemic.¹⁸ Only one in eight (12.3%) interventions recorded on the CVI involved use of the Fourth E (i.e., enforcement). Use of an FPN represented 11.6% of all recorded interventions, while less than 1% involved use of arrest. This indicates that, even when enforcement was used, the vast majority of incidents (94.6%) involved use of a financial penalty that does not count as a criminal conviction.

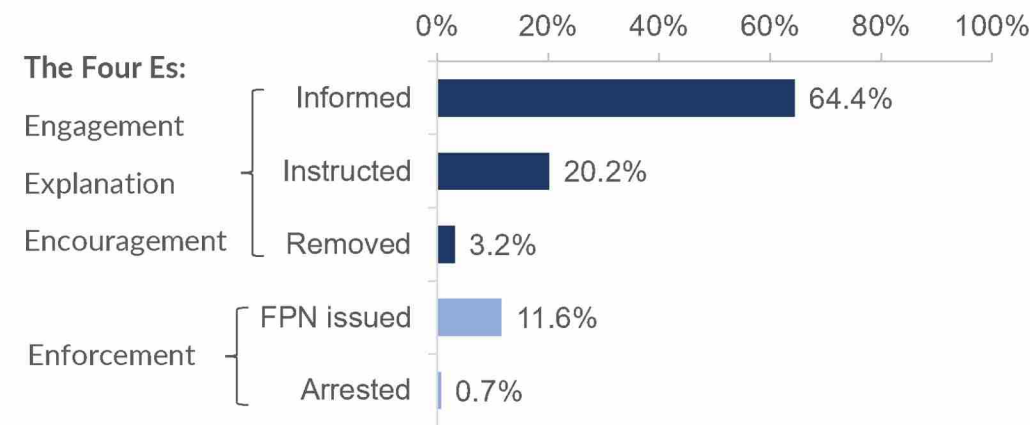


Figure 3: Interventions recorded on the CVI system in Scotland and the Four Es categories, 27 May 2020 to 31 May 2021 (n=145,544)

¹⁷ For CVI data, see <https://www.scotland.police.uk/about-us/covid-19-police-scotland-response/enforcement-and-response-data/>. For recorded crimes and offences, see Monthly Official Statistics on Recorded Crime in Scotland (March 2020 – May 2021): <https://www.gov.scot/collections/recorded-crime-in-scotland/>.

¹⁸ The 4Es Strategy was based on guidance issued by the NPCC and College of Policing during the first UK lockdown.

nature and length of the restrictions being placed on the population²⁹ and the further tightening of restrictions across some council areas in November, makes it probable that the age profile of FPNs during phase three was representative of a much wider problem of growing non-compliance within the population, especially amongst younger people.

As noted earlier, the re-introduction of lockdown measures across Scotland in January 2021 was accompanied by a sharp increase in the use of enforcement. There was a slight shift in the age profile at this time; for example, the proportion of FPNs issued to people 16-20 fell from 39.0% in phase three to 32.2% in phase four, while those in the 31-40 age group saw a five-fold increase in fines compared to phase three. Reports suggest that police officers were finding that breaches of the Regulations were more common amongst the population during this phase of the pandemic (HMICS 2021); however, the overall age profile remained fairly stable, with younger people continuing to be most likely to receive an FPN.

4.2 Ethnicity of FPN recipients

The vast majority of FPNs were issued to people from White ethnic groups, although estimated rates per capita were marginally higher for Ethnic minority groups.

In the majority of cases, Police Scotland data contains information about the self-reported ethnic group of individuals issued with an FPN. Figure 11 shows that the vast majority (92.3%) of FPNs were issued to people from White (including White minorities) ethnic groups. This is slightly lower than the most recent population estimates, which show that 94.3% of the Scottish population is White (including White minorities).³⁰ The remaining 7.7% of FPNs were issued to people from an Ethnic minority group (excluding White minorities), although this reflects only around 0.01% of the Scottish population aged 18 and over.

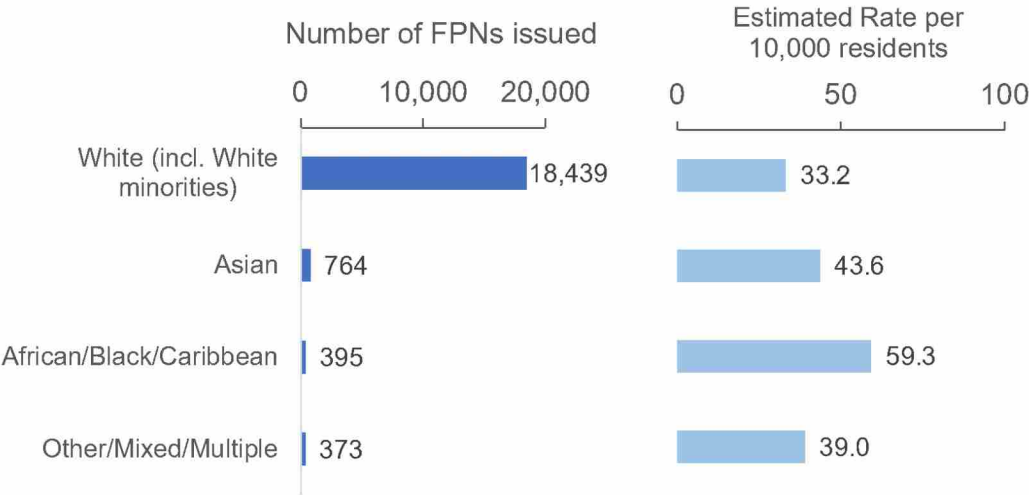


Figure 11: Number and estimated rate of FPNs by ethnic group in Scotland, 27 March 2020 to 31 May 2021.³¹

²⁹ Scott Macnab, The Scotsman (9th September 2020) [Scotland faces growing public ‘unrest’ over Covid lockdown, MSPs warned.](#)
³⁰ Population comparisons and rates by ethnicity were based on estimates from the 2020 Annual Population Survey, provided on request by the National Records of Scotland. Note that it was not possible to conduct analysis for any specific ethnic groups within these four broad categories. Please note that we use ONS guidance on language for describing ethnic groups: see <https://style.ons.gov.uk/house-style/race-and-ethnicity/>.

³¹ For methodological notes on this figure, see Appendix 2 – Table 7.