From the 'usual' to the 'unusual' suspects: How Covid-19 changed policing in Scotland

Professor Susan McVie
Dr Vicky Gorton & Dr Kath Murray, University of Edinburgh
Dr Ben Matthews, University of Stirling

9th September 2022

Introduction

- In March 2020, UK police forces were given extraordinary temporary new powers of enforcement "to reduce the spread of coronavirus, protect the NHS and save lives" (Home Office & Priti Patel MP, 26 March 2020)

- Policing demand changed overnight in several substantial ways and officers were required to police normally law abiding behaviours

- The impact on policing demand (priorities, approaches and resources) re-shaped aspects of policy and practice with both positive and negative consequences

- In Scotland, scrutiny was provided by the Scottish Police Authority's Independent Advisory Group (IAG) on Police Use of Temporary Powers related to the Coronavirus Crisis, supported by the OpTICAL Group

Covid-19 data reports on policing in Scotland

Challenges around policing 'demand'

- Policing demand is the "actions expected of the police with the goal of maintaining safety and public order" (Laufs et al, 2020)

- 3 main types of demand (NPCC 2017):
  - Reactive/public
  - Organisational (internal/external)
  - Protective

- Change over time, space and place & the population of interest
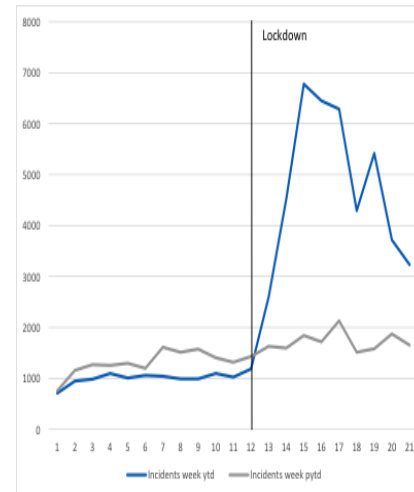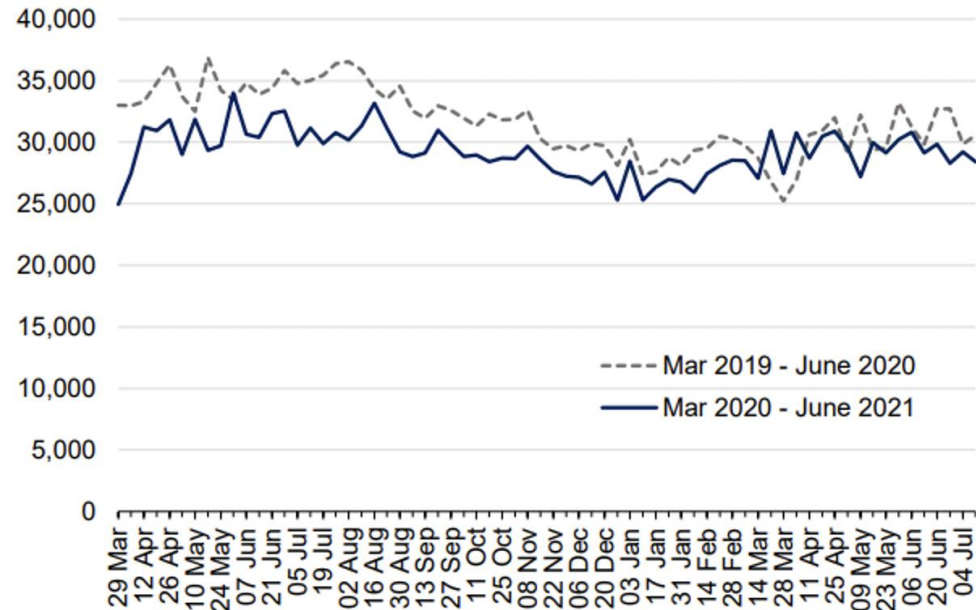
Reactive/public demand

Reductions across most crime and offence groups except violence and 'other crimes', with a substantial increase in cyber-enabled crime
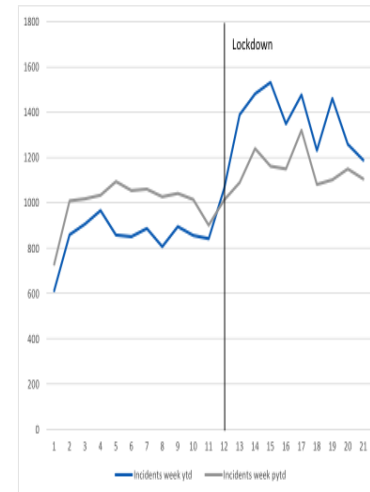

