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**Police and Crime**

**Commissioner for Dyfed-Powys**

**Scrutiny Panel**

**Dip Sampling Exercise**

**Covid-19 Fixed Penalty Notices**

**Panel Members’ Findings & Feedback**

**July 2020**

# 1.0 Background

In their first ever virtual scrutiny session, Members reviewed 29 randomly selected Fixed Penalty Notices (FPNs) issued for breaches of the Coronavirus (Covid-19) regulations. A sample of FPNs issued to individuals from different ethnicities was selected from across the Dyfed-Powys Police area.

Both a Chief Inspector and Inspector attended the start of the meeting to give an operational overview of Covid-19 FPNs and how the Force adapted their policing in response to the regulations. The Force followed the National “Four Es” approach: firstly to Engage, Explain, Encourage and as a last resort, Enforce. Due to the speed of the introduction of the regulations, it was explained that the traffic offence FPN form was initially used for issuing Covid-19 FPNs, until a new national form was released.

Dyfed-Powys had issued more FPNs than any other Force in England and Wales. It was explained that this could be down to a number of factors including the Force’s proactive approach to intercepting non-essential travel, the large geographical area covered, the significant number of individuals travelling into Wales from England, seemingly unaware of the differences between UK and Welsh Government lockdown guidance and the large number of tourist beauty spots in the Dyfed-Powys area.

Members collectively reviewed 25 Notices issued to males and 4 issued to females. These comprised of 9 issued in both Ceredigion and Pembrokeshire, 6 in Powys and 5 in Carmarthenshire. In 24 of the Notices, the recipient’s home address was outside of the Force area. The following table shows the recipients’ self-defined ethnicity on the Notices reviewed.

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| **Ethnicity** | **Self-defined** |
| White | 9 |
| Chinese | 6 |
| Asian | 4 |
| Mixed | 4 |
| Black | 1 |
| Not stated | 5\* |

(\*Officers defined 1 Asian, 1 Black and 3 Other)

# 2.0 Findings

1. The Panel identified no issues with the rationale for issuing any individuals with an FPN.

* It was evident from all the cases that every individual had breached the Covid-19 regulations.
* Members felt however that additional context and detail on the forms in relation to why the case had been escalated to an FPN would strengthen records.
* Whilst likely, it was not always apparent that the officer had worked through the “4 Es” - to Engage, Explain and Encourage before enforcing.
* The Panel queried how officers identified those repeatedly breaching the regulations if not all stops were recorded (i.e. if they were encouraged to turn around but not issued with a Notice).

1. The detail of rationale recorded on the FPNs varied.

* It was felt that some FPNs required more detail in relation to the context / summary of the incident and rationale for the enforcement. It was noted that this had already been identified and addressed by the Force in the early stages of the introduction of the Notices.
* Members identified that some recorded circumstances did not appear to directly relate to the offence stated. Whilst Members did not question that all of the fines were relevant as each circumstance denoted a breach of the Covid-19 restrictions, they did seek assurance that any inaccuracy would not adversely affect the validity of the Notice.
* The Panel noted on a few of the examples that there was reference to groups being stopped, but no confirmation of how many individuals were issued with an FPN. This was raised in two cases in particular, where there appeared to be a high proportion of Notices issued to individuals from Black Asian and Minority Ethnic (BAME) communities on the same day in the same county. The Panel considered this required further investigation to understand the reason for this.
* In line with the above the members noted that there was no requirement to record the vehicle details on the new Covid-19 forms. Members saw that many officers were noting this information in the rationale box. This was felt to be best practice to allow for operational needs and identifying any potential bias being demonstrated towards certain vehicles’ owners. One particular officer’s records stood out as being particularly detailed and objective.

1. There were some differences in the background checks conducted on those stopped.

* It was found that background checks (on the Police National Computer) were not conducted on 3 of the 29 individuals . Whilst there was no apparent pattern to the omission, Members queried whether every FPN recipient should be routinely checked.

1. There appears to be an improvement in officers’ activation of their Body Worn Video.

* It was noted positively that 19/29 officers had activated their Body Worn Video (BWV) cameras. This is a significant improvement on cases previously reviewed by the Panel.
* It was noted that for the remaining 10 cases, 2 officers had not been issued with BWV. There was no evidence as to why the remaining 8 were not activated.

1. Members acknowledged the speed at which officers had to adapt to the new regulations and unanimously felt that Dyfed-Powys Police had done a good job in a difficult situation.

* The comments made by the Panel are suggested to be used to shape any necessary future enforcement periods in order to further improve the transparency of police action.

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| **Observation** | **Force Response** |
| Officers should detail how many individuals are present and are issued with an FPN. This should be monitored on an individual officer basis as well as on a Force-wide level to ensure any bias or disproportionality is identified at source. | Officers are not currently required to record the number of individuals present in a group when issueing an FPN to an individual. There is no powers to record details of people who have not commited offences. Officers may choose to record details in their evidence section of the FPN such as ‘Offender was part of a group of youths who were seen gathering in the park’  All officer ‘stop and search’ and ‘use of force’ incidents are monitored to identify any disproportionality or trends. |
| The high proportion of Notices issued to individuals from BAME communities on the same day in the same county required further investigation to understand the reason for this. | 20th May Pembrokeshire - 3 out of 7 FPNs issued were to BAME. The 3 FPNs have been reviewed, there appears to be no link between the 3 individuals.  30th May Pembrokshire - 12 out of 18 FPNs issued were to BAME. The 12 FPNs have been reviewed. They all appear be linked to an incident in Stackpole. It appears a large group have travelled to the area from the West Midlands.  Dyfed Powys encountered large numbers of people travelling into the police area in breach of COVID restrictions. I am satisfied that this accounts for an increase in FPNs issued to members of the BAME community. |
| All individuals stopped in their vehicles should have their car details registered on the Notice. | There is no requirement to record vehicle details when FPNs are issued to individuals.  The COVID FPNs were adapted from existing forms that were predominatly used for vehicle offences hence there was a space for vehicle details to be recorded. |
| The Force should consider how breaches that do not result in an enforcement are recorded in order to identify those who repeatedly breach without penalty. | There is no bespoke system for recording those who were warned re COVID breaches. Officers were routinely turning around hundreds of people at checkpoints therefore it would not have been practical to record everyones details.  The police intelligence recording system could be used to record information from the public on an individual who has been repeatedly breaching COVID restrictions. |
| The Force should clarify if background (PNC) checks are conducted for every FPN issued. If they are not, the rationale should be recorded. | It is good practice to conduct PNC checks on individuals involved in crime however it is down to individuals officers to justify the need for a PNC check and they must give a ‘reason code’. In some cases officers may not have felt a full PNC check was justified when dealing with COVID breaches. |
| The Force should review why some officers were not issued with BWV and continue to ensure that officers routinely activate their cameras. | All full time front line officers are issued with BWV.  Guidance is that BWV should be turned on during interactions with the public unless there is a justifiable reason for not doing so (eg vulnerability).  I will feed back to the training department that officers are not always using it and discuss how this can be addressed in future training. |