Every ticket tells a story

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

Liz Turner, Mike Rowe and Scarlett Redman

University of Liverpool

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Acknowledgments

We would like to thank the police forces who agreed to work with us on this study and who supported the process of recruiting participants to the study.

We would also like to thank all the officers who generously agreed to take part in this study and share their thoughts and experiences.

Executive Summary

1. Introduction

1.1 Reports on the use of Covid-19 FPNs from the National Police Chiefs Council (NPCC) have highlighted disproportionality in relation to age, gender and ethnicity. Data to June 2021 indicate that the rate at which FPNs were issued to individuals from Black, Asian and Other ethnic backgrounds was between 1.8 and 2 times higher than for White individuals.

1.2 The research described in this report was conducted as part of a project developed during August 2020 as a collaboration between the University of Liverpool and 4 English police forces (Cheshire, Cumbria, Greater Manchester and West Yorkshire).

1.3 This report provides an analysis of 32 interviews conducted with serving police officers about their experiences of issuing Fixed Penalty Notices (FPNs) for breaches of COVID-19 "lockdown" regulations. The research aimed to explore the circumstances in which FPNs were being issued to shed light on any potential explanations as to why a disproportionate number of FPNs were issued to individuals from Black, Asian and Minority Ethnic (BAME) backgrounds.

1.4 We acknowledge that, as highlighted by the Sewell report, the term BAME has limitations and can obscure important differences between communities and their experiences. However, it has also played an important part in building solidarity between them to help confront racism in society and highlights common experiences of discrimination and disadvantage faced by all minority groups. It is also a term that is well-established within the police service and understood by police officers. As such we have used this term throughout this report, as well as more specific terms such as Black or Asian where appropriate.

2. Research Method

2.1 The central purpose of the research reported here was to elicit police officers' own narratives in relation to issuing COVID-19 FPNs. The focus for the research was on police officers who had issued at least one COVID-19 FPN. The research received ethical approval from the University of Liverpool Committee on Research Ethics.

2.2 We used information provided by the police forces that partnered with us on this research to identify officers from each force who had issued FPNs at a variety of time points during the pandemic, in a variety of circumstances, to a variety of people. These officers were contacted and invited to take part in the study.

2.3 Our early recruitment efforts led to a very low response rate. As such, we had to adapt the approach and add significant numbers of officers to the sample contacted. In the end, approximately 700 officers from across five police forces were asked to take part in the research.

2.4 Interviews were conducted via Microsoft Teams or telephone by the project Research Associate (Dr. Scarlett Redman) between 25th March and 30th June 2021. A semi-structured

interview approach provided a space for officers to "tell the story" of how they came to issue a particular FPN. Two participants had not actually issued any FPNs and so provided more general perspectives.

2.5 Interviews were audio recorded and transcribed for analysis. Once 20 interviews had been completed and transcribed, the three members of the research team conducted close readings of a sample of 3-4 transcripts each to develop a coding framework. All interview transcripts were then uploaded to the data analysis software NVivo and coded according to this framework by Dr. Scarlett Redman. Additional analysis of the coded data was conducted by the rest of the project team to identify the most pertinent features of the narratives in relation to this research project's core aim of exploring ethnically based disproportionality in the use of Covid-19 FPNs.

3. Findings 1: The importance of discretion

3.1 Many officers experienced discomfort about the powers they were given to tackle the pandemic. Officers expressed concerns about how the powers would impact on their relationship with the public and most welcomed the explicit support the 4Es guidance provided for using their discretion not to enforce the law.

3.2 Many of the participants indicated that, at times, they were uncertain about what the rules were as they felt they were unclear, subject to frequent change and contained too many loopholes to be enforced effectively.

3.3 To deal with the feelings of discomfort and uncertainty and supported by the "4Es" approach, many of our participants told us that they and their colleagues (with more or less explicit support from supervisors) resolved to use their discretion and only take enforcement action against breaches of the rules that they defined as "blatant".

3.4 To understand patterns of enforcement action during the pandemic (and thus also identify any factors potentially underpinning ethnic disproportionality in the use of enforcement), it is therefore important to explore how particular breaches came to be defined as "blatant".

4. Findings 2: Defining breaches of the rules as "blatant"

4.1 Our participants told us that, in most cases, they took enforcement action only if they felt it was very clear that the rules had been breached and that the person knew, or should have known, the rules. However, we found that whether a breach of Covid regulations was viewed as "blatant" and a fine issued seems to be related not just to how clear it was that the law was knowingly broken without reasonable excuse, but rather to who was breaking the law, the circumstances in which police encountered them, and how they were perceived to have responded to police intervention (their attitude).

4.2 The circumstances in which FPNs were issued can be usefully divided into two categories:

- "Business-as-usual" – Officers encounter breach of Covid-19 regulations while carrying out 'normal' (pre-pandemic) policing tasks.

- "Not-without-Covid" – Issued in circumstances where officers might not, under non-pandemic circumstances, be expected to attend or take action.

We found participants talked about issuing fines in these different circumstances in quite different ways, and that this has an impact on whether or not particular breaches were considered to be sufficiently "blatant" to merit the issuing of a fine.

4.3 Individuals fined during more "business-as-usual" encounters with police, were often described using language such as *"not caring", "not bothered", "cocky",* and this attitude was implied to be evidence that they had knowingly breached the rules. However, in the "not-without-Covid" cases, our participants placed much more emphasis on explicit indicators that the individuals knew they were breaking the regulations (e.g. *"they held their hands up"*). They also tended not to use language that was negative about the character of the individuals who were fined, sometimes even expressing sympathy with them (e.g. *"lovely people, absolutely no issues with that at all"*).

4.4 Relatively inconspicuous breaches occurring within private dwellings where those in attendance were apologetic and complied with officers' directions, and where there were no other forms of rule-breaking or anti-social behaviour occurring, seem less likely to have been seen as appropriate cases for FPNs than breaches occurring in public places, or where individuals may have been involved in breaking other rules or engaging in activities seen by some as anti-social even outside of pandemic times.

4.5 These differences suggest that officers were less comfortable using their enforcement powers against people they encountered under circumstances which would not, in non-pandemic times, form part of ordinary police work. Narratives of issuing FPNs under these circumstances placed much more emphasis on explicit indications that the individuals knew they were breaking the rules. Officers appeared more confident in their narratives of using their enforcement powers against people who they encountered in the context of conducting more "business-as-usual" policing activities.

5. Findings 3: Disproportionality

5.1 Many of our participants had developed their own ideas and generalisations about how different ethnic groups were behaving in relation to the Covid restrictions and, in some cases, the reasons for any differences between groups. Whilst a few of our participants clearly felt that certain ethnic minority groups were simply more likely to be breaching the rules, others expressed the opposite view.

5.2 More officers expressed the view that, whilst BAME people may not be more likely to break the rules, they may be more likely to do so in circumstances that make them visible to the police and thus available for intervention. According to our participants, this might be because they are more likely to live in *"poor"* or *"problematic"* areas where police presence tends to be higher, or because they are more likely to live in smaller more overcrowded houses with less outdoor space.

5.3 Some officers also expressed the view that "cultural" differences in socialising behaviours rendered some BAME people, particularly young Asian men who, it was claimed, tend to socialise in their cars rather than at home, more visible to police.

5.4 Other participants noted that BAME people's behaviour may be more likely to be noticed and reported to the police, especially where they are in areas with small ethnic minority populations.

5.5 There is some limited data to support some of the suggestions made by our participants. It therefore cannot be entirely discounted that some of the disproportionality in the use of FPNs reflects different levels of compliance between different groups. However, available evidence about differences between BAME and White British people's stated compliance does not reveal differences of the same magnitude as the level of disproportionality in the use of FPNs.

5.6 The evidence obtained through the 32 interviews with police officers conducted for this study suggests that ethnic disproportionality is unlikely to have arisen only or primarily because of different groups behaving in different ways. The attitudes expressed by our participants towards policing the Covid regulations and what they told us about how they approached this indicate that at least some of the disproportionality is likely to be reflective of the approach to policing the pandemic.

6. Conclusions and Recommendations

6.1 The findings from this study suggest that approaches to policing the pandemic exposed members of some societal groups (including BAME people) to a greater risk of being fined for breaching the Covid regulations. This occurred even though the groups concerned do not appear to have been significantly more likely to breach the regulations than other groups. Ethnic disproportionality in the use of FPNs for breaches of Covid restrictions is most likely to have arisen due to the way the restrictions were policed rather than due to substantial and significant differences in the behaviour of different ethnic groups.

6.2 The restrictions imposed on the public by the coronavirus regulations were not (and were not capable of being) equally policed. Certain kinds of behaviours potentially breaching the regulations were more likely to come to the attention of the police and to be seen by officers as opportunities to intervene. Some people (young people, people living in areas with higher police presence, people living in more closely packed and overcrowded housing) were inevitably more exposed to being caught and fined if they broke the rules.

6.3 Many police officers experienced discomfort and uncertainty about policing the Covid-19 regulations and, with the explicit backing provided by the "4Es" guidance, they used their discretion to resolve this uncertainty by only issuing fines for breaches that they categorised as "blatant". However, officers applied pre-existing ideas about the types of people and behaviours that ought to be treated with suspicion to the way they policed the Covid-19 rules, suggesting an implicit assumption that policing Covid-19 would mostly involve dealing with the type of people they were used to dealing with under non-pandemic conditions. It seems likely that officers were more comfortable issuing Covid-19 FPNs to people

encountered in the context of what we have called "business-as-usual" policing activities and that breaches encountered in these circumstances may be more likely to have been considered and treated as "blatant".

6.4 We found that people encountered in more "business-as-usual" policing circumstances were more likely to be referred to in disparaging terms by our participants and were often portrayed as habitually contemptuous of both the law and the police. Conversely, where officers were dealing with individuals they regarded as usually "law-abiding" under circumstances that would not usually warrant police attention, they seemed much more likely to be sympathetic and less likely to be highly critical of the individuals' character.

6.5 In the absence of explicit admissions from individuals that they knew they were breaching the rules, officers emphasised "poor attitude" and/or being "known" to the police as indicators of both guilt and that an individual deserved and/or required punishment in the form of an FPN. As such, it seems highly likely that enforcement decisions were influenced by officers' evaluations of the general character of the person (based on previous knowledge of them, generalisations about the societal group they were perceived to belong to and, relatedly, assessments of their attitude when challenged by police) rather than the level of risk and harm posed by the breach. Our findings indicate that members of the public seen by police officers as usually "decent" and "law-abiding" were likely to receive different and more favourable treatment from some officers if they were found breaching coronavirus restrictions.

6.6 The Covid-19 restrictions also provided police with an additional and highly flexible sanction that could be used to penalise individuals who officers believed may be involved in other forms of criminality and to impose additional penalties on individuals being dealt with for other offences. Our data suggest that this is likely to have been a fairly common occurrence (and perhaps even to have been encouraged in some force areas). In these circumstances, rather than the law, and its primary objective of reducing disease transmission, guiding officers' conduct it became a resource for achieving other police objectives. Given that the Covid-19 restrictions imposed significant limitations on normal everyday life, breaching what would usually be basic human rights, any use of the powers for any purpose other than preventing the spread of the virus should be seen as highly objectionable.

6.7 Based on our analysis of the interview data collected for this study, we think the following key points are central to understanding statistical disproportionality in the rate at which FPNs were issued to different ethnic groups.

(1) Due to a combination of social and economic factors, and existing patterns of policing, some societal groups were clearly more at risk of being found breaching Covid-19 regulations (more available for police intervention).

(2) Individuals regarded as usually "law-abiding" and encountered in circumstances that would not ordinarily attract police intervention were less likely to be fined for breaking the Covid-19 rules.

(3) Officers' evaluations of the general character of individual rule-breakers seem to have been more important than the level of risk and harm posed by their breach of Covid-19 regulations, in shaping decisions about whether to issue an FPN.

(4) Some police officers used the highly oppressive regulations introduced to protect people from the spread of disease as another "tool in the toolbox" to meet other policing objectives.

Taken together, these key findings provide a clear indication of why BAME people have been more likely to be fined for breaching Covid-19 regulations. The central point binding them together is that a tendency to revert to a "business-as-usual" approach to policing has been a key factor underpinning disproportionality.

6.8 We already know that ethnically based statistical disproportionality is a feature of "business-as-usual" policing; that BAME people seem more likely to be treated as "police property"; and that there are existing tensions in the relationship between some minority ethnic people and police. As such, it is not unlikely that some members of ethnic minority groups may be more likely to fail the so-called "attitude test" and thus have their behaviour defined as "blatant" and requiring enforcement action as opposed to a warning.