% change in police recorded crimes and offences
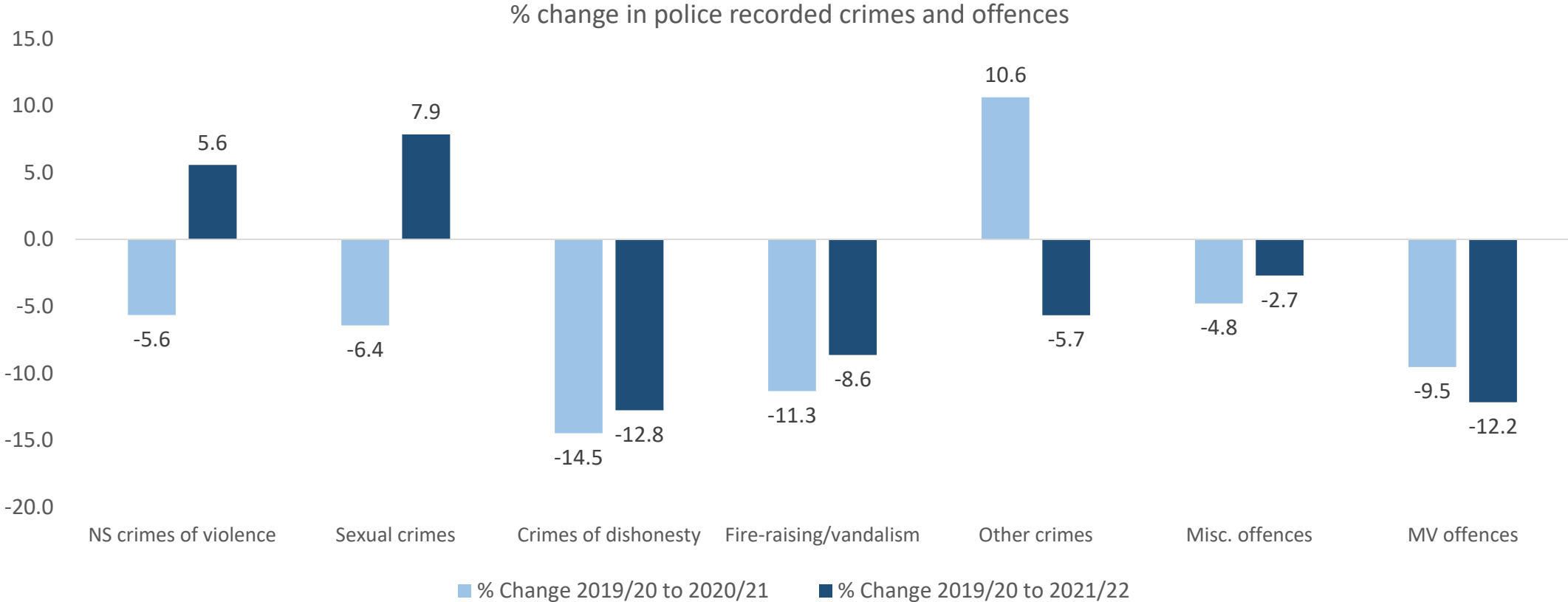
Data source: Scottish Government (2022) Recorded Crime in Scotland, 2021-2022

Fewer than usual recorded incidents, but a sharp increase in complaints from the public (about anti-social acts, noise and nuisance in residential areas) and rising demand in relation to vulnerability (especially mental health)

Public nuisance

Noise

Neighbour disputes

Data source : Police Scotland Management Data; McVie, Morales and Pantoja (2020) Interim data report
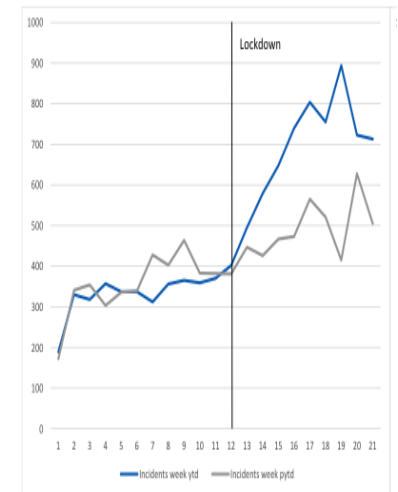
Police Scotland's 'Coronavirus Intervention System' measured around 150,000 encounters with the public in Scotland under 'Operation Talla'

Erratic policing pattern during first lockdown, with periodic spikes in activity, but more regular weekly pattern thereafter

