

Every ticket tells a story

Police officer narratives of
using fixed penalty notices for
breaches of coronavirus
restrictions

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The Study

- Collaboration (Cheshire, Cumbria, GMP, Merseyside, West Yorks)
- Online interviews – March – June 2021
- 32 officers (91% Male, 75% White – British, 84% PC)
- Narrative approach – telling the story of an FPN

Every ticket tells a story

A report on interviews with police officers about issuing Fixed Penalty Notices for breaches of COVID-19 “lockdown” regulations



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Pandemic Policing in the UK: Findings from Co-POWeR and CoDE : Co-POWeR (leeds.ac.uk)

“increased police powers exacerbate harm to racially minoritised communities in the UK. According to Co-POWeR’s findings, poorly framed and specified COVID-19 rules (a fact agreed upon by the police itself) did nothing but contribute to their arbitrary and disproportionate use on – and further stigmatisation of – Black, Asian and minority ethnic families and communities. In the words of CoDE, lockdown conditions provided fertile ground for the (re)articulation of racist policing”

Officer views on ethnic disproportionality

“I don’t honestly believe that anyone, including any of my colleagues, would go out of their way to ticket an Asian person, or anybody else, I just think it’s rubbish, to be honest” (IV2)

BUT:

- Ready generalisations – "they" are more likely to offend, to be defiant...
- Visibility and availability - "they" stand out more, "they" live in poorer areas which are (obviously) more heavily policed
- **It’s culture/society – not us**

Key Findings

- Maintaining public approval/support (“policing by consent”) emphasised over reducing risk of virus transmission
- 4Es guidance underpinned and legitimised use of discretion to resolve discomfort and uncertainty and maintain public approval/support
- 4Es also encouraged a focus on individual situational compliance (“the attitude test”) which may have worked against some groups
- Approaching Covid regulations with a “business-as-usual” mindset meant some groups (“police property”) more exposed to enforcement

“Policing by consent”

- *“I think what’s important is ... our relationship with the public isn’t damaged, because the vast majority of the public support the police.” (IV19)*
- *“I would always try to be reasonable with people... same with motoring offences. I always take the attitude of if I can give someone an opportunity then they’re going to think much more favourably of me, and the police in general” (IV2)*

Discomfort

- *“you don't join the police to tell people they can't drink with their friends or their family or they can't go and see their mum” (IV13)*
- *“I've only given out two fines. Both with a heavy heart ... I know it's necessary but I don't particularly enjoy it because it doesn't make you popular. There's a lot of resentment and it becomes directed towards the police.” (IV11)*

The 4Es - Engage, Explain, Encourage, Enforce

- *“I think there was a bit of reluctance to enforce the law, I think we didn’t want to be seen to be too strict with people.” (IV15)*
- *“it was like we really wanted to keep everyone on side, but we didn’t even want to deal with people who I felt we should be dealing with” (IV6)*
- *“as a police officer, when someone commits a criminal offences they commit a criminal offence and they should be dealt with. I didn’t agree with the Four Es” (IV21)*

Performing compliance

- *“say someone was to ring in and say these people have got two or three people in their house, and you’d turn up and they’re not part of the support bubble or they’re not there for a valid reason, and we’ve said to them “you know you shouldn’t be here, go away, on your bike” and they’ve apologised and gone on their way and gone home, that’s it, you don’t get a fixed penalty notice” (IV10)*
- *“they were more than compliant. We were allowed access to the property immediately. Some people can challenge you on the doorstep, they all showed us their IDs, they were really compliant. There were no issues in terms of they spoke back to us, they were respectful, I suppose. And we watched them order the taxi and get into the taxi, so we were satisfied of the circumstances on that occasion.” (IV17)*

“Business-as-usual”

Implicit moral evaluations common

- Attitude - *“they weren’t bothered” (IV22) “their attitude was clearly I don't really care ...” (IV29) “they were quite cocky.” (IV7)*
- Dishonesty – *“claimed” “making it up” “the usual complete lying”*
- Implicit/explicit links made to non-Covid19 offending behaviour

"another tool in the toolbox" (IV15)

"I would say the majority of them that I've issued are to people who are known to the police. ... I can't think of anyone I've issued a Covid fixed penalty to who isn't known to the police already." (IV6)

"it was a good way of taking positive action in that circumstance, whereas before we might have struggled to enforce anything." (IV17)

"if I stopped four lads that I know are drug dealers I'd probably give them ... Covid fines." (IV20)

Not-without Covid

“[the car] flagged up as not being from the area, so we stopped it, spoke to the gentleman and his partner, ... lovely people, absolutely no issues with that at all, and they said ‘we know we shouldn’t be here. We decided to come for a walk’ ... we looked at his Sat Nav [and] it said that their journey to get back home was going to be four and a half hours.” (IV10)

Differential treatment? Perceptions of when you “need” to enforce

“if it gets to the point where you don’t need to enforce then I don’t think you should, personally” (IV2)

- **Young couple at family holiday cottage out of area of residence [told to leave in the morning, not fined]** *“I went there at 10 pm and said ‘you shouldn’t be here.’ She’s like ‘Yeah, yeah, you’re right, I’m sorry.’” (IV2).*
- **Young people smoking cannabis in car [given cannabis warning plus FPN]** *“when they’re openly saying ‘I know I’m in breach of the rules’, it’s very difficult to then try and explain and encourage them. If they know the rules there’s not much to explain to them, so it’s basically like you’ve admitted you’ve broken the rules so...” (IV2)*
- **Example of two older women having a sherry together in one of their homes** *“I’m unlikely to go back to Moira’s house to check that she’d definitely gone home” (IV15)*

Concluding observations

- Covid restrictions could not be equally policed – visibility and availability for intervention made some more vulnerable to policing
- Uncertainty and discomfort – discretion used to resolve this and protect relationship with so-called "law-abiding public" (framed as protecting "policing by consent")
- 4Es encouraged focus on short term, situational compliance rather than securing overall population compliance (and thus minimising risk of harm) through deterrence
- Use of powers as just "another tool", made some groups more vulnerable to FPN
- Officer evaluations of "attitude" and character of individuals likely to have played a part – perhaps more important than assessment of risk and harm

Implications/recommendations

- Covid FPNs should only have been used to achieve pandemic-related objectives. Their use as “another tool” is a gross abuse of these exceptional powers which could easily have been anticipated to affect some groups more than others.
- If discretion/selective enforcement is to be considered legitimate then it ought to be better understood. Further research and analysis should seek to understand circumstances in which police powers are used (e.g. proactive, reactive, incidental to a different matter) to understand blind spots that may insulate some societal groups from enforcement. → knowing that “availability” contributes to disproportionality should encourage a focus on the factors rendering different groups more or less “available” as well as on mitigating obvious inequalities.
- Consideration should be giving to reducing the discretionary coercive powers available to police. Should the police have been the first port of call at all? Did the police really “reduce the spread”? Not just a question we should ask in relation to pandemic powers but also all police powers (e.g. HMICFRS suggestion that should end stop and search for simple possession of drugs).

Thank-you for listening

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