6.9 To be effective, public health measures of the sort we have experienced over the past two years require the widespread and willing compliance of the public. It is therefore important that they are seen to be used fairly, proportionately and in a way that is effective in supporting the public health objective of minimising viral transmission. Policing that falls back on a "business-as-usual" approach is unlikely to be primarily focused upon broader public health objectives.

6.10 The pandemic was not "business-as-usual": the threat we faced as a society was new and regardless of ethnicity, age, social class or our usual behaviour in relation to the law *we were all dangerous* as potential vectors of transmission. Importing "business-as-usual" police thinking about who is suspicious, who is dangerous, and whose attitude deserves or requires enforcement action, seems to have served to import the existing biases of policing into the pandemic context. Indeed, the tragedy is that by focusing officers' attention on short-term compliance with officers' instructions, the 4Es approach may have heightened both the risk that some groups would be more exposed to punishment for breaching Covid rules and the risk that some parts of the population may start to think that the rules did not apply to them or their rule-breaking behaviours.

6.11 The problem of ethnic disproportionality in relation to Covid-19 restrictions is perhaps best understood not as a problem of over-enforcement against some groups or in some circumstances, but rather as a problem of under-enforcement against some groups in some circumstances. The 4Es guidance appears to have underpinned a tendency for officers' practice to emphasise situational compliance through the performance of appropriate deference to police instruction rather than securing more general population level compliance through a deterrent approach to enforcement.

6.12 Should lockdown restrictions be required again in the future, it will be important for police forces to take stock of all analyses of their pandemic response during 2020-21.

Policing any such recurrence of "lockdown" restrictions will likely be more fraught and contested than was the case in the first and second "lockdowns" of 2020/21. Although small-scale, this study provides some important insights into the reasons for inequalities in the impact of the policing of Covid-19 restrictions on different societal groups. On this basis, we end this report with three recommendations for action.

RECOMMENDATION 1: Further research and analysis. Forces should consider all available sources of information on the circumstances in which fines were and were not issued for breaches of coronavirus regulations (for example incident logs) and undertake analysis to identify the circumstances in which breaches were encountered (e.g. proactive, reactive, non-Covid call etc.) and any patterns of non-enforcement that may have contributed to insulating some societal groups from enforcement.

RECOMMENDATION 2: A change of emphasis in enforcement. Should any form of lockdown restrictions be imposed again the 4Es approach should be replaced with guidance that emphasises the need to reduce risk of harm by securing broad population compliance with the regulations. The desire to preserve good relationships with that part of the population regarded as normally law-abiding should not take precedence over using enforcement to deter rule-breaking. Nor should the ability of some groups to perform an appropriate level of situational compliance and deference towards police instructions be a reason not to issue fines where behaviour is clearly in breach of the rules and increases the risk of virus transmission.

RECOMMENDATION 3: Only using Covid FPNs for pandemic-related objectives. Should any form of lockdown restrictions be imposed again, forces should strongly discourage officers from using Covid-19 FPNs to pursue non-pandemic related objectives (for example, using them as "bonus" sanctions when dealing with individuals for other offences).

1   Introduction

This report provides an analysis of 32 interviews conducted with serving police officers about their experiences of issuing Fixed Penalty Notices (FPNs) for breaches of COVID-19 "lockdown" regulations. The research aimed to explore the circumstances in which FPNs were being issued to shed light on any potential explanations as to why a disproportionate number of FPNs were issued to individuals from Black, Asian and Minority Ethnic (BAME) backgrounds[1]. The interviews were carried out as part of a broader project developed in response to a request from West Yorkshire police for academics to support research to explore the issue of disproportionality in more depth. The overarching intention for the project work was to attempt to develop and test a new approach to exploring ethnic disproportionality in the use of police powers.

1.1   Context

Available data have long indicated that police powers are used more frequently against people from minority ethnic backgrounds than might be expected given their representation in the population. The factors behind this disproportionality and the extent to which it arises from biases at either individual or institutional level have proven difficult to disentangle[2]. Despite greater scrutiny being applied to the way in which powers are used, disproportionality has remained high[3]. This has significant implications for community cohesion and confidence in the police, which may also be linked to lower levels of minority ethnic representation in the workforce.

The Covid-19 pandemic took police around the world into new and difficult territory. In the first quarter of 2020, the disease's rapid and deadly spread prompted governments to introduce stringent new laws curtailing social interactions between citizens[4]. The involvement of police in upholding the so-called "lockdown" restrictions has generated significant controversy. In the first half of 2020, campaign organisations Liberty[5], Netpol[6] and Stopwatch[7] all argued that Fixed Penalty Notices (FPNs) for breaching the regulations were being issued in arbitrary and discriminatory ways.

In July 2020, the National Police Chiefs Council (NPCC) released the first data on police use of the Covid-19 FPN, along with an analysis of the data conducted by the Government Statistical Service[8]. The report highlighted disproportionality in relation to age and gender

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[1] We recognise that the current government intends to end the use of the term BAME and that many people dislike the term. We address these concerns in more detail on page 3.
[2] Waddington, P.A.J.; Stenson, K and Don, D (2004)
[3] For latest figures see: Stop and search - GOV.UK Ethnicity facts and figures (ethnicity-facts-figures.service.gov.uk)
[4] For an overview of "lockdown" laws in England see House of Commons Briefing Paper 9068, available here: CBP-9068.pdf (parliament.uk) [Accessed 4th January 2022]
[5] BAME People Disproportionately Targeted By Coronavirus Fines - Liberty Investigates
[6] Villains of The Pandemic – Policing the Corona State (policing-the-corona-state.blog)
[7] Coronavirus: a reasonable excuse for overpolicing? - StopWatch (stop-watch.org)
[8] See Policing the Pandemic-4 (npcc.police.uk) [Accessed 4th January 2022]

(younger people and men being much more likely to be fined). It also revealed that between 27th March and 25th May 2020 the overall rate at which Fixed Penalty Notices (FPNs) for breaches of "lockdown" regulations were issued was 1.8 times higher for Black and Asian people than it was for White people. A subsequent data release in June 2021[9] continued to show a similar level of disproportionality in the rate at which individuals categorised as Black, Asian or Other were fined as compared to White individuals. Over the first year and a quarter of the pandemic (the period during which this research was planned and conducted) people whose ethnicity was recorded as either Black or Other were fined at more than twice the rate of White people.

The 2020 NPCC analysis of Covid-19 FPNs[10] raised a number of questions about how disproportionality along ethnic lines should be interpreted. The authors highlighted challenges caused by missing data, the need to use either outdated census data or projected population estimates for calculating the proportion of the population from different ethnic groups and the fact that many fines (29%) were issued to individuals found breaching rules outside of their own force of residence. It was clear that there was significant variation between police force areas. The variation is likely to relate to both the way people behaved in some areas during the pandemic (with areas with attractive outdoor spaces experiencing surges of visitors during good weather and/or public holidays) and to how different police forces approached the policing task during the pandemic. It would not be possible to untangle the impact of all these factors based on the limited data available when the first NPCC report was produced. The NPCC have since commissioned the University of Edinburgh to conduct further independent analysis of FPNs issued to different groups[11] but this has not yet been published.

1.2   The project

The research described in this report was conducted as part of a project developed during August 2020 as a collaboration between the University of Liverpool and 4 English police forces (Cheshire, Cumbria, Greater Manchester and West Yorkshire). The overarching objective of the project was to develop and test a new approach to explore the statistical disproportionality in the issuing of coronavirus FPNs to people from different ethnic backgrounds. The intention was to try to situate the blunt and imperfect tool of quantitative measurement of disproportionality against the backdrop of wider social divisions and inequalities, the sharper insights available by gathering richer qualitative data on police-public encounters and the crucial contextual factors shaping each encounter.

The project was intended to consist of two complementary areas of work:

(1) A collaborative exploration of existing police information sources and available data on the wider contextual factors relevant to the issue of ethnic disproportionality

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[9] See Update on Coronavirus FPNs issued by police – June 2021 (npcc.police.uk) for data tables
[10] See Policing the Pandemic-4 (npcc.police.uk) [Accessed 4th January 2022]
[11] See HL Debate - Enforcement of Lockdown Regulations - Hansard - UK Parliament

(including, for example, wider socio-economic indicators and data on calls for service in relation to coronavirus regulation breaches)[12].

(2) The production and analysis of a qualitative dataset of interviews with officers involved in a sample of the cases where FPNs for breaches of the health protection regulations were issued. These interviews were intended to generate insights into the circumstances in which they issued Covid-19 FPNs, as well as their general views about using the powers given to them during the pandemic.

This report describes the method adopted and key findings from the interviews with officers which was the primary area of responsibility falling on the academic team involved with the project (Dr. Scarlett Redman, Dr. Mike Rowe and Dr. Liz Turner, University of Liverpool).

1.3   Report Overview

This report is structured as follows. In the next section we describe our method and research processes. Subsequent sections set out the findings from our analysis of the data. First, we present an analysis of officers' views about the policing of the pandemic, the importance of discretion and their use of FPNs. In the second findings section, we explore the circumstances in which officers issued FPNs. We distinguish between FPNs issued as part of "business-as-usual" policing and those encounters that would not have occurred without Covid-19. The third section of findings analyses the responses of officers to questions of disproportionality. We suggest that, while there may be some evidence for differences in compliance and behaviours between ethnic populations, this does not explain the levels of disproportionality to be found in the statistical evidence. Finally, we draw some conclusions from the research and make some recommendations for action.

1.4   Note on use of the term Black, Asian and Minority Ethnic (BAME)

During the period when this research was conducted, the final report of the Commission on Race and Ethnic Disparities (the Sewell Report) was published[13]. The report was widely criticised by experts on race and ethnic inequalities[14] and colonial history, as well as by

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[12] Some work of this kind has been conducted by McVie and Matthews (2021) in relation to the use of Covid-19 FPNs in Scotland. However, they relied only on information recorded on the ticket issued to the offenders which, as they note, does not provide information on such things as the circumstances in which the police encountered the offence or the demeanour of the individuals involved. The intention for this project was to explore opportunities and benefits of coding a broader range of available information on FPNs in an approach like that employed by Gaston (2019). Gaston's research sought to understand the contexts and type of police contact leading to drug arrests in a US police force. Gaston's research relied on a quantitative approach, coding arrest reports for several variables, including the type of activity leading to the stop and the officer's justification for conducting the stop. She found significant differences in the type of activity police were engaged in when making stops which led to drug arrests. These differences were related to the racial composition of neighbourhoods.

[13] Commission on Race and Ethnic Disparities – Commission on Race and Ethnic Disparities: The Report – March 2021 (publishing.service.gov.uk), p. 32

[14] For example see The poisonously patronising Sewell report is historically illiterate | David Olusoga | The Guardian; The Sewell report displays a basic misunderstanding of how racism works | Kalwant Bhopal | The Guardian

respected campaigning organisations, including the Institute for Race Relations[15] and anti-homelessness charity Shelter[16]. A widely publicised assertion made within the report was that use of the term BAME "is no longer helpful". The report recommended that it should be "dropped" in favour of more specific and differentiated terminology capable of capturing in a more "granular" way the different experiences of specific ethnic sub-groups. This recommendation was subsequently incorporated in the government's 'Inclusive Britain' policy paper[17].

We acknowledge that the term BAME has limitations and can obscure important differences between communities and their experiences. However, it has also played an important part in building solidarity between them to help confront racism in society and highlights common experiences of discrimination and disadvantage faced by all minority groups[18]. It is also a term that is well-established within the police service and understood by police officers. Indeed, a report[19] released by Her Majesty's Inspectorate of Constabulary and Fire & Rescue Services (HMICFRS), just one month before the Sewell Report, used the term Black, Asian and Minority Ethnic throughout and highlighted once again the longstanding disproportionality in stop and search and use of force against Black, Asian and Minority Ethnic people as compared to White British people. The report authors observed that "[d]isproportionality persists and no force can satisfactorily explain why".

Given that the term BAME is well-established within discussions about disproportionality in the use of police powers, this was the term we used on the information sheets issued to all participants in this research to explain its purpose (see Appendix 2). We also used the term in one of our interview questions: "This research is concerned with exploring possible reasons why BAME individuals have been fined more often in relation to Covid-19 breaches. Do you have any views on this?". Participants appeared comfortable with this term and its meaning, and they used it themselves in some of their answers. However, some participants also talked more specifically about policing Asian people and about Asian culture and behaviours as potential factors in disproportionality. This reference to a specific ethnic group reminds us that there are clearly occasions when the term BAME is not analytically appropriate.