Data source : Police Scotland CVI system data
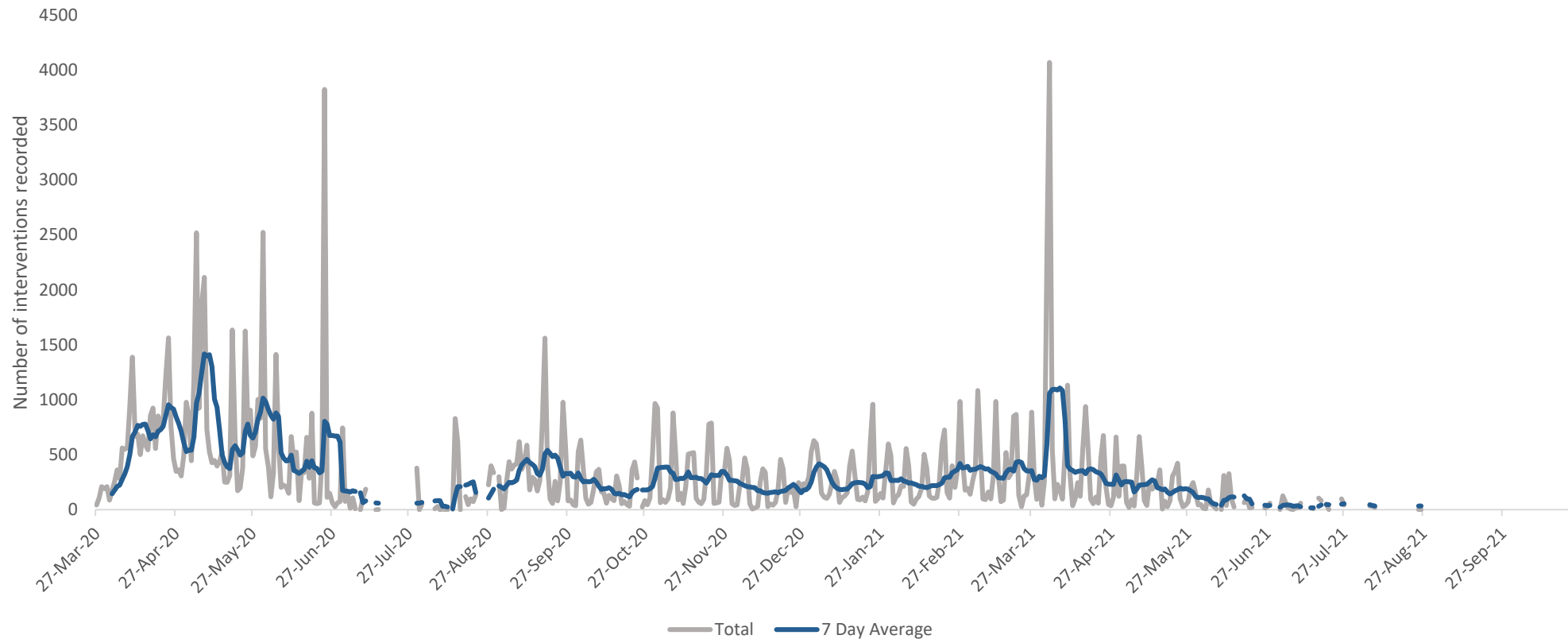
Police use of the '4Es Approach' (engagement, explanation, encouragement and, as a last resort, enforcement) limited the number of fines and arrests, although this varied over time
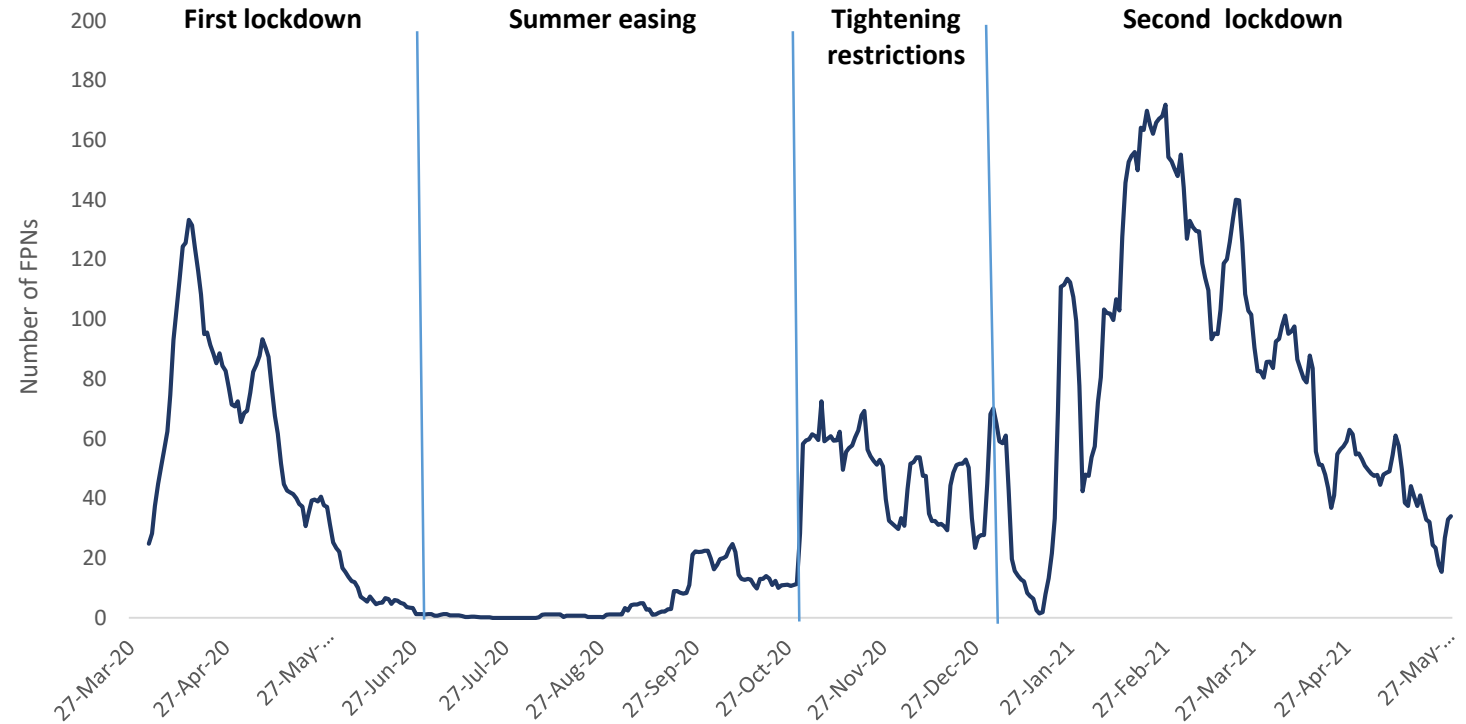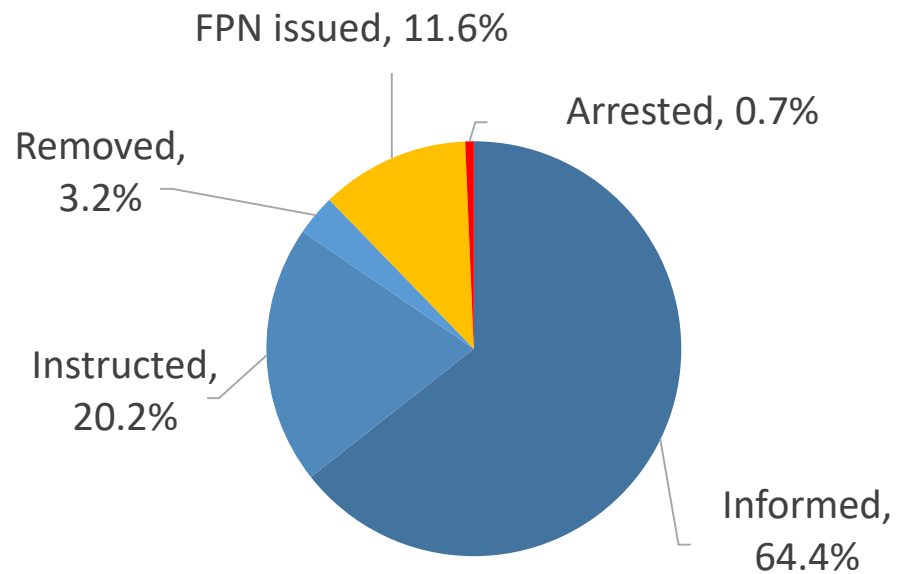
Periods of significant public health concern spurred demand for more enforcement

Waning compliance over time across the UK, especially amongst younger people

"There has been a greater incidence of individuals interpreting the rules to suit their own ends." (HMICS 2021)

