

North Yorkshire Covid 19 Fixed Penalty Notices issued to BAME

Scrutiny report

Published July 2020 (*work undertaken May / June 2020*)



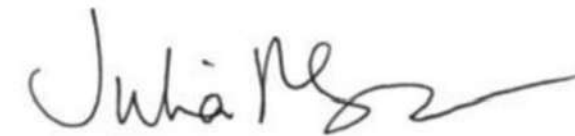
Foreword

Policing is rightly reflecting on itself at the moment, asking difficult but important questions about race, equality, policies and process, bias and whether policing is institutionally racist. This report does not answer those in the round, but does focus specifically on how COVID-19 Fixed Penalty Notices (FPNs) have been issued locally. This is set in the context of North Yorkshire Police having issued the most FPNs in England and Wales during the lockdown.

In our area, there is evidence of a clear bias in the data, showing young Asian males were far more likely to have been issued a FPN than our demographics would suggest. This is concerning, but we recognised the issue quickly and have undertaken a number of steps to understand the situation. These include raising our concerns at a national level, including with the Policing Minister, questioning the data, and undertaking a comprehensive and independent piece of local scrutiny work to understand the issue in detail.

In doing this, we found no evidence of any bias or discrimination in the individual issuing of FPNs, indeed all appear to have been issued fairly and appropriately in and of themselves. However, I remain very concerned that the sheer scale of FPNs issued to young Asian males is unfair and likely to be biased. This requires further work to understand; not only how the bias manifests in other places, but the policies and processes which can lead to activity of this kind. My office is working with the Deputy Chief Constable on this matter, treating it with the seriousness it deserves, and will be scrupulous in uncovering any conscious or unconscious bias in policing.

We must all do everything within our power to root out discrimination of any kind, and I am committed to doing so. Moreover, as the national lead for Police and Crime Commissioners on Integrity and Accountability, I am part of a working group of PCCs looking at the issue of race discrimination at a national level, working alongside senior policing colleagues in the National Police Chiefs Council.



Julia Mulligan
North Yorkshire Police, Fire & Crime Commissioner



Executive Summary

The Police, Fire and Crime Commissioner (PFCC) and North Yorkshire Police (NYP) have maintained a close watch on the issuing of Fixed Penalty Notices (FPNs) against the Coronavirus regulations to understand any trends that may need to be addressed. It was identified early on that there seemed to be a higher than proportionate number of FPNs being issued to BAME members of the public and scrutiny was conducted urgently to review this. On 5th May the PFCC requested an analytical assessment of the data and on 14th May convened an extraordinary meeting of the Independent Out of Court Disposal Scrutiny Panel to review and assess the findings. Following on from this, recommendations have been provided to NYP for further work to review and understand these findings which will be subject to a Public Accountability Meeting later in the year. This work has progressed at speed, and is forming best practice nationally, being adopted by other policing areas.

In summary, it was found that there was a disproportionate number of FPNs issued to BAME individuals. This particularly affected young Asian males from West Yorkshire, mainly issued in the Craven district. Questions remain as to why BAME numbers are so high. Without a fuller picture of the total numbers of people present on each day or over the period, or the total number of stops and interactions by police, it is not possible to establish overall levels of engagement or to draw definitive conclusions as to whether specific discrimination took place. However, we find it difficult to believe that BAME individuals would be particularly more likely to contravene the regulations or be substantially more antagonistic or to refuse to follow guidance from officers, in a way which would lead to this outcome.

Our summary conclusions are:

- FPNs issued to local people (North Yorkshire residents) are proportionate to the local demographic.
- BAME visitors are disproportionately represented.
- BAME numbers have remained steady over time while White numbers have increased.
- Young Asian men travelling in groups feature prominently amongst BAME FPNs.
- There over representation of young people and males more generally may also be worth of further consideration.

We recommend that NYP conduct a further review into the results from Craven for the following reasons:

- They are a major factor in the high number of BAME FPNs.
- A significant proportion were issued to Asian visitors.