Throughout this report we make use of the terms "BAME" and "minority ethnic" to indicate individuals who are not members of the White British majority. However, we also use more specific terms such as Black or Asian at some points, in recognition of the fact that the data on Covid-19 FPNs particularly point to disproportionate use of the powers against individuals from these two ethnic groups, as well as the fact that these terms were used by our participants to describe different people they dealt with. We acknowledge that even these terms can obscure variation and complexity, however in a relatively modest study

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[15] Sewell: a report for neoliberal times - Institute of Race Relations (irr.org.uk)
[16] The Sewell Report: an example of institutional racism | Shelter
[17] Inclusive Britain: summary of recommendations and actions - GOV.UK (www.gov.uk)
[18] Race Report: Moving Away from 'BAME' Could Make Research into Structural Racism 'Impossible', Experts Warn – Byline Times
[19] Disproportionate use of police powers: A spotlight on stop and search and the use of force (justiceinspectorates.gov.uk)

such as this a more granular exploration of the different experiences of more specific ethnic sub-groups would not be possible.

2   Research Method

The central purpose of the research reported here was to elicit police officers' own narratives in relation to issuing COVID-19 FPNs. Of course, without being physically present when police powers (including FPNs) are used and hearing the perspectives of individuals who are subject to those powers, it is not possible to get the "whole story" in relation to any single incident. Research conducted by researchers from the Centre on the Dynamics of Ethnicity (CoDE) has focused on foregrounding narratives from minoritised people and communities about their experiences of policing during the pandemic[20]. Just as the researchers from CoDE sought to understand the experiences of those who are being policed, we sought to deepen understanding of how individual police officers have made sense of and responded to the situations they encountered. We sought to achieve this by listening to officers relating their experiences in their own words. Listening to officers themselves is an important aspect of understanding reasons for the existence of ethnically based statistical disproportionality in the use of all police powers (not just in relation to COVID-19 FPNs).

2.1   Recruitment

The focus for the research was on police officers who had issued at least one COVID-19 FPN. We initially recruited participants from the four police forces we collaborated with to develop the research project (Cheshire, Cumbria, Greater Manchester and West Yorkshire). Each force provided a list of FPNs issued along with some basic information about the date of issue, reason for FPN, gender and ethnicity of recipient and gender and ethnicity of the issuing officer. We used this information to try and identify 60 officers from each force who had issued FPNs at a variety of time points during the pandemic, in a variety of circumstances, to a variety of people.

Before we contacted individual officers, we asked each force to send a general email to all officers introducing the research and informing officers that if they had issued a COVID-19 FPN they may be contacted to take part. Two of our collaborating forces then contacted the chosen sample of 60 officers on our behalf (using text we provided), whilst the other two forces provided us with officers' email addresses so that we could contact them directly. Once officers contacted us to arrange an interview, they were provided with an information sheet (see Appendix 2) and consent form (see Appendix 3) to sign prior to the interview taking place. In all cases, we ensured that officers were aware that participation was voluntary and that their anonymity would be protected except in exceptional circumstances (as outlined on the information sheet and consent form).

Our early recruitment efforts led to a very low response rate. As such, we had to adapt the approach and add significant numbers of officers to the sample contacted. In the end, approximately 700 officers were asked to take part in the research across the four

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[20] See Response to the policing of the crisis - Centre on the Dynamics of Ethnicity - The University of Manchester (Accessed 4th January 2022)

collaborating forces. Towards the end of the data collection period, a fifth force (Merseyside) joined the research. They arranged recruitment internally, resulting in two further interviews. Advertising the research more generally via Twitter produced only one further participant (from West Midlands Police).

2.2   Participant Overview

Sex			
Male	29 (91%)	Female	3 (9%)

Ethnicity			
White – British	24 (75%)	Mixed – Other	1 (3%)
White – Other	1 (3%)	Not stated	3 (9%)
White – Not specified	3 (9%)		

Rank			
Constable	27 (84%)	Inspector and above	1 (3%)
Sergeant	3 (9%)	Not stated	1 (3%)

The age of the participants ranged from 24 to 58. Median age was 36. Length of service (recorded to the nearest year) ranged from 1 year to 25 years. Median length of service was 9 years. 25% of participants had 4 years or fewer service. 25% had 19 years or more.

2.3   Data collection

Interviews were conducted by the project Research Associate (Dr. Scarlett Redman) between 25th March and 30th June 2021. A semi-structured interview approach provided a space for officers to "tell the story" of how they came to issue a particular FPN. We also asked more general questions about officers' experiences of policing during the pandemic. The interview schedule can be viewed as Appendix 1. In 28 interviews, we discussed the circumstances leading to the issue of a specific FPN selected by us using the information provided by the collaborating forces. In a further two interviews with participants from Merseyside police, the officers selected their own FPNs to discuss. Two participants had not actually issued any FPNs and so provided more general perspectives. All interviews were conducted via Microsoft Teams or via telephone, depending on participants' own preferences. Interviews were audio recorded and transcribed for analysis.

2.4   Ethics

To ensure the research was conducted in an ethical manner the following principles were key:

- Ensuring all participants voluntarily agreed to take part based on having been fully informed about the purpose of the research and what it would involve.

- Protecting the anonymity of all participants.

- Holding all data securely on password-protected University of Liverpool systems.

Based on the procedures put in place, the research received ethical approval from the University of Liverpool Committee on Research Ethics.

2.5   Analytical Approach

The research was designed primarily to take a "narrative" approach to data collection and analysis. Firstly, this means that interviews were conducted in such a way as to encourage participants to "tell the story" of how they came to issue a particular FPN (in most cases chosen by the research team, rather than by the participant themselves). Secondly, our approach to analysis hinged on our understanding of these narratives as "distinctive strategies for characterizing the world and agents in it"[21]. So, the narratives collected for this study are not merely seen as sources of information about what "really" happened, or even of police officers' interpretations of what happened. Rather, the features of the narratives themselves – e.g., the sequencing of events, construction of characters, attribution of motivations and of moral value - are studied to understand *how* officers tell their stories. The narratives captured through the research are analysed and understood as part of the officers' approach to giving their actions meaning and forming their own professional identity. They are therefore seen as an essential part of the production of meaningful action. In short, the analytical approach reflects our belief that narratives are shaped by, and shape, the things that police officers do.

Once 20 interviews had been completed and transcribed, the three members of the research team conducted close readings of a sample of 3-4 transcripts each to develop a coding framework. All interview transcripts were then uploaded to the data analysis software NVivo and coded according to this framework by Dr. Scarlett Redman. The coding framework identified different elements of officers' narratives, including descriptions of the scene, the characters and their behaviour and the sequencing of events, as well as more general matters including officers' views on both policing the pandemic and the issue of disproportionality. Following this process of coding, additional analysis of the coded data was conducted by the rest of the project team to identify the most pertinent features of the narratives in relation to this research project's core aim of exploring ethnically based disproportionality in the use of Covid-19 FPNs.

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[21] Presser, L (2016) p. 139

3 Findings 1: The importance of discretion

3.1 Officer views on Covid-19 powers

Covid-19 regulations took the police into new territory. Overnight, perfectly normal everyday behaviours became potential criminal offences. As one officer told us: *"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).* Another said that they had only given out two fines and *"both with quite a heavy heart" (IV11).* Suddenly, officers found themselves potentially having to police behaviours just as likely to be engaged in by people they usually regarded as respectable and upstanding citizens as by the people they were more accustomed to encountering in their daily work. This sense that policing the regulations was bringing them into conflict with a part of the public officers tended to view as a generally law-abiding majority was present to some extent in the words of all of our participants. The following quotation sums up the general feeling: *"I know it's necessary, 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).*

In addition to these feelings of discomfort about policing the regulations, officers also experienced significant uncertainty due to the complexity of the regulations, which were seen as providing those breaching lockdown with considerable flexibility to avoid punishment by claiming medical exemptions and reasonable excuses. There was also a well-documented lack of clarity about and tendency to misunderstand the distinction between guidance and legislation and, after the initial strict lockdown period of Spring 2020, the rules were regularly changing and could vary from place to place. Asked about how they found policing the regulations, officers frequently emphasised the difficulties posed by unclear and constantly changing regulations. Some of their responses also indicated that they themselves sometimes did not grasp the distinction between the guidance and the law.

> *"Very difficult, mainly because there was a lack of clarity around a lot of them, for ourselves and for the public, and I think that caused a lot of confusion." (IV30)*

> *"I think the hardest part was that we didn't have a clear precise law. We had restrictions and regulations, kind of, so we advise you, you should do that, but if you don't do it, that's fine. It was something like that. It wasn't 'oh you shouldn't do that' and that's it." (IV1)*

> *"saying that you can go out and exercise for an hour, trying to say that somebody's been outside more than once for exercise for an hour, it was almost impossible to prove." (IV8)*

> *"it was nigh on impossible to police it how we were told to police it." (IV6)*

> *"Unfortunately, some members of the public took advantage of that loophole. … if there's too many exceptions then it becomes quite grey."* (IV19)

> *"confusing … from the outset. … from one set of shifts to the next you had to really keep your eye on the game because you didn't know what was going to happen."* (IV16)

> *"it's legislation that's rushed through very quickly and some of it is a little bit grey … we've been as confused at times about aspects of the legislation as the public have."* (IV29)

> *"the tier system … was a nightmare for us to police, it was a nightmare for us to understand, it was a nightmare for the public to understand."* (IV8)

Whilst most participants clearly felt some discomfort and uncertainty in relation to the new powers they were given to support efforts to limit the spread of Covid-19, they were also generally supportive of the need for the restrictions and for the police to play a role in encouraging compliance. Many talked of the frustration they experienced when they were following all the rules themselves in their own personal lives and then coming to work and dealing with people who were, in words used by several of our participants, *"blatantly taking the Michael"*. For some of our participants, this meant that they also felt frustrated by the support they were given within their forces in relation to putting the new powers into practice.

3.2   Officer views on force-level policy and the "4Es"

Participants frequently referred to instructions and guidance issued by policing leaders about how they were to use their powers. Key here was the '4Es' approach of Engage, Explain, Encourage, Enforce promoted by the National Police Chiefs Council, the College of Policing and the Police Federation. Perhaps mindful of negative media attention focused on policing early in the first lockdown[22], all the forces included in our study seem to have embraced the guidance contained in the 4Es approach to issue fines only as a "last resort". Our participants were clear that the guidance handed down from senior officers shaped the way they dealt with breaches of the rules.

> *"we've always been advised to use the Four Es, so engaging and encouraging and stuff … more than just willy-nilly giving out fixed penalty notices and stuff."* (IV3)

> *"the four Es. It was pretty much every day on our briefings. The last resort was issuing tickets if you can get people to cooperate with you."* (IV11)

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[22] For example see: UK police warned against 'overreach' in use of virus lockdown powers | Police | The Guardian

> *"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)

> *"the four Es … was the mantra … That was the push that we were getting from SLT within the force."* (IV12)

> *"Initially they hammered the 4 Es, every email we got was talking about the 4 Es, Engage, Explain, Encourage. They eventually dropped the fourth E in the force because they wanted to be seen to be nice to everyone."* (IV6)

Some of our participants were supportive of the initial emphasis on encouragement rather than enforcement: *"absolutely for the first month or two, the four Es approach is the right thing to do" (IV13)*. However, our participants were not uniformly of this view, and some expressed frustration with the lack of emphasis on enforcement in the early stages of the pandemic, and with the lack of support they were given when they did move to enforcement.

> *"it's all over national press … the only thing you'd see when you switched on TV were these regulations. Everyone was aware of it. And then you've got people that are breaching it but our senior leadership team are saying, 'no, let's engage with them, let's explain it to them, let's not go to the enforcement side.'"* (IV8)

> *"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, to the extent that it was almost made unworkable. … I don't think the organisation's heart was in it from the start. … It just felt like we weren't doing anything about stuff, really. …which I felt was pretty disappointing."* (IV6)

> *"as a police officer, when someone commits a criminal offence they commit a criminal offence and they should be dealt with. I didn't agree with the Four Es, I would have gone straight to enforcement … the message gets out there a lot quicker."* (IV21)

Coupled with this, participants from one of the forces that took part in this study reported significant practical difficulties involved in issuing FPNs, which sometimes led them to avoid enforcement even when they felt it might be appropriate:

> *"My first FPN issued was in November of last year … my discretion was being used from March until November, really, and that was not just because I was choosing to use discretion but also because the practical element of issuing fines was an obstacle in doing so."* (IV12)

> *"they also didn't have the infrastructure set up at that time to process all the tickets."* (IV8)

> *"the police didn't make it easy to process the tickets … that sort of admin put a lot of officers off … because they just felt that this is just going to create a lot of bureaucracy and a lot of work." (IV19)*

However, participants reported that by November 2020, when the second lockdown occurred, they started to receive a different steer on enforcement, both in terms of briefings from SLTs and in terms of feedback from direct supervisors.