Data source : Police Scotland CVI system data
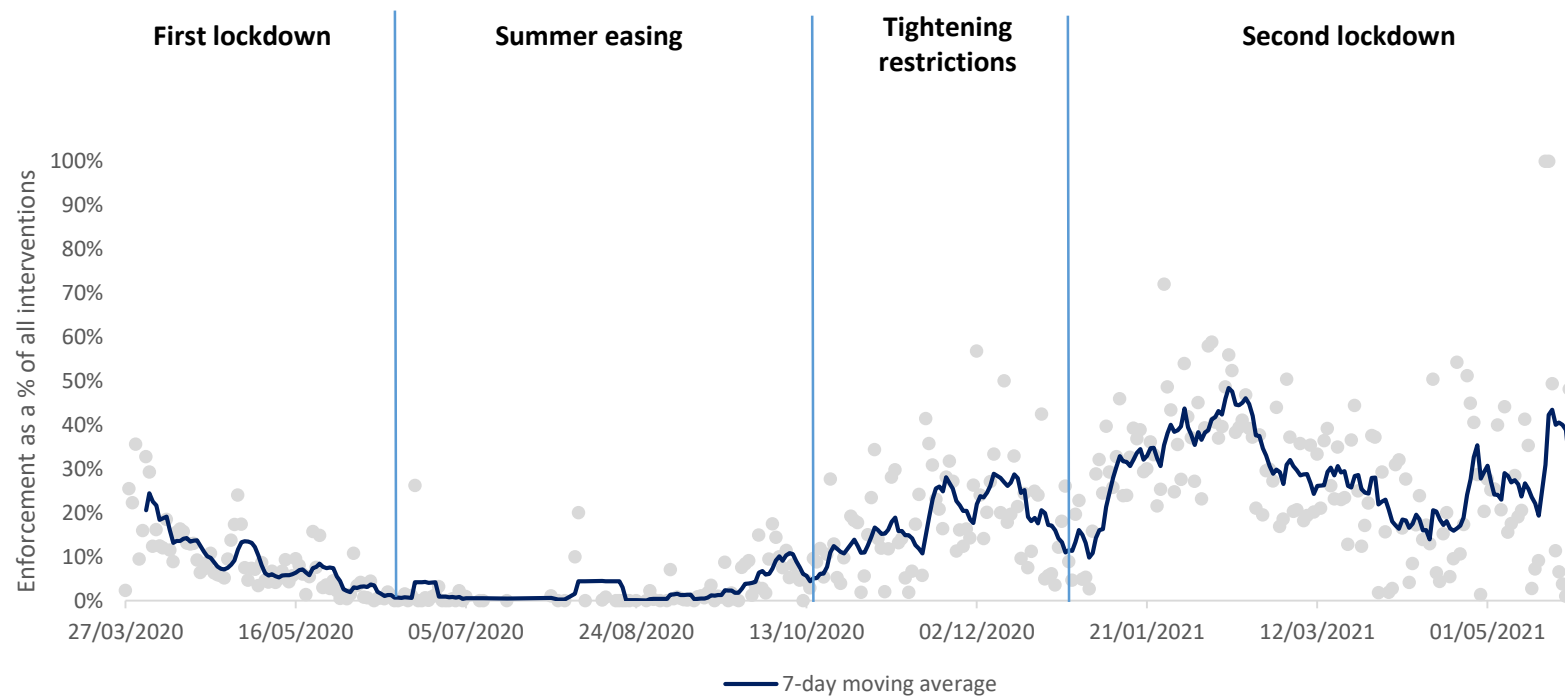
Shifting temporal and spatial patterns of police enforcement over the pandemic, but a gradual return to more routine pattern of policing activity (BAU)

Outdoors → Indoors
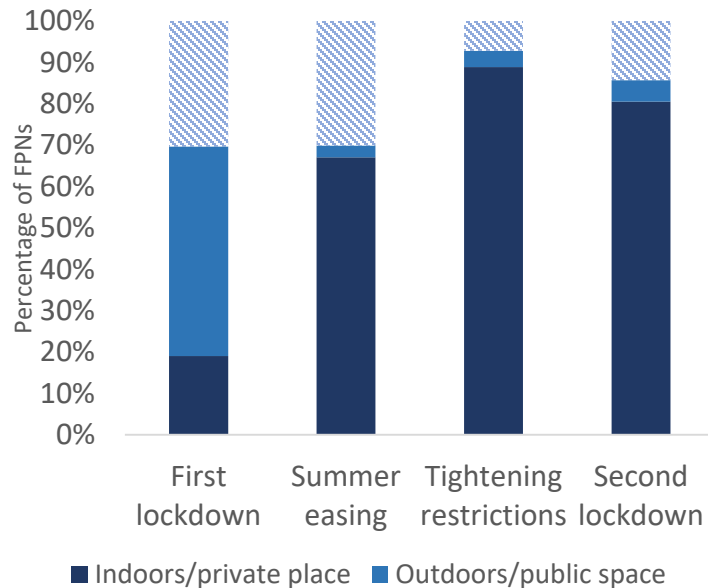
Rural → Urban

Day time → Night time

Data source : Police Scotland FPN data; Gorton et al (2022) Police use of Covid-19 FPNs in Scotland: March 2020 to May 2021
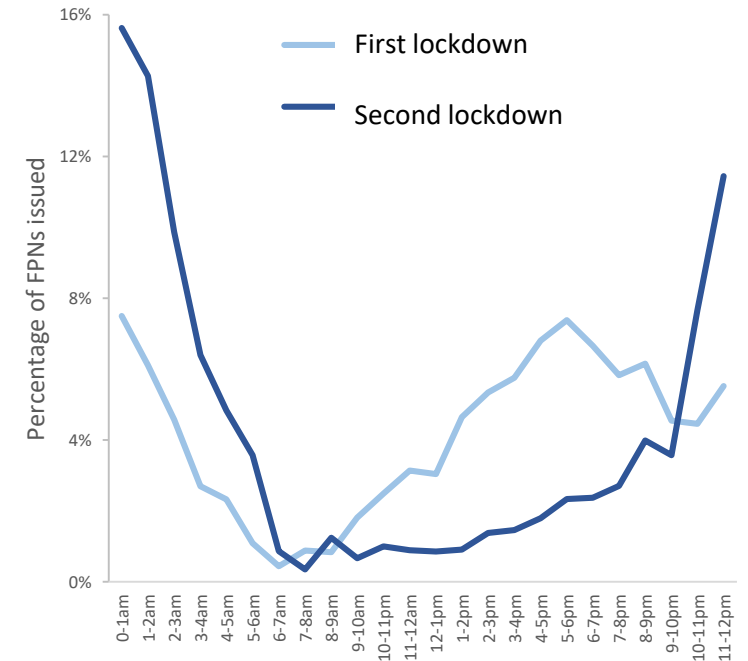
Changing profile of who was creating demand as compliance waned, with a shift in enforcement from the 'usual' to the 'unusual' suspects