> *"when the national lockdown occurred again … that was when they started to encourage us to enforce with FPNs." (IV6)*

> *"since our directive changed … if it was anything blatant I'd just have to fine, because our sergeants were starting to look into where action is being taken and not taken." (IV17)*

The change of emphasis from November 2020 seems to have reflected a hardening of the stance amongst senior officers based on the view that there was no excuse during this point in the pandemic for not understanding what a lockdown meant. The view that people "should know by now" was reflected in comments from senior police officers to the media[23] and was shared by our participants.

> *"Around Christmas time, when the latest lockdown came in, the message from above was 'we're one of the lowest in the country, you need to start giving more tickets out.' The Four Es were talked about but then the message was 'try and get to the fourth one quickly. People should know by now…'." (IV20)*

> *"everyone knows about the coronavirus, if they don't it's worrying … so for me, if it's blatant they're going to be getting a fine." (IV17)*

> *"if they weren't complying then it was a conscious thing rather than 'I don't really understand the rules'." (IV15)*

> *"you had to draw the line somewhere, there's only so much explaining and so much engaging we can do." (IV23)*

> *"when the legislation is nearly eight months old [saying] 'I wasn't aware of these restrictions' doesn't really wash." (IV29)*

> *"I've given out tons of warnings and it just doesn't seem appropriate anymore. We're a year in, people know what's expected." (IV4)*

Although our participants expressed willingness to take enforcement action when they felt it was necessary and frustration that, during the early stages of the pandemic, they were discouraged from doing so, they were also clear that it was important that they retained "discretion" in how they dealt with breaches.

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[23] See Covid-19: Police chiefs warn 'patience running out' with rule-breakers - BBC News

3.3 Officer views on using discretion

The importance of police discretion was emphasised by the government right from the start of Covid-19 restrictions[24]. As outlined above (see page 11), our participants experienced feelings of discomfort and uncertainty in relation to policing the Covid-19 regulations. The discomfort officers experienced about policing the Covid-19 restrictions was due to their sense that they were having to police behaviours that would usually be considered perfectly normal and which were likely to be engaged in by people regarded as respectable and law-abiding members of the community. Using their discretion not to enforce the rules in some situations seemed to be a way for officers to resolve these feelings of discomfort, as well as coping with uncertainty about the rules. As one of our participants said: *"there's always got to be that element of judgment and discretion about what level of response the police give to any given situation" (IV29).* Choosing not to take enforcement action, even when the circumstances might legally justify it, was a way for officers to avoid doing things they felt would antagonise usually law-abiding members of the public, thus jeopardising their support and goodwill.

> *"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)*

> *"It's very much working with the public … trying to get people to work with you." (IV23)*

> *"we're having to break up kids playing football in the park … it's soul destroying …if it's not handled correctly, it could go the complete opposite way to what we're trying to do, which is create a policing system that is approachable and trustful." (IV12)*

> *""Throughout this pandemic I would say I've issued less than 15 tickets, mostly because I would always try to be reasonable to people. It's the 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)*

Participants talked of the need to be aware that the public might not always be fully up to date with the exact rules in operation or might be struggling to adapt to the highly restrictive rules. As a result, most participants told us, they only issued fines for *"blatant"* breaches.

> *"we don't want to penalise everybody. I try to be fair with people … we target blatant breaches, that's what we try to do." (IV4)*

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[24] Home Office (2020) Police given new powers and support to respond to coronavirus [online] Available at: https://www.gov.uk/government/news/police-given-new-powers-and-support-to-respond-to-coronavirus [Accessed 28/01/2021]

> *"the kind of offences that we were issuing FPNs for were pretty much cut and dried, things like indoor gatherings, parties and stuff like that, which has pretty much been consistently against the law throughout, no matter which tier you were in you weren't allowed to have a party, for example."* (IV7)

Referring to this idea of "blatant" breaches was quite common across the interviews. Our participants told us that, in most cases, they took enforcement action only if they felt it was very clear that the rules had been breached and that the person knew, or should have known, the rules. However, as identified above (see page 11), our participants were themselves often uncertain about whether rules had been breached, about the distinction between government guidance and the law and about whether individuals might have an exemption or "reasonable excuse" which meant the usual rules did not apply. As such, applying discretion was not always about using judgment to choose the fairest outcome for the public, but may also have been a way for officers to avoid making mistakes in the application of the law.

> *"I think the most challenging bit is just the government guidelines were just the guidelines, it was the recommendations, it wasn't the law, so for us to enforce that was really challenging … they were like 'oh, we don't have to do that, because it's just a guideline, it's just a recommendation, it's not the law.' So it was hardly enforceable."* (IV14)

> *"you got your briefings from the government, but what they would say would never be legislated, it would just be guidance, so you couldn't just go 'that's what the government said, we're pretty sure we know what we're doing,' because they'd say you should stay local and what not, but that was never ever within legislation, it was always only guidance. I don't think everybody, I know colleagues of mine never took that or realised that…"* (IV5)

As some of our participants told us, in some circumstances establishing whether any rules had been broken was difficult and the ways open to them to establish this felt intrusive and outside of usual accepted investigatory approaches.

> *"The amount of people that are in a support bubble just massively increased. We would never be able to disprove it but you would always have your suspicion that that was a blatant lie and they were all just having a bit of a party, but you couldn't prove it."* (IV5)

> *"trying to prove where everybody lived and that they don't live together… Trying to prove everything like that, and obviously the public cop onto things, there's almost a loophole with everything and as soon as one person gets away with it then it becomes, not common knowledge but it just spreads to everyone trying to do it."* (IV8)

"One of the biggest things I've struggled with is that things haven't been defined enough for us and a lot of the breaches within law, people that have broken the law, the only way of finding that out is by speaking to the people that you're dealing with. So … if you pull a car over and there's three people in the car from two households, if somebody says that we're in a support bubble, and some people say "oh I just picked up my friend, we're going out for a walk," now, it could be that both of them are just two sets of friends from two households, but one is lying to you and one's being honest. … And also, the way that you have to ascertain most of your evidence for the prosecutions is by means of speaking to people at the side of the road, which is almost questions, isn't it? So you're almost conducting an interview with them at the side of the road … that's what the government have relied on, for us to police that, and that's not right."
(IV13)

Under these circumstances, it is unsurprising that officers said they were unwilling to issue fines unless they felt the behaviour could be categorised as a "blatant" or "cut and dried" breach of the rules.

3.4   Summary

This section has described some key findings from our analysis of interviews with 32 police officers about their experiences of policing the regulations in place to help limit the spread of Covid-19. The data reveal that many officers experienced some level of discomfort about the powers they were given. Officers expressed concerns about how the powers would impact on their relationship with the public and most welcomed the explicit support the 4Es guidance provided for using their discretion not to enforce the law. Many of our participants also indicated that, at times, they were uncertain about what the rules were as they felt they were unclear, subject to frequent change and contained too many loopholes to be enforced effectively. To deal with these feelings of discomfort and uncertainty and supported by the "4Es" approach, many of our participants told us that they and their colleagues (with more or less explicit support from supervisors) resolved to use their discretion and only take enforcement action against breaches of the rules that they defined as "blatant" (borrowing the word used by many of our participants). To understand patterns of enforcement action during the pandemic (and thus also identify any factors potentially underpinning ethnic disproportionality in the use of enforcement), it is therefore important to explore how particular breaches were defined as "blatant". This is explored in our second findings section below.

4 Findings 2: Defining breaches of the rules as "blatant"

As argued in the previous section, understanding what makes a breach "blatant" in the eyes of police officers is an important aspect of grasping the operation of discretion in relation to the policing of Covid-19 restrictions. Just as the idea of discretion, as it is commonly used, encompasses *choices* about when to enforce the law, it also encompasses the unavoidable work of *interpretation*, of both the rules in place and of the behaviours and intentions of individuals who might be in breach of those rules. To understand the kind of breaches categorised as "blatant", we examined the narratives of specific FPNs provided by our participants. We also explored our data to identify the kinds of circumstances in which officers told us they chose *not* to take enforcement action, as the decision not to act is an important aspect of discretion. Analysis of these two aspects of our data is the focus of this section.

4.1 Officer narratives of specific FPNs

By taking a narrative approach to our data we focus on how our participants tell the story of arriving at their decision to issue an FPN. Given that participants were clear that they sought to only issue fines for "blatant" breaches, we can see the decision to fine someone as implicitly categorising their behaviour as a "blatant" breach. As noted above (see page 16), our participants told us that, in most cases, they took enforcement action only if they felt it was very clear that the rules had been breached and that the person knew, or should have known, the rules. In the first instance, then, this seems to be what officers understood by a blatant breach. However, our narrative approach to the data revealed that officers talked differently about making their assessment that the person fined "knew" they were in the wrong, depending on the circumstances of the incident. The circumstances in which FPNs were issued can be usefully divided into two categories:

- "Business-as-usual" – Officers encounter breach of Covid-19 regulations while carrying out 'normal' (pre-pandemic) policing tasks.

- "Not-without-Covid" – Issued in circumstances where officers might not, under non-pandemic circumstances, be expected to attend or take action.

We found participants talked about issuing fines in these different circumstances in quite different ways, and that this has an impact on whether or not particular breaches were considered to be sufficiently "blatant" to merit the issuing of a fine.

4.1.1 Fines issued in the context of business-as-usual policing

Around 40% of the fines described in our participants' narratives were issued when officers encountered breaches of Covid-19 regulations while carrying out what we might usefully call "business-as-usual" policing. This included: attending a report of a knifepoint robbery; stop-checking cars driving late at night in an area known for burglaries; dealing with a suspected case of "cuckooing"; attending reports of eggs being thrown from a moving vehicle; attending reports of fireworks being let off in a car park; and patrolling "hotspots".

Usually, in these cases, participants started their narratives by describing the business-as-usual context, thus positioning it as the backdrop for their subsequent actions.

> *"I was with a colleague and we were just patrolling in the town, checking generally the hotspots where teenagers would gather." (IV1)*

> *"we were deployed to an area that had been targeted for burglaries, and a lot of criminals use VW Golf Rs and Audis, so I was driving through a pretty desirable neck of the woods and saw what looked like a Golf R join a roundabout …" (IV6)*

> *"It was about 3 am, and in the middle of the night, if there's not a lot going on, on the radio, you then turn proactive. I saw a car travelling on the dual carriageway…" (IV7)*

Where participants talked about issuing a Covid FPN in the context of business-as-usual policing, their narratives tended to attribute a selfish and careless attitude to the individuals fined, implying that they were fully aware of the rules but treated them with contempt.

> *"they weren't bothered. The driver wasn't bothered, he was just full of attitude." (IV22)*

> *"straightaway it was a proven breach of the legislation … their attitude was clearly I don't really care … it gives absolutely no margin for any kind of discretion there because it's just a blatant sticking two fingers up at the legislation." (IV29)*

> *"when we asked them 'what is the purpose of your journey?', 'oh we don't have one,' and they were quite cocky." (IV7)*

The narratives in these business-as-usual cases implicitly invited the listener to make a particular moral evaluation of the individuals fined. They were presented as people who habitually disregarded the law, failed to respect authority, and were untrustworthy and deceitful. See the underlined text below for an example of what we mean by this.

> *"they <u>claimed</u> that they'd been from Manchester to Alderley Edge to drop off a pedal cycle to be fixed. And then when you try to speak to them, 'how are you thinking, how does that work?,' <u>making it up</u>, trying to find pictures on Google Maps of the house they went to but no text messages, <u>the usual complete lying</u>." (IV18)*

In some cases, participants explicitly linked the behaviour individuals fined for breaching Covid-19 were engaged in when they came to the attention of the police to behaviours associated with non-Covid criminal offences.