More young people

Percentage of all FPNs issued by age

51+
41-50
31-40
26-30
21-25
16-20

First lockdown, Summer easing, Tightening restrictions, Second lockdown
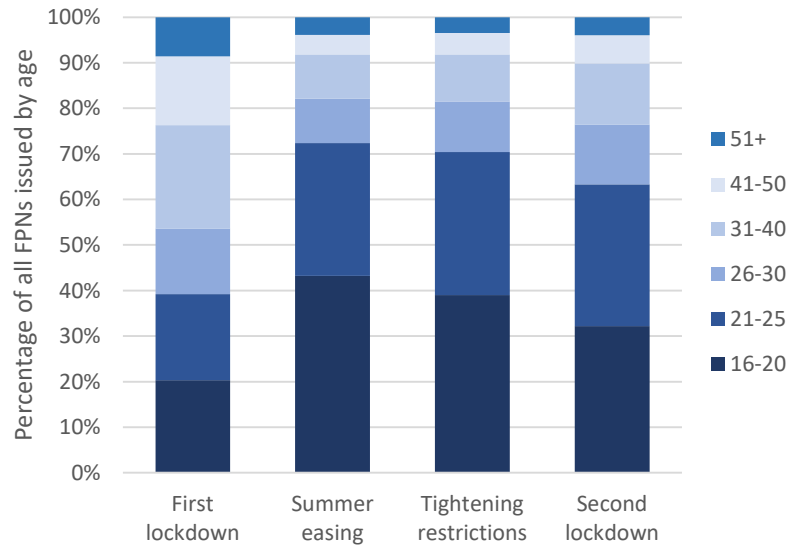
Fewer people with a prior criminal history

% of FPNs to people with a criminal history

- First lockdown: 73%
- Summer easing: 52%
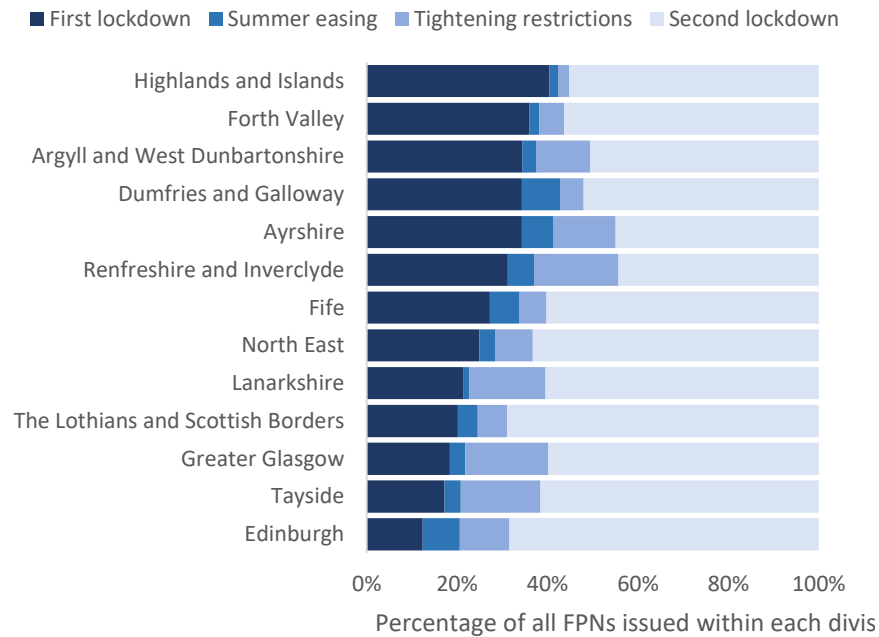- Tightening restrictions: 46%
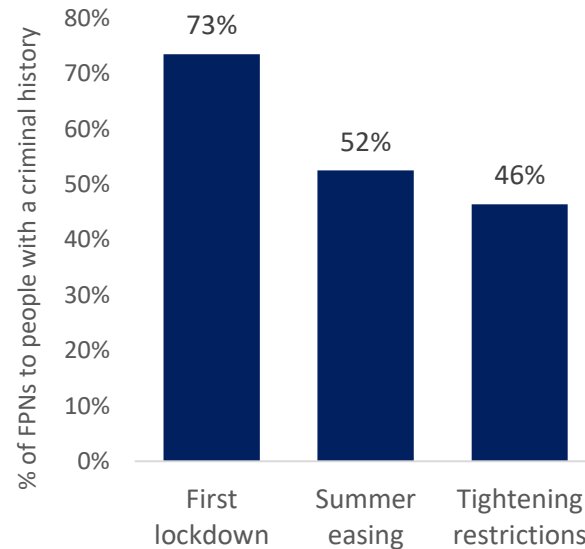
More people from affluent communities

Percentage of FPNs issued

First lockdown (Mar-Jun 2020)

32.8%, 19.7%, 12.8%, 9.8%, 6.6%, 5.3%, 4.2%, 3.3%, 2.8%, 2.6%

Second lockdown (Jan-May 2021)