> *"It was only a couple of nights ago that we had two cars stolen from us and there was two over the border in Manchester all stolen within 10 minutes of each other. It will be because they've dropped off each person*

*at a different house, they've all done it at the same time so that the police
will focus on one house, so three can carry on and get out of there.
Because we will get the first call when they go into that first house and in
the meantime house 2, 3, and 4 are going to get broken into." (IV18)*

In these business-as-usual cases, participants exhibited little (if any) doubt that the persons
fined deserved to be penalised for their behaviour by using whatever means the officers had
at their disposal, including issuing fines for conduct that would, outside of the pandemic, be
completely legal and a basic human right. This is even though, in many of these cases, the
narrative provided by our participants did not clearly indicate that the persons explicitly
admitted understanding the Covid regulations. Rather, there was always an implication in
the narrative that their general demeanour and attitude upon being challenged (laughing,
being "cocky", talking back, appearing "not bothered") should be taken as evidence that
they knew that they were breaking Covid regulations. As one officer put it: *"it was almost
like you could tell they knew they were going against the law"* (IV7). It seems likely that
officers' evaluations of the general character and attitude[25] of different people shaped their
assessment of breaches, and whether they should be regarded as "blatant".

Our data also indicate that Covid-19 FPNs were sometimes used to impose a penalty on
individuals who were already "known" as suspected or confirmed offenders, or who were
believed to be engaged in other criminal or anti-social behaviour at the same time as
breaching Covid-19 regulations. It was clear that Covid FPNs were sometimes used as a tool
to meet objectives not directly related to the pandemic.

> *"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)*

> *"from our point of view, 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)*

> *"this was also used tactically… to prevent other people wanting to assist
> the person who was wanted … another tool in the toolbox." (IV15)*

Based on our small sample, it is not possible to say with certainty how widespread this
practice was. However, it seems likely that, in a significant number of cases, Covid FPNs
were used as a way for officers to impose a penalty on individuals who were already
"known" as suspected or confirmed offenders, or who were believed to be engaged in other
criminal or anti-social behaviour at the same time as breaching Covid regulations. In these
cases, either the Covid FPN was issued as a kind of "bonus" sanction on top of dealing with

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[25] The so-called "attitude test" is a well-known point of reference in terms of discussions of police discretion.
We explore this further in the "Discussion" chapter below.

individuals for other offences or it was issued because no other offence could be proven at the time of the encounter.

The narratives officers provided of these breaches encountered during business-as-usual policing betrayed little of the general discomfort and uncertainty about the Covid-19 regulations expressed at other points in the interviews. The fact that the individuals fined were already "known", that they were encountered by police in the context of dealing with other anti-social or criminal behaviour, or that they were found to have ignored earlier advice from the police, seems to have erased any sense of uncertainty or discomfort that the officers had about fining people engaged in normal daily activities. Indeed, in these cases officers' narratives indicated their belief that the individuals fined understood and did not care about the Covid-19 regulations. However, when officers issued Covid FPNs in contexts where they would not normally expect to be having to challenge people's behaviour, to people who they would not normally expect to have to deal with, the picture was much more mixed.

4.1.2   *Fines issued in police-public encounters unlikely to occur without Covid-19*

Around 60% of the narratives provided by our participants described police-public encounters that were not "business-as-usual" for officers as they would not have occurred were it not for the Covid-19 pandemic. This included some instances when members of the public reported incidents that might be an annoyance under normal circumstances, but which might not result in police attendance (student parties, campervans parked in laybys, disagreements in a shared house), but most were cases where the police would simply have no need to intervene (a backyard BBQ, a wake, a family seeing someone off at the airport, a couple on their way home from a walk in the hills, a shopkeeper whose premises were crowded, friends meeting up at a holiday cottage). Our data show marked differences between the way officers talked to us about individuals fined in the context of "business-as-usual" policing and the way they talked about individuals fined in interactions that would not have happened outside of the pandemic. In the "not-without-Covid" cases, participants placed much more emphasis on explicit indicators that the individuals knew they were breaking the regulations. For example, a group of men at a backyard barbeque were described as follows:

> *"they knew they were wrong, they weren't argumentative, they weren't angry, they weren't aggressive or anything like that. <u>They held their hands up</u> and they put the barbeque out straightaway. <u>They knew they were in the wrong</u> so it wasn't a case of they tried to say they didn't understand or anything like that." (IV23)*

The officer is making very clear here that the individuals were fined because *"they knew they were in the wrong".* Similarly, in relating an incident where they attended a student house party, another officer told how, having knocked on the door, they heard people saying *"go out the back"* and, upon gaining entry to the property, found a group of young people who were *"scared … of what the outcome would be and the long term effect on their careers"* (IV30). By including these details in their story, the officer is clearly demonstrating

that they were satisfied that the individuals fined knew that what they were doing was a breach of the regulations. It is interesting that, even though the people being fined in these cases clearly knew what the law was and chose to break it, our participants' narratives do not use language that is disparaging about their attitude and character. Indeed, a certain amount of sympathy for the individuals can be found in several of these narratives. For example:

> "At the end of the day, a lot of the people we deal with are <u>decent members of the public, they do have respect for the police, and most of these people never had any dealings with the police before.</u> They weren't upset, they were more scared … <u>We just offered reassurance</u> really, just like we do with everyone who doesn't have many dealings with the police. <u>It can be intimidating, that kind of situation,</u> especially when a number of police officers turn up at your door." (IV30)

> "[the car] flagged up as not being from the area, so we stopped it, spoke to the gentleman and his partner, … <u>lovely people, absolutely no issues with that at all,</u> 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)

This is quite a contrast to the language used to describe the attitude of individuals fined during more "business-as-usual" encounters, who, as highlighted above, were often referred to as "not caring", "not bothered", "cocky". Indeed, our data indicate that, where individuals who were fined were deferential to police and owned up to their rule-breaking, our participants generally spoke of them in a sympathetic way. Where individuals showed any reluctance to take on board police instructions or challenged officers in some way, participants emphasised this in their narratives, perhaps to provide additional legitimation for their decision to take enforcement action. For example,

> "you could tell from the outset they were a bit anti-police … they were a bit annoyed, one of them specifically … was very chatty about what his views on it all were and how it wasn't right and it was all a conspiracy and stuff like that." (IV2)

In the example above, the decision to fine the occupants of a campervan was taken after they had failed to leave the area where they were camping (which was not their usual area of residence) despite having been told to do so a day previously. The officer's narrative of events makes clear that they were satisfied that the individuals knew they were breaching the regulations, that they rejected the need for the rules and that they failed to follow police instructions. All of these factors enabled the officer to satisfy themselves that the breach was "blatant" and thus issue the fine.

4.2 Deciding <u>not</u> to enforce the rules: when is a breach <u>not</u> blatant?

Although we did not explicitly ask participants about scenarios where they decided not to take enforcement action, they inevitably told us about some of these situations to illustrate how they used discretion in dealing with breaches. Examples given of circumstances where no enforcement action was taken included:

- A case where family members were visiting a property where they did not live to support a refugee mother of young children following a miscarriage;

- An elderly disabled person having two different people visiting their flat to give informal help (in addition to their formal carer);

- People entering the airport when dropping off relatives and not understanding the processes in place;

- People not wearing masks in shops;

- Spontaneous gatherings of people who happened to be strolling or sitting looking at the view at a beauty spot;

- Two couples socialising inside a house, where one member of each couple worked with a member of the other couple (they claimed to think they were in a "work bubble");

- Multi-generational family parties inside houses where those involved leave immediately on being challenged by the police;

- A young couple taking a holiday out of the area where they lived at a property owned by one of their families (as they had been drinking, they were told to leave by the morning and did);

The first three of these cases are arguably ones where the individuals involved were not fully aware that they were breaching the rules (the first because the individuals involved did not speak good English, the second because the visitors to the elderly person were providing care and support, the third because processes had changed at the airport). They are also examples of cases where officers may have considered that the individuals had a "reasonable excuse" for breaching the regulations. However, the last five examples, which all took place during the strict lockdown of January/February 2021, all arguably constitute examples of cases where the people involved knew, or *should have known*, that they were breaching the rules and were not in possession of any "reasonable excuse". The question here then is why were these breaches not viewed as *"blatant"* and thus deserving of a fine? What made them different from those cases where officers did issue fines and therefore, implicitly or explicitly, defined the breaches as "blatant"?

Our data suggest that where individuals were encountered breaching Covid regulations by officers engaged in "business-as-usual" policing activities, their behaviour was more likely to be regarded as a "blatant" breach and they were therefore more likely to receive a fine. Correspondingly, where officers encountered breaches in contexts that would not normally attract police attention it seems officers may have been less likely to see breaches as

"blatant" and thus less likely to issue fines. Officers' assessment of the "blatantness" of the behaviours they encountered may have been shaped as much by their perception of the attitude and general character of the individuals involved, as by the level of risk their breaching behaviours posed.

For example, in the case of the young couple visiting a holiday home outside of the area where they lived the officer indicated that they admitted being aware of the rules - *"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).* Despite this, the officer decided to give them a warning to move on by the following morning otherwise they would be fined. However, this same officer had issued fines to some other young people who admitted breaking the rules, but under slightly different circumstances: a car of 18-year-olds from different households who were found smoking cannabis together. As well as being fined for breaching Covid regulations, these teenagers also received cannabis warnings.

This officer told the interviewer that *"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).* Given that the young couple at the holiday cottage admitted breaking the rules, were from different households and had travelled outside of the area where they lived one might expect that they would also have been fined, rather than simply being told to leave by the morning. However, this officer also expressed the view that *"if it gets to the point where you don't need to enforce then I don't think you should, personally" (IV2)*. So, perhaps the differential treatment for these two sets of young people reflects the officer's view that enforcement was somehow *necessary* for the young people relaxing by smoking cannabis together in a car but not for the young people relaxing using a family holiday home. The differences in treatment then seem to be less about how "blatant" the breach was (as in both cases the individuals acknowledged that they knew they were breaking the rules) and more about the officer's view about whether enforcement was necessary. But necessary for what?

As noted above, our data contained several examples of participants telling us about attending gatherings in private houses where multiple households or different generations of one family were present. In some cases, it seems that those breaching the rules used the word "bubble" to justify gatherings that were not actually allowed within the rules. However, our participants still mostly indicated their willingness, to give people in these kinds of situations a warning and allow them to leave without a fine. As one officer summed up:

> *"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)*

In cases where individuals were in premises that were not their usual place of residence (for example a holiday cottage), officers talked about following up with a repeat visit the next day and one of our participants talked of issuing fines where people had not moved on as instructed. However, where people were hosting relatively small gatherings in their own homes, and visitors were told to leave by the police and complied with this instruction it seems likely that many of our participants would not have issued fines, unless further aggravating factors were present. For example, one participant talked of attending a gathering of two couples from different households:

> *"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)

However, as another participant told us, the fact that the visitors left in a taxi may not mean that they could not return and *"I'm unlikely to go back to Moira's house to check that she'd definitely gone home"* (IV15).

Officers' perceptions of how necessary it was to take enforcement action in different cases seem to have been at least partly shaped by their assessments of the general attitude and character of the individuals breaching the rules, based on the circumstances in which they were encountered ("business-as-usual" or "not-without-Covid") and their perceived receptivity to police intervention and instruction. Our data indicate that, despite the extraordinary nature of the Covid-regulations, pre-pandemic patterns of policing and pre-existing beliefs about the behaviour of certain societal groups are highly likely to have influenced the way Covid regulations were applied.

4.3 Summary

Our data suggest that whether a breach of Covid regulations was viewed as "blatant" and a fine issued seems to be related not just to how clear it was that the law has been broken without reasonable excuse, but rather to who was breaking the law, the circumstances in which police encountered them, and how they were perceived to have responded to police intervention (their attitude). The differences identified above in the way that officers talked about individuals fined in the context of "business-as-usual" policing, and individuals fined as a result of the policing of activities that would not normally attract police intervention ("not-without-Covid") are illuminating.

We found that individuals, fined during more "business-as-usual" encounters, were often described using language such as *"not caring", "not bothered", "cocky",* and this attitude was implied to be evidence that they had knowingly breached the rules. However, in the "not-without-Covid" cases, our participants placed much more emphasis on explicit indicators that the individuals knew they were breaking the regulations (e.g. *"they held their hands up"*). They also tended not to use language that was negative about the character of

the individuals who were fined, sometimes even expressing sympathy with them (e.g. *"lovely people, absolutely no issues with that at all"*). Furthermore, relatively inconspicuous breaches occurring within private dwellings where those in attendance were apologetic and complied with officers' directions, and where there were no other forms of rule-breaking or anti-social behaviour occurring, seem less likely to have been seen as appropriate cases for FPNs than breaches occurring in public places, or where individuals may have been involved in breaking other rules or engaging in activities seen by some as anti-social even outside of pandemic times.

These differences suggest that officers were less comfortable using their enforcement powers against people they encountered under circumstances which would not, in non-pandemic times, form part of ordinary police work, hence narratives of issuing FPNs under these circumstances placed much more emphasis on explicit indications that the individuals knew they were breaking the rules. Officers appeared more confident in their narratives of using their enforcement powers against people who they encountered in the context of conducting more "business-as-usual" policing activities.

The first two findings sections have shed light on how officers felt generally about policing the Covid-19 regulations, about force policy and the 4Es, and how officers tell the story of issuing specific FPNs and thus categorising certain situations as "blatant" breaches of the rules. However, this project set out to explore any possible explanations for ethnic disproportionality in the rate at which FPNs were issued. In the third and final findings section, we turn to this question.

5   Findings 3: Disproportionality

5.1   Officers' views on reasons for disproportionality

During each interview, participants were asked specifically whether they had any ideas about why BAME people may have received FPNs at a higher rate than people from a White British background. Participants expressed a variety of views about this, including a significant minority of about one third of participants who said they did not know or could not answer the question. Some participants explicitly rejected the idea that disproportionality arose from any deliberate discrimination.

> *"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)*

Some viewed disproportionality as largely a reflection of different behaviours by different groups, arguing in particular that people from an Asian ethnic background were more likely to break the rules, or to be resistant to attempts to encourage compliance.

> *"Without trying to sound like the racist white cop, there's a lot more breaches in that area. There's a lot more committed by Asian males than any other ethnicity." (IV18)*

> *"I've had people where FPNs have been dished out and I've tended to find that the Asian community on the division are more likely to be obstructive and less likely to take the advice … talk themselves into a ticket." (IV13)*

However, other participants felt either that White British people were *more* likely to be breaking the rules than BAME people, or that there was no real difference between the groups.

> *"I've not seen people of BAME ethnicity breaching any more than anyone else." (IV16)*

> *"I think BAME have had more of an acceptance and more of an understanding of the legislation, and even when you deal with them and you're going through the four Es and you're engaging with them, they understand it and they say 'right, not a problem officer, we'll go,' whereas you've got some people within the white community and they're just like 'yeah, I'm not bothered,' not remotely bothered in the slightest." (IV8)*

Some participants suggested that the explanations for disproportionality may be more *"subtle",* including that *"cultural"* differences between the lifestyles of different ethnic groups rendered breaches of the rules by some more visible than breaches by people from White British backgrounds.

"some [of my colleagues] say 'well, if that's the statistics it's because they're breaching Covid more'. Whether that is the case or it isn't, I don't know, but there's probably more subtle reasons as to perhaps they aren't but those that are, are putting themselves in situations where they're more likely to be discovered, I would say." (IV7)

"there are patterns in behaviour in the type of restrictions that were being broken. I wouldn't for a second say that one ethnic background was breaking any more than others, I think it's the circumstances in which they were found." (IV15)

"poor white working class, a Covid breach is meeting up at each other's houses and drinking booze, basically. If they don't let us in we can't confirm that breach, we can't do anything because we have no power of entry, whereas if they're in a car then we do have the power to stop the car, we have the power to check the documents, and therefore we then see there's a coronavirus breach. As I say, there's some cultural things there that feeds into those statistics." (IV7)

Participants offered theories about cultural differences between White and Asian people (especially young men) in their approaches to socialising and suggested that these differences meant the Asian gatherings were more likely to attract police attention and, when they did, the encounters were more likely to lead to multiple fines being issued.

"the Asian community tends to be more family and friend groups. Look at weddings, for example, they don't have a 20 or 30 person wedding, they're massive, it's a massive social sort of community, whether that has a knock on effect if they then socialise going anywhere, whether it's just going for a walk somewhere or whether that's in a larger group, but you certainly tend to find the Asian community is a larger… like the travelling community, I suppose, there is groups rather than just one or two. Like I say, we'd make four tickets out of stopping one car instead of one ticket." (IV18)

"I think you find a lot of young British Asian lads live in intergenerational households, so it may not be an option, … piling back to one of their houses and just hanging around on the sofa … but I think if you look at, for example, young white lads, if they're hanging around with other young white lads … they'll all go back to one of their houses and drink alcohol." (IV7)

Some conceded that members of minority ethnic groups may be more vulnerable to being reported for breaching rules, particularly in areas where the majority of the population are White British and/or where there may be a lack of understanding of cultural differences between groups.

"there might be a situation where they would get reported to police over a White British person, because [THIS POLICE FORCE AREA] is massively

white … without sounding discriminatory, they do stand out rather more than a White British person would do … I have heard calls come in where it's like there's a family of Asian people that are [ENJOYING OUTDOOR ACTIVITIES] and breaching Covid, but rather than the fact that it's a family of Asians, it's nothing to do with that, it's just the fact that there's six or seven people that are not considered to be from the area or recognised to be from the area, that's why they call us in. But unfortunately, a lot of people round here don't understand that people from ethnic backgrounds often live in multigenerational households." (IV2)

Other interviewees argued that BAME people are more likely to come to the attention of the police because they are more likely to live in less affluent, *"problematic"* areas. This means that they are more likely to encounter the police on a regular basis (as these tend to be areas of high demand for policing) and, some suggested, less likely to be receptive to police directions.

"for whatever reason, the more affluent areas, I think it can be agreed that the people that live there are predominantly white households probably and the less affluent areas … they tend to be Asian families, Romanian and Black communities. So I think that has to be considered … basically in areas that are more problematic, people are less likely to listen to direction and that's when the fines end up getting handed out." (IV4)

"most of the time immigrants will come in and get the lowest paid jobs and live in the low income areas … inner cities where you have immigrants coming into inner city areas, initially you're going to have criminals … it doesn't matter what background, White British, Asian or whatever, if you have large low income areas, you'll have crime." (IV20)

"it's fairly well established that the areas that tend to be less well-off tend to have the highest crime rate, that therefore tends to be the areas where the police are most likely to be, because proactively speaking, that is where we're most likely to come in contact with crime, we're most likely to apprehend people early, we're most likely to respond quickly to events that happen. So with that in mind, you have to consider the people who are most likely to be in those areas. … Statistically those people are more likely to be people from a BAME background. So, if you're more likely to be in contact with the police then I would imagine that naturally the statistics are going to be higher, based on that alone." (IV15)

Some participants also suggested that, because minority ethnic people are less likely to be affluent and to have large houses with gardens, they may face more challenges in complying with the requirement to "stay at home".

"I would like to think that if it has been disproportionate that it's more reflective of society and it's disproportionate because people are more

likely to come from overcrowded houses or have less places to go, more reason that they have to be outside. It's been very easy for white middle class to obey the rules in their big back gardens; they don't need to go outside. … My own viewpoint is it's probably more reflective of the issues BAME people have in society as a whole rather than I guess by individual officers." (IV5)

Our data signal that, despite the novelty of the offences created in relation to containing the spread of Covid-19, some officers were already subscribing to generalisations about the behaviour of specific ethnic groups in relation to the restrictions. This suggests a tendency amongst some officers to make assumptions based on their own experiences (and perhaps also what they have heard from colleagues and gleaned from the media), and in the absence of knowledge of robust data about levels of compliance with the restrictions amongst different societal groups. Such generalisations have the potential to be a factor in shaping the way these officers respond to and deal with different communities during the pandemic. Some of our participants also made observations about the visibility and availability for police intervention of people from some ethnic minority groups, suggesting that different approaches to socialising in Asian communities may have made some people from this ethnic background (particularly young males) more vulnerable to being seen to be breaking the rules restricting movement and gatherings. We explore this further in the next section.

5.2   Ethnic differences in visibility and availability for police intervention

Previous research on ethnic disproportionality in the use of powers of stop and search has suggested that disproportionality does not indicate bias or discrimination by individual officers on the ground, but rather simply reflects the "availability" of members of different groups in the places and at the times when the police are patrolling[26]. It is clearly the case that certain types of breaches of Covid restrictions and breaches taking place in communities with higher police presence were more likely to be visible to police and therefore "available" for police intervention. Furthermore, the powers police were given to help prevent the spread of Covid-19 did not include a power of entry so, as one of our interviewees observed, *"If they don't let us in we can't confirm that breach, we can't do anything because we have no power of entry" (IV7)*. However, power of entry is not necessarily something officers were keen to have in relation to Covid powers; at least one of our participants expressed the view that *not* having this power was a good thing. Our data also contain some indications that some officers may have been less willing to issue fines to people participating in small gatherings in private dwellings, preferring to issue warnings to people if they were apologetic and compliant with instructions to leave. In other words, breaches that were by their nature less likely to come to the attention of police and the wider community were potentially also less likely to result in enforcement action being taken.

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[26] See MVA and Miller, 2000; Waddington et al, 2004

Our data also suggest that there is a possibility that BAME people were more likely to have been fined because of police officers acting on their own initiative in proactive mode (an approach likely to reflect "business-as-usual" approaches to policing) rather than reacting to calls from the public. 16 of the officers interviewed for this study talked of FPNs issued to people from BAME backgrounds. Of these 9 (56%) resulted from officers acting proactively. However, of the officers who talked about FPNs issued to White British individuals only 5 of 14 (36%) resulted from officers being proactive. Our sample size is clearly too small to generalise from, but further analysis of police records may help to ascertain whether this pattern is reflected in all FPNs. It is also worth noting that, of the 14 FPNs discussed in this study that were issued in a proactive context, 6 involved officers stopping moving vehicles. In 3 of these incidents, the cars contained young Asian men[27]. Participants who talked about issuing FPNs to Asian men under these circumstances provided their own ideas about why this group may be over-represented amongst those receiving FPNs.

> *"… just anecdotally, I think a lot of young Asian lads will hang around with each other and go for drives, because alcohol is not as much of a massive thing in that community as it is in the White British community. So quite often they'll go in cars together to get some food and stuff like that, and if they're doing that in the early hours of the morning it may bring them under the gaze of a police officer who's conducting checks." (IV7)*

> *"if we stopped a car with four or five people in it, it always seemed to be people from an Asian background from an out of force area. … two of our neighbouring forces have massive Asian populations and they interact quite a lot over our border … we get a lot of groups of young Asian males coming in a group, in a car … generally speaking we would stop cars with more than one person in, because the restrictions were in place, and you can probably spot … if a car has got a married couple with kids in the back or whether it's a young couple or whether it's three or four lads that are all out together." (IV6)*

> *""if we stopped a car you'd get one or two white lads or white females, whereas the Asian groups have always been higher numbers, whether they be larger families or larger friend groups, I don't know, but … they all tend to be in larger groups, very, very rarely do you get one or two in a car. Which … from our point of view, from a policing proactive level 2 crime point of view, let's say you've got four lads in a car late at night, it heightens that suspicion of why have you got that many people in a car. … … even in non-Covid times, it puts your suspicions up as to what someone's doing." (IV18)*

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[27] In two other cases, the car contained young White men, and in another case the occupants were a middle-aged White couple.

Again, interrogating police records to gain further insights into any patterns evident in the circumstances in which such stops are occurring could help to shed light on whether they should be seen as indicative of an operational bias towards proactive policing activities and approaches that make some groups subject to higher levels of suspicion and more vulnerable to criminalisation, even though they may not be any more likely to be engaged in criminal behaviour than other groups.

5.3 Summary

The findings presented in this chapter suggest that many of our participants had developed their own ideas and generalisations about how different ethnic groups were behaving in relation to the Covid restrictions and, in some cases, the reasons for any differences between groups. Whilst a few of our participants clearly felt that certain ethnic minority groups were simply more likely to be breaching the rules, others expressed the opposite view. More officers expressed the view that, whilst BAME people may not be more likely to break the rules, they may be more likely to do so in circumstances that make them visible to the police and thus available for intervention. According to our participants, this might be because they are more likely to live in *"poor"* or *"problematic"* areas where police presence tends to be higher, or because they are more likely to live in smaller more overcrowded houses with less outdoor space. Some also expressed the view that "cultural" differences in socialising behaviours rendered some BAME people, particularly young Asian men who it was claimed tend to socialise in their cars rather than at home, more visible to police. Other participants noted that BAME people's behaviour may be more likely to be noticed and reported to the police, especially where they are in areas with small ethnic minority populations.