19.0%, 13.5%, 11.0%, 9.2%, 7.8%, 6.4%, 7.6%, 6.9%, 7.8%, 10.7%

1 2 3 4 5 6 7 8 9 10

Data source : Police Scotland FPN data; McVie (2021); Gorton et al (2022)
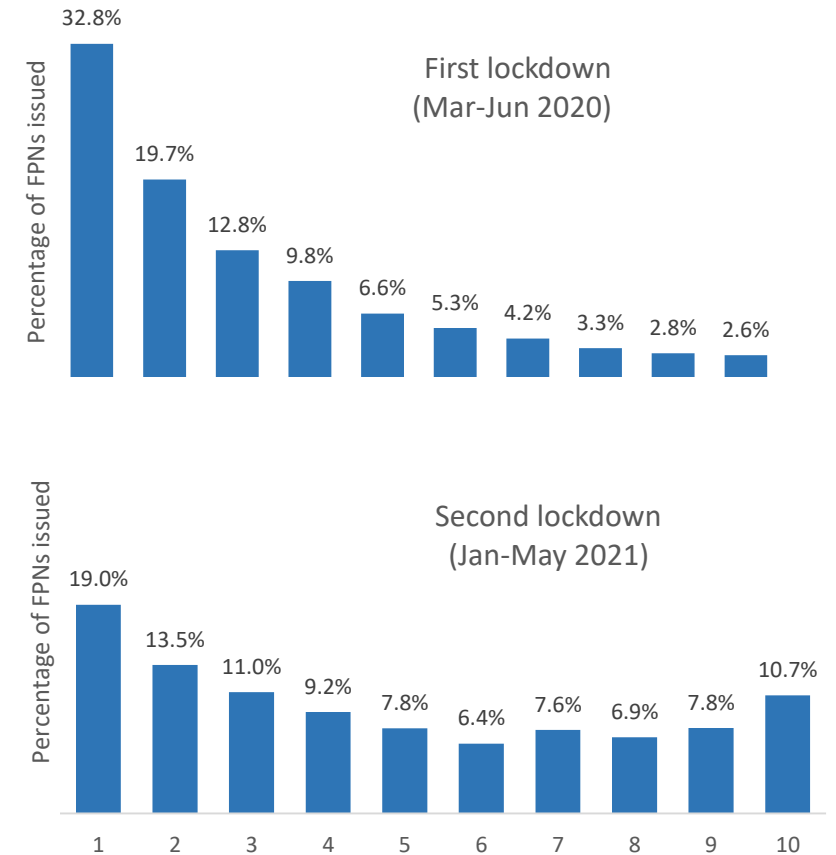
Accidental and/or minor rule-breakers

"*you are dealing with good people who might otherwise would never have really come into contact with the police unless they were victims of crime. So when you were going through your engagement and explanation the majority just held their hands up.*" (Officer A)

Vulnerable populations

Older people, children in care, mental health, substance use, loneliness.

The usual suspects: previous police contact

"*there's a group of people that obviously exist who don't abide by normal society rules. To them it makes no difference.*" (Officer B)

The unusual suspects: affluent areas, professionals, students

"*We were going to housing estates that we would normally go to for somebody reporting a crime, if you know what I mean. Very expensive houses, very nice areas that normally you would only be there because there's been a crime against the householder.*" (Officer C)

"*These [students] are bright young people, never normally be in contact with the police, but they were the main offenders during this unfortunately.*" (Officer D)

Most FPNs issued to white people born in the UK, although population rates show some disparity by ethnic group and country of birth

Rate per 10,000 people

Rate per 10.000 people

White (including white minorities) Ethnic minority

UK born EU born Rest of world
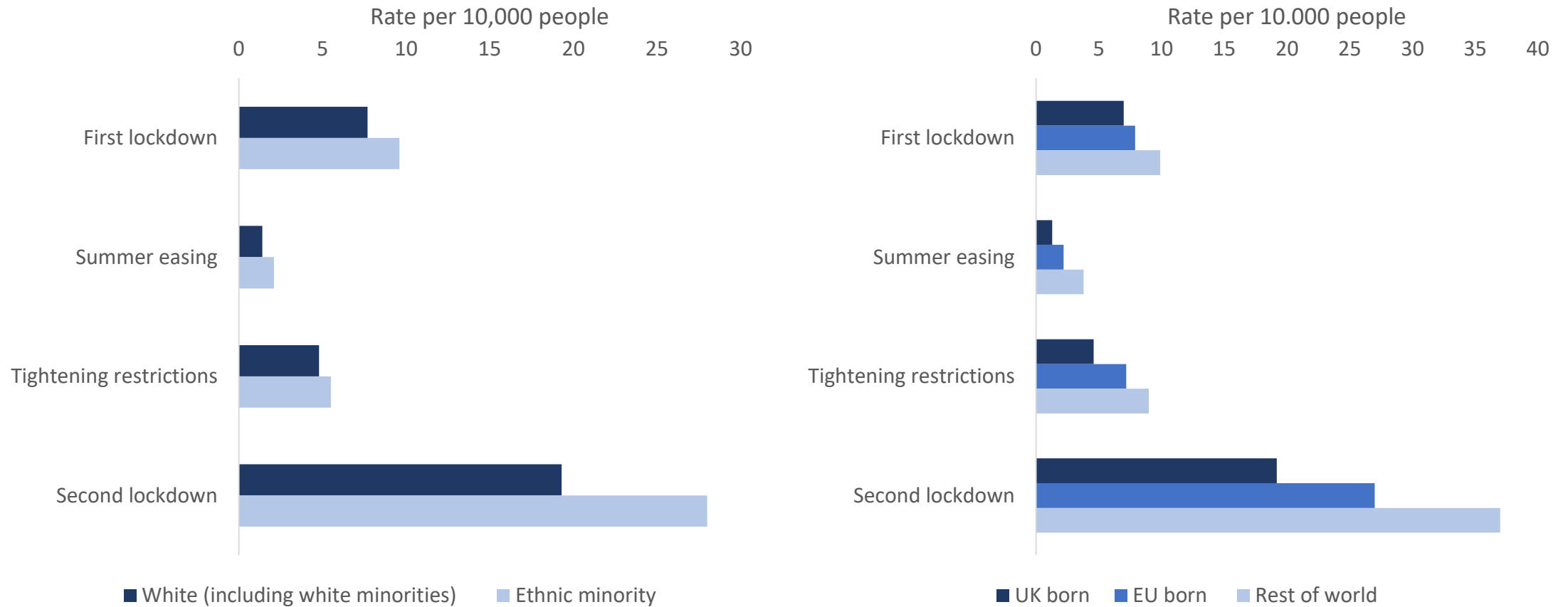
Organisational demand

Officer training, briefing, supervision and guidance

"There has been no "trainer-led" training provided in relation to the new powers: information has been cascaded via briefings and these have often been by email or in PowerPoint form, relying on self-briefing. On some occasions the briefings have been conducted by supervisory officers face-to-face, however that has been in dependent on the physical working arrangements of that area alongside current guidance.