There is some limited data to support some of the suggestions made by our participants. Researchers from Edinburgh University have suggested that apparent ethnic disproportionality in the use of Covid-19 FPNs in Scotland "may well reflect other aspects of people's characteristics and circumstances rather than their ethnicity"[28]. University College London (UCL)'s "Covid Social Study"[29] has found some evidence that BAME people were slightly less likely than White British people to say that they complied completely with Covid regulations, whilst qualitative research commissioned by the Office for National Statistics (ONS) also indicated lower compliance amongst members of ethnic minority groups with certain restrictions, particularly the ban on meeting friends and family inside one's own home[30]. It therefore cannot be entirely discounted that some of the disproportionality in the use of FPNs reflects different levels of compliance between different groups. However, the differences between BAME and White British people's stated compliance observed in

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[28] See: McVie and Matthews (2021), p.25
[29] See: https://www.covidsocialstudy.org/results
[30] The study involved interviews and asking participants to keep activity diaries during lockdowns See: https://www.ons.gov.uk/peoplepopulationandcommunity/healthandsocialcare/conditionsanddiseases/bulletins/coronavirusandcompliancewithgovernmentguidanceuk/april2021#ethnic-minority-participant-compliance

the UCL study are not of the same magnitude as the level of disproportionality in the use of FPNs.

The evidence obtained through the 32 interviews with police officers conducted for this study suggests that ethnic disproportionality is unlikely to have arisen only or primarily because of different groups behaving in different ways. The attitudes expressed by our participants towards policing the Covid regulations and what they told us about how they approached this indicate that at least some of the disproportionality is likely to be reflective of the approach to policing the pandemic. In the next chapter, our conclusion, we explain why we think this is the case and set out some recommendations as to how this might be avoided if future developments require a return to some form of "lockdown" restrictions.

6   Conclusions and Recommendations

The findings from this study suggest that, through a combination of force-level and national policing policy and guidance and the practices adopted by frontline officers, approaches to policing the pandemic exposed members of some societal groups (including BAME people) to a greater risk of being fined for breaching the Covid regulations. This higher exposure to punishment under Covid rules occurred even though the groups concerned do not appear to have been significantly more likely to breach the regulations than other groups and their breaching behaviour may not have been objectively more culpable or risky than that engaged in by members of other groups. Whilst further analysis of a larger sample of FPNs and the circumstances in which they were issued would be helpful to gain a fuller understanding of how and why this has occurred, but it is clear that ethnic disproportionality in the use of FPNs for breaches of Covid restrictions is most likely to have arisen due to the way the restrictions were policed rather than due to substantial and significant differences in the behaviour of different ethnic groups.

It is important to recognise from the outset that the restrictions imposed on the public by the coronavirus regulations were not (and were not capable of being) equally policed. Certain kinds of behaviours potentially breaching the regulations were more likely to come to the attention of the police and to be seen by officers as opportunities to intervene. Breaches of the restrictions on movement through and behaviour in publicly accessible spaces were readily available for police intervention and dealing with these conformed in many ways to established policing practices ("business-as-usual"). Breaches occurring in private spaces were less likely to come to police attention and were, in many circumstances, much more difficult for the police to deal with, not least because they had no power of entry to enforce Covid rules.

This unevenness in the police's ability to deal with different types of breach meant that some people (young people, people living in areas with higher police presence, people living in more closely packed and overcrowded housing) were, in the absence of attempts to address this inequality, inevitably more exposed to being caught and fined if they broke the rules. Arguably, given what is already known about the impact of population "availability" for stop and search on statistical disproportionality in that area of policing[31], it should have been possible to recognise in advance the differences in the visibility and availability of different groups for police intervention under Covid-19 regulations, and to consider ways in which police could mitigate the potential for inequalities to arise. However, instead of attempting to harness knowledge about differential availability to mitigate the uneven impact of the rules on different groups, the tendency has rather been for police to cite availability to explain and excuse disproportionality.

This study has also revealed that many police officers experienced discomfort and uncertainty about policing the Covid-19 regulations and that, with the explicit backing

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[31] See Waddington et al (2004)

provided by the "4Es" guidance, they used their discretion to resolve this uncertainty by only issuing fines for breaches that they categorised as "blatant". The exact behaviours considered to be "blatant" varied from officer to officer and changed over time as officers felt that people had fewer excuses for not being aware of the restrictions, but there were some patterns and continuities in the criteria officers applied in deciding whether to issue fines.

We found evidence that officers applied pre-existing ideas about the types of people and behaviours that ought to be treated with suspicion to the way they policed the Covid rules, suggesting an implicit assumption that policing Covid would mostly involve dealing with the type of people they were used to dealing with. As one participant put it: *"you would find that certain segments of society would adhere to it and certain ones wouldn't. The ones that didn't want to were the ones you would deal with on a daily basis anyway" (IV31)*. It seems likely that officers were more comfortable issuing Covid FPNs to people encountered in the context of what we have called "business-as-usual" policing activities. We also found some evidence that existing patterns in proactive policing in some areas may have exposed BAME people to a greater risk of being found breaching Covid regulations and thus being fined.

Evidence from across Europe shows that approaches to policing of the pandemic have revealed a good deal about inequalities in "business-as-usual" policing[32]. In this study we found that people encountered in more "business-as-usual" policing circumstances were more likely to be referred to in disparaging terms by our participants and were often portrayed as habitually contemptuous of both the law and the police. Conversely, where officers were dealing with individuals they regarded as usually "law-abiding" under circumstances that would not usually warrant police attention, they seemed much more likely to be sympathetic and less likely to be highly critical of the individuals' character.

Our analysis also revealed that, in the absence of explicit admissions from individuals that they knew they were breaching the rules, officers emphasised "poor attitude" and/or being "known" to the police as indicators of both guilt and that an individual deserved and/or required punishment in the form of an FPN. As such, it seems highly likely that enforcement decisions were influenced by officers' evaluations of the general character of the person (based on previous knowledge of them, generalisations about the societal group they were perceived to belong to and, relatedly, assessments of their attitude when challenged by police) rather than the level of risk and harm posed by the breach[33].

The Covid-19 restrictions also provided police with an additional and highly flexible sanction that could be used to penalise individuals who officers believed may be involved in other forms of criminality and to impose additional penalties on individuals being dealt with for other offences. Our data suggest that this is likely to have been a fairly common occurrence (and perhaps even to have been encouraged in some force areas). In these circumstances, rather than the law, and its primary objective of reducing disease transmission, guiding

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[32] Rowe, *et al.*, 2021

[33] Officers' references to the "attitude test" as something which shapes their decisions in relation to use of powers and enforcement has been well-established in previous research. See Pearson and Rowe (2020); Pizio, (2012).

officers' conduct it became a resource for achieving other police objectives. As a result, it is likely that members of the public seen as usually "decent" and "law-abiding" received different treatment under the coronavirus restrictions to individuals seen by police officers as the kind of people they ought really to be dealing with. Given that the Covid-19 restrictions imposed significant limitations on normal everyday life, breaching what would usually be basic human rights, any use of the powers for any purpose other than preventing the spread of the virus should be seen as highly objectionable.

Based on our analysis of the interview data collected for this study, we think the following key points are central to understanding statistical disproportionality in the rate at which FPNs were issued to different ethnic groups.

(1) Due to a combination of social and economic factors, and existing patterns of policing, some societal groups were clearly more at risk of being found breaching Covid-19 regulations (more available for police intervention).

(2) Individuals regarded as usually "law-abiding" and encountered in circumstances that would not ordinarily attract police intervention were less likely to be fined for breaking the Covid-19 rules.

(3) Officers' evaluations of the general character of individual rule-breakers seem to have been more important than the level of risk and harm posed by their breach of Covid-19 regulations, in shaping decisions about whether to issue an FPN.

(4) Some police officers used the highly oppressive regulations introduced to protect people from the spread of disease as another "tool in the toolbox" to meet other policing objectives.

Taken together, these key findings provide a clear indication of why BAME people (and particularly Black and Asian people) have been more likely to be fined for breaching Covid regulations. The central point binding them together is that a tendency to revert to a "business-as-usual" approach to policing has been a key factor underpinning disproportionality. We already know that ethnically based statistical disproportionality is a feature of "business-as-usual" policing; that BAME people seem more likely to be treated as "police property"[34]; and that there are existing tensions in the relationship between some minority ethnic people and police. As such, it is not unlikely that some members of ethnic minority groups may be more likely to fail the so-called "attitude test"[35] and thus have their behaviour defined as "blatant" and requiring enforcement action as opposed to a warning.

To be effective, public health measures of the sort we have experienced over the past two years require the widespread and willing compliance of the public. It is therefore important that they are seen to be used fairly, proportionately and in a way that is effective in supporting the public health objective of minimising viral transmission. Policing that is oriented towards a "business-as-usual" mission is unlikely to be primarily focused upon the

[34] Lee, 1981

[35] Indeed, as Lee (1981) and Choongh (1997) have observed, some people (for example young people, BAME people) may be expected to show more deference than others in encounters with the police and therefore be at greater risk of failing the "attitude test" due to the bar being set at a higher level.

public health objectives. Indeed, our interviewees did not, for the most part, speak of the severity of the health risks posed by specific behaviours. Their sanctions were not graduated to reflect the potential for the spread of the virus or a threat to the health of a vulnerable person. They tended to focus upon rules and the attitude and general moral character of rule-breakers and on preserving good relations with citizen groups regarded as usually law-abiding. As such, the 4Es approach, whilst a well-intended attempt to limit over-zealous criminalisation of usually normal behaviours, appears likely to have legitimised a differential approach to enforcement that reflected pre-existing biases in policing, including biases in beliefs about which types of people are more likely to break the rules and deserve and require punishment to secure their compliance with the restrictions.

The pandemic was not "business-as-usual": the threat we faced as a society was new and regardless of ethnicity, age, social class or our usual behaviour in relation to the law *we were all dangerous* as potential vectors of transmission. Importing "business-as-usual" police thinking about who is suspicious, who is dangerous, and whose attitude deserves or requires enforcement action, seems to have served to import the existing biases of policing into the pandemic context. Indeed, the tragedy is that by focusing officers' attention on short-term compliance with officers' instructions, the 4Es approach may have heightened both the risk that some groups would be more exposed to punishment for breaching Covid rules and the risk that some parts of the population may start to think that the rules did not apply to them or their rule-breaking behaviours. As we have seen from high profile examples of rule-breaking and some police forces taking (and only under significant public pressure backing away from) a position of no retrospective enforcement action this may have had a significant negative impact on population compliance as the pandemic progressed[36].

Based on what our participants said to us, the police response on the ground appears to have lacked a sustained and clear focus on reducing the level of risk and harm caused by Covid-19, and to have been overly concerned with avoiding antagonising people normally regarded as decent and law-abiding, at the same time as readily adapting to using the highly intrusive Covid powers as another "tool in the toolbox" for dealing with people regarded as more legitimate recipients of coercive police interventions. From both equalities and human rights perspectives, this is problematic.

The problem of ethnic disproportionality in relation to Covid restrictions, then, is perhaps best understood not as a problem of over-enforcement against some groups or in some circumstances, but rather as a problem of under-enforcement against some groups in some circumstances. The 4Es guidance appears to have underpinned a tendency for officers' practice to emphasise situational compliance through the performance of appropriate deference to police instruction rather than securing more general population level compliance through a deterrent approach to enforcement.

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[36] For example, see Researchers identify 'Cummings effect' undermining public trust in government during lockdown | The Independent | The Independent

Should lockdown restrictions be required again in the future, it will be important for police forces to take stock of all analyses of their pandemic response during 2020-21. We are aware that other analyses are currently being conducted and it will be important to take account of their findings. In addition to these ongoing analyses, forces (including the forces we partnered with for this research) could do more to interrogate the information they currently hold on their own systems about the circumstances in which fines were and were not issued for breaches of coronavirus regulations. However, we also think that this study, although small-scale, provides some important insights into the reasons for inequalities in the impact of the policing of Covid-19 restrictions on different societal groups. On this basis, we end this conclusion with three recommendations for action which we think may help address the issues raised by this report.

In making our recommendations, we are alive to the fact that the pandemic appears to be a thing of the past. However, it is not over and while it may seem unlikely, it is not inconceivable that further restrictions might be necessary if, for example, new variants emerge. Policing any such recurrence of "lockdown" restrictions will, we would suggest, be more fraught and contested than was the case in the first and second "lockdowns" of 2020/21. Handling the tensions and ambiguities that will arise will require surer handling. Our recommendations are offered in that light.

RECOMMENDATION 1: Further research and analysis. Forces should consider all available sources of information on the circumstances in which fines were and were not issued for breaches of coronavirus regulations (for example incident logs) and undertake analysis to identify the circumstances in which breaches were encountered (e.g. proactive, reactive, non-Covid call etc.) and any patterns of non-enforcement that may have contributed to insulating some societal groups from enforcement.