Some expressed a view that cascading information too early in PowerPoint format was less helpful and often led to lots of "what if?" questions… Many stated that having ready access to officers and staff with a more in-depth understanding of the legislation and powers would have been helpful.

Dependent on their role, some officers and staff had more time available to digest the information, re-reading it on several occasions to ensure they understood. Those officers in response roles did not have the same opportunity, as they were often sent to calls as soon as they had been briefed." (HMICS 2020)

Speed, frequency and complexity of regulatory change

"… the appearance of new criminal laws in this way is reminiscent of a rabbit being pulled from a magician's hat." (Hickman 2020)

> The Regulations also set out that children under the age of 12 do not count towards the 6 person limit for indoor gatherings in public places, such as restaurants. However, they do count towards the 2 household limit in these settings. When gathering outdoors, children under the age of 12 do not count towards the 2 household or 6 person limit in order to allow children to benefit from outdoor play. These regulations also allow young people aged 12 to 17 to meet up in groups of up to 6 at a time outdoors without being subject to the 2 household limit. If an outdoor gathering only consists of some children under 12 and some children aged 12 to 17 then the 6 person limit will apply to the entire gathering. (Scottish Government Policy Note)

"It was hard even for us to keep up with what the regulations were, they were changing that often. Especially when it got to the tier system, they were changing almost weekly, daily." (Officer E)

"We didn't know whether we were coming or going, and I'll be upfront with you, my staff were coming to me for guidance and I was struggling to… give them the answer." (Officer F)

Confusing and inconsistent messaging

"...the provision of non-statutory government guidance blurred the lines between what were legally enforceable 'rules' and what was only 'advice'. For example, guidance stating that outdoor exercise was limited to once a day was widely reported as a rule in England and Scotland, but the statutory restriction only applied in Wales." (Gorton, McVie and Murray, 2022)

"Public messaging from constabularies in England and Wales has been, at times, contradictory and confusing and some of that confusion has filtered through to Scotland. The approach of Police Scotland in public statements has been to emphasise 'common sense' as the key guiding principle rather than detailed guidance. The absence of detailed guidance in Scotland has no doubt prompted some questions here that may have been answered in England, and created particular difficulties for some, but Police Scotland have not had to issue the number of "clarifications" that have been a feature of communications in England and Wales." (John Scott QC 2020)

"By far the strongest theme to emerge is the importance of a clear, consistent and well communicated policing approach for both the public and police to understand, and thereby support the public health objectives." (HMICS 2020)

Introduction of well meaning but unenforceable rules

- **Quarantine laws:**

"Police Scotland's role …(is) very much a backstop" ([Chief Constable, June 2020](#))

"Police Scotland does not have a proactive policing role when individuals are [self-isolating] in Scotland." ([Scottish Government, June 2020](#))

- **Travel restrictions:**

Cross border travel banned in November 2020 between Scotland and England

"We have been very clear that we will not be routinely stopping vehicles or setting up roadblocks." ([ACC Alan Speirs, 19 Dec 2020](#))

Dealing with and responding to calls

- New approaches to screening calls by Contact, Command and Control (C3)
- Introduction of a new online reporting system for Covid
- Force-wide roll out of the new Contact Assessment Model (CAM)

"The THRIVE assessment was also adapted to include questions regarding householders who may be vulnerable, shielding or displaying Covid-19 symptoms, in order to assess the appropriate response. A limited attendance policy was introduced to ensure, following risk assessment, that officers only attended where absolutely necessary and otherwise calls were resolved remotely by service advisors or the Resolution Teams." (HMICS 2021)

- Challenges in terms of forecasting demand due to unpredictability of government messaging & disruptions to typical seasonal demand

Staff wellbeing, morale and absence

"The impact of staff absences either due to officers contracting Covid-19 or having to self-isolate has been considerable at times. One supervisor advised that the mental health of some officers had suffered and there were currently waiting lists for counselling to be received." (HMICS 2021)

"Frontline officers felt disappointed they had not been prioritised for the vaccination programme, given their front facing role in keeping the public safe." (HMICS 2021)

"It was very scary... I remember coming home at the very beginning, coming home, pretty much de-kitting at the front door, putting all my stuff into a pillow case and then chucking it into the washing machine. ... 'God am I bringing this home to the kids? Am I going to be okay hugging them? Am I okay sharing bathrooms and things with them?' (Officer G)

"..we were not first to get PPE, we were not the first to get our vaccinations, we were not the first to be protected in anyway whatsoever... I have to be honest, I felt really, really vulnerable quite honestly." (Officer H)

Total Absence (5th March 2020 – 11th May 2022)