RECOMMENDATION 2: A change of emphasis in enforcement. Should any form of lockdown restrictions be imposed again, the 4Es approach should be replaced with guidance that emphasises the need to reduce risk of harm by securing broad population compliance with the regulations. The desire to preserve good relationships with that part of the population regarded as normally law-abiding should not take precedence over using enforcement to deter rule-breaking. Nor should the ability of some groups to perform an appropriate level of situational compliance and deference towards police instructions be a reason not to issue fines where behaviour is clearly in breach of the rules and increases the risk of virus transmission.

RECOMMENDATION 3: Only using Covid FPNs for pandemic-related objectives. Should any form of lockdown restrictions be imposed again forces should strongly discourage officers from using Covid-19 FPNs to pursue non-pandemic related objectives (for example, using them as "bonus" sanctions when dealing with individuals for other offences).

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Appendix 1 – Interview Schedule

SCREENING QUESTIONS:

In this interview I will be interested in understanding how you came to issue a FPN for [INSERT INFO] on [INSERT RELEVANT INFO].

Can you recall the incident or do you need me to provide you with further information to help jog your memory?

[PROVIDE FURTHER INFO IF NEEDED. IF STILL CLEAR OFFICER DOES NOT RECALL INCIDENT INTERVIEW SHOULD NOT BE CONDUCTED].

GENERAL START:

Please tell me a bit about your current role and duties.

How have you found policing the new regulations that were brought in in relation to Covid-19?

STORY OF THE FPN:

So please in your own words tell me about the events leading up to you issuing this FPN.

IF NECESSARY USE PROMPTS AS FOLLOWS:

- How did you come to attend this incident?

- How did you become aware of the breach of the regulations?

- What did you do?

- Have you come across similar behaviours where people listened to you so you didn't have to issue a ticket?

- Was coronavirus a focus in the shift briefing that day, or that week?

- Can you recall what information and advice you had been given about dealing with breaches?

CLOSING THE INTERVIEW:

As you know, this research is concerned with exploring possible reasons why BAME individuals have been fined more often in relation to Covid-19 breaches. Do you have any views on this?

Is there anything else you'd like to tell us about this topic?

Thank-you for your participation.

Appendix 2 – Participant Information Sheet

(Version 1, 26th January 2021)

Exploring ethnic disproportionality in the use of FPNs for breaches of coronavirus regulations

This study is exploring the contexts within which officers have issued FPNs for breaches of coronavirus regulations.

You are being invited to participate in a research study. Before you decide whether to participate, it is important for you to understand why the research is being conducted and what it will involve. Please read the following information carefully and feel free to ask if you would like to know more or if there is anything that you do not understand. Please also feel free to discuss this with others, including your Police Federation representative, if you think this will help your decision.

We would like to stress that you should only agree to take part if you want to do so and if you are comfortable with the information about how the study will be conducted.

Thank you for reading this.

What is the purpose of the research?

Data from the first period of "lockdown" (27th March to 25th May) indicated that FPNs were issued at a higher rate for BAME people than White people. To help understand why this might be the case this research aims to understand the stories behind those cases where police officers have issued FPNs for breaches of coronavirus regulations. To do this we are drawing on the information available in the police records and interviews with police officers who have issued FPNs. The study is being conducted in collaboration between the University of Liverpool and four police forces: Cheshire, Cumbria, Greater Manchester and West Yorkshire. Dr. Liz Turner and Dr. Mike Rowe, both lecturers at the University of Liverpool, are the academic leads for the research, supported by [TBC, PDRA currently being recruited].

Who will be taking part?

We are using police data and records to identify officers who have issued FPNs and inviting some of these officers to take part in the study and tell the story of how they came to issue particular FPNs. We are interested in speaking to officers who have issued FPNs in a variety of different contexts, some may have issued only one FPN whereas others may have issued several. We want to find out about a variety of perspectives and experiences and invitations to take part are being made on this basis.

Do I have to take part?

No. And if you do decide to take part you can change your mind and withdraw from the study at any time without having to give any reason. If this happens, we will delete all data associated with your participation and make no further use of it in our analysis or reports.

What will happen if I take part?

If you decide to take part we will schedule an online video call (or audio only if you prefer) at a time that is convenient to you. You will be interviewed by a member of the academic research team: Dr. Liz Turner, Dr. Mike Rowe or [TBC – Recruitment in process]. The interview will last up to 30 minutes. You will be asked to tell the story of how you came to issue a particular FPN. The interview will be recorded (audio only).

Your police force has agreed to provide participants with time to undertake the interview at work. As such you should speak to your supervisor about when is the best time for you to be interviewed and try to identify a quiet place where you can take part.

How will my data be used?

The University processes personal data as part of its research and teaching activities in accordance with the lawful basis of 'public task', and in accordance with the University's purpose of "advancing education, learning and research for the public benefit".

Under UK data protection legislation, the University acts as the Data Controller for personal data collected as part of the University's research. The Principal Investigator, Dr. Liz Turner, acts as the Data Processor for this study, and any queries relating to the handling of your personal data can be sent to her at lizt@liverpool.ac.uk .

Further information on how your data will be used can be found in the table below.

How will my data be collected?	An audio recording of the interview will be made. This will be transcribed by a University of Liverpool approved professional transcription service.
	In addition to the interview data we will only retain very basic details that could be used to identify you, namely your email address. This information will be stored in such a way that it cannot be linked to the transcribed data. We will only retain this information if you agree to us doing so for one or more of the following purposes: (1) to provide you with updates about reports and other publications related to the research; (2) to contact you about future research we are conducting that relates to this

	research. You can request for this information to be deleted at any time.
How will my data be stored?	The audio recording and transcripts will be stored on a password-protected drive, which is part of the University of Liverpool's centrally managed IT facilities.
How long will my data be stored for?	10 years (University of Liverpool minimum data retention period).
What measures are in place to protect the security and confidentiality of my data?	The data will be stored on a drive managed as part of the University of Liverpool's central IT infrastructure. It will only be accessed by members of the academic research team. Raw transcript data will not be made available to police forces.
	The only exception to your participation remaining confidential would be if you said something in our communications with you, including during the interview, which caused us to think that you or somebody else could be at risk of serious harm. In the unlikely event of this occurring, we may have to breach confidentiality and pass this information to an appropriate person. We would only do this if in our view breaching your confidentiality was both proportionate and likely to prevent this harm. Where appropriate in such situations we would make you aware that we planned to breach your confidentiality and would gain your consent to do so. However, if we felt it was necessary we would proceed without your consent.
Will my data be anonymised?	Yes. Neither audio recordings nor transcripts will be given file names that could identify you.
	As soon as possible after receiving the transcripts from the transcription service a member of the research team will redact any details that might potentially identify an individual (e.g. mentions of specific places, teams, or police stations). These details will not feature in any reports or publications on the research.
How will my data be used?	Your data will be analysed by the research team in order to help us understand the contexts and circumstances in which FPNs for

	breaches of coronavirus regulations have been issued.
Who will have access to my data?	Your data will only be accessed by the professional transcription service (and then only in order to make a transcript of the audio recording) and by members of the research team (Dr. Liz Turner, Dr. Mike Rowe and [TBC]).
Will my data be archived for use in other research projects in the future?	No.
How will my data be destroyed?	It will be deleted from the University of Liverpool drive. Any University of Liverpool IT equipment that has been used to process the data will be erased and disposed of as appropriate by the University of Liverpool Computing Services team.

Are there any risks in taking part?

We do not think there are any risks to you in taking part in these interviews. However, we recognise that this is a particularly unsettling and stressful time for everyone. If you think that taking part in an interview will place you under additional stress then please think carefully about whether it is appropriate for you to do so.

Are there any benefits in taking part?

We hope that you will find it helpful to talk about your experiences of policing during this unprecedented period in history.

What will happen to the results of the study?

The findings from these interviews will be summarised in a report on how officers describe moving from "engagement" to "enforcement" in policing the coronavirus regulations. We intend to communicate our research findings as widely as possible to ensure that police leaders, policy makers, politicians and members of the public can gain an insight into the perspectives and experiences of police officers working through this unprecedented period. We will do this through a combination of short research briefings and reports and through more academic publications, like journal articles or books. We hope that this will help everyone to reflect on the challenges police officers have faced as they attempt to encourage compliance with significant restrictions on everyday freedoms people usually take for granted. If you would like us to provide you with copies of any briefings or reports then please provide us with a contact email address on the consent form.

What will happen if I want to stop taking part?

If at any time prior to or during the interview you decide that you no longer wish to take part please tell us straight away and we will delete all of your data. You do not need to give us a reason. If you decide after the interview that you no longer wish to be a part of the study you should also let us know by emailing the Principal Investigator, Dr. Liz Turner (lizt@liverpool.ac.uk). As long as you do this within 2 weeks of the interview having been conducted we will delete all relevant data. Again, you do not need to give us a reason.

What if I am unhappy or if there is a problem?

If you are unhappy, or if there is a problem, please feel free to let us know straightaway by contacting the Principal Investigator, Dr Liz Turner, by email (lizt@liverpool.ac.uk). If you remain unhappy or have a complaint that you feel cannot be reported directly to the research team then you should contact the Research Ethics and Integrity Office at ethics@liv.ac.uk. When contacting the Research Ethics and Integrity Office, please provide details of the name or description of the study (so that it can be identified), the researcher(s) involved, and the details of the complaint you wish to make.

The University strives to maintain the highest standards of rigour in the processing of your data. However, if you have any concerns about the way in which the University processes your personal data, it is important that you are aware of your right to lodge a complaint with the Information Commissioner's Office by calling 0303 123 1113.

Who can I contact if I have further questions?

Please email Dr Liz Turner, Department of Sociology, Social Policy and Criminology, University of Liverpool. lizt@liverpool.ac.uk .

Appendix 3 - Consent Form

Participant consent form

Version number: 1   **Date:** 26th January 2021

Title of the research project: Exploring ethnic disproportionality in the use of FPNs for breaches of coronavirus regulations

Researcher(s): Dr Liz Turner, Dr Mike Rowe, [TBC – Being recruited]

     Please <u>initial</u> box

1. I confirm that I have read and have understood the information sheet dated **9th December** for the above study, or it has been read to me. I have had the opportunity to consider the information, ask questions and have had these answered satisfactorily.   ☐

2. I understand that taking part in the study involves an audio recorded interview.   ☐

3. I understand that my participation is voluntary and that I am free to stop taking part and can withdraw from the study at any time without giving any reason and without my rights being affected. In addition, I understand that I am free to decline to answer any particular question or questions.   ☐

4. I understand that I can ask for access to the information I provide and I can request the destruction of that information at any point until 2 weeks after the date of my interview.   ☐

5. I understand that the information I provide will be held securely and in line with data protection requirements at the University of Liverpool until it is fully anonymised.   ☐

6. I understand that signed consent forms and interview transcripts will be retained in electronic form stored on a secure University of Liverpool drive accessible only by the project research team until 10 years after I took part in the study.   ☐

7. I understand and agree that researchers will make an audio recording of the interview discussion. I consent to your use of these recordings for research purposes. I understand that my name will not be linked with the notes or recordings and I will not be identified or identifiable in any report or reports that result from the research.   ☐

8. I understand that the confidentiality of the information I provide will be safeguarded and won't be released without my consent unless required by law or in the unlikely event that something I say during the interview causes the researchers to think that I or somebody else could be at risk of serious harm.   ☐

9. I understand that briefings, reports, and academic publications will be produced using the data and I that if I would like to receive copies of these I will provide my email address below.

☐

10. I understand that the researchers may wish to contact me again about further research related to this project but that I do not have to agree to this. If I am happy to be contacted, I will provide a contact email address below.

☐

11. I agree to take part in the above study.

☐

_____   _____   _____

Participant name   Date   Signature

_____   _____   _____

Name of person taking consent   Date   Signature

Do you want to receive a copy of any reports or briefings?   Yes [ ]   No [ ]

Do you want to receive a copy of any academic publications (e.g. journal articles), or where this is not possible (e.g. if the analysis from the study is included in a book), to be notified of any such publications?

Yes [ ]   No [ ]

Are you happy for the research team to contact you about future research they may conduct that is related to this research project?

Yes [ ]   No [ ]

If Yes to any of the above, please provide email address:

_____
____

Principal Investigator

Dr Liz Turner

School of Law and Social Justice,

University of Liverpool

lizt@liverpool.ac.uk

Co-Investigator

Dr Mike Rowe

Management School,

University of Liverpool

mikerowe@liverpool.ac.uk

AUTHOR FOR CORRESPONDENCE:

Dr. Liz Turner

Senior Lecturer

School of Law and Social Justice, University of Liverpool

lizt@liverpool.ac.uk