Total Absence Levels Line Graph – Comparison of this year to previous two years.
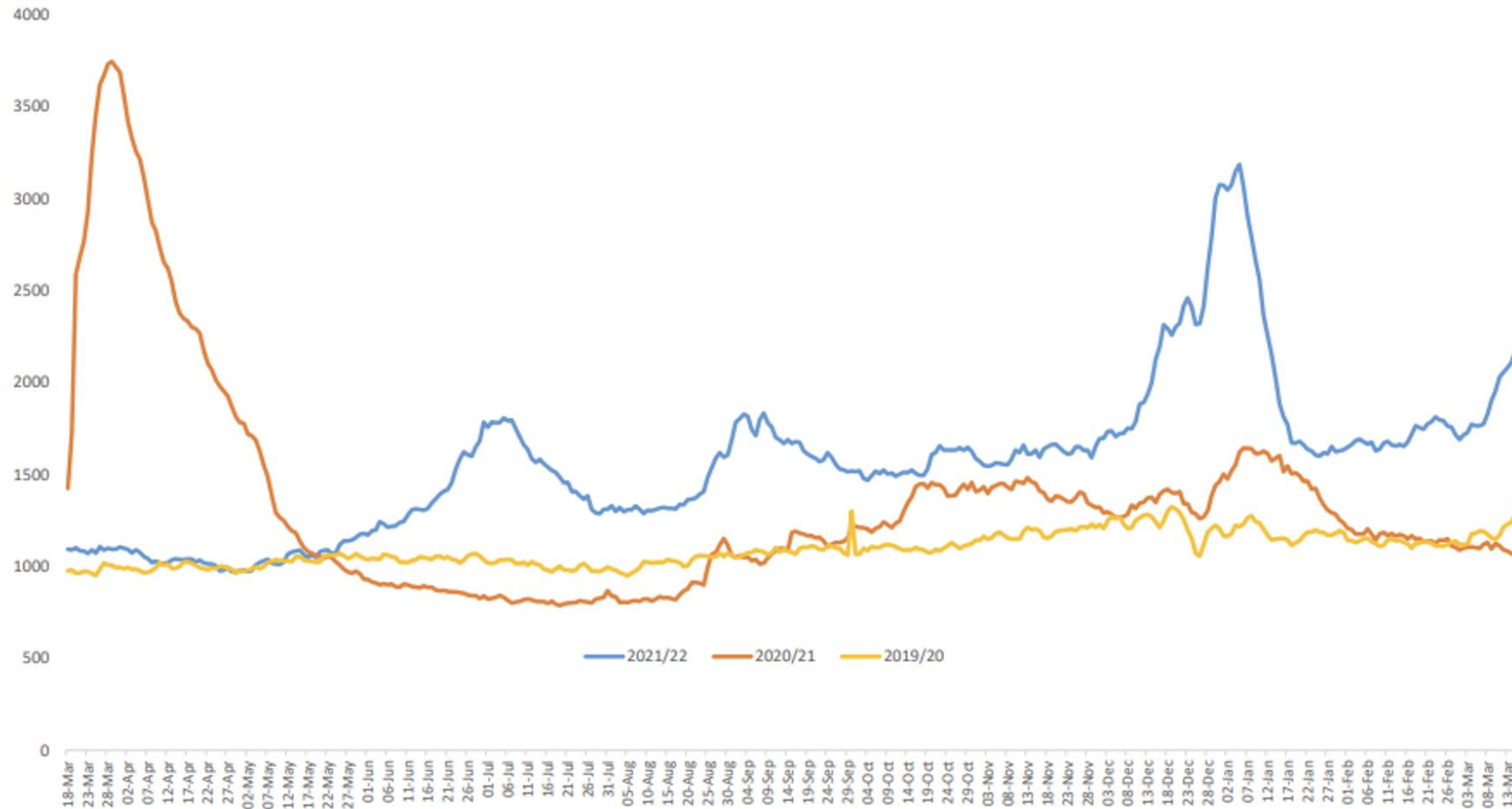
"Policing resources are perilously low at the best of times and Police Scotland just can't sustain these levels of absence without cutting back on its range of activities." (David Hamilton, SPF, 2021)

Insights and implications

- Pandemic created dramatic shifts in demand and shocks to stochastic patterns of calls, incidents & crime

- Police Scotland demonstrated speed and flexibility in responding to change across all areas of demand

- Technology created opportunities for measuring and meeting demand, but also led to rising demand

- External failure demand placed additional (unforeseeable?) demand on policing → action is needed to support fragile interconnections between public and third sector services

- Officers faced severe and unique challenges which may have long term impacts on health, wellbeing and staff retention → need for future planning around resilience, PPE and vaccination

- The will of the people to endure long-term restrictions cannot be taken for granted and raises questions about legitimacy and 'policing by consent' → demand for enforcement needs to be carefully considered and justified

- There has been no investigation into whether policing was instrumental in reducing the spread of the disease and saving lives (the stated aim of the new powers) → what was the true role of policing?

- The voice and experience of police officers are central to learning → ensure these are fed into public inquiries, future disaster planning and legislative change

For more information on ongoing research, contact: policingthepandemic@ed.ac.uk

www.law.ed.ac.uk/research/research-projects/policing-the-pandemic

Links to reports published today: https://edin.ac/3bpSJrW   https://edin.ac/3OTk8QI

References

Gorton, V., Matthews, B., McVie, S. and Murray, K. (2022) Police Use of COVID-19 Fixed Penalty Notices in Scotland: Trends in enforcement March 2020 to May 2021.

Hamilton, D. (13 December 2021) Police Scotland hit by deluge of coronavirus sick leave amid claims '700 officers absent'. Daily Record.

Hickman, T. (2020) Abracadabra La-making and Accountability to parliament for the Coronavirus Regulations. SSRN.

Home Office & Priti Patel (26 March 2020) Police given new powers and support to respond to coronavirus. Press Release.

HMICS. (2020) Independent Advisory Group Report on Interviews with Police Scotland Officers and Staff.

HMICS. (2021) Independent Advisory Group Report on Interviews with Police Scotland Officers and Staff – Phase II.

Laufs, J., Bowers, K., Birks, D. & Johnson, S.D. (2020) Understanding the concept of 'demand' in policing: a scoping review and resulting implications for demand management. Policing and Society. 31:8, 895-918.

McVie, S. (2021a) Second data report on Police Use of Fixed Penalty Notices under the Coronavirus Regulations in Scotland.

McVie, S., Morales, A.& Pantoja, F. (2020) Interim report on data for the Independent Advisory Group on Police Use of Temporary Powers related to the Coronavirus Crisis.

NPCC (2017) Better understanding demand – policing the future. Performance Management Coordination Committee Report.

Scottish Government (2022) Recorded Crime in Scotland, 2021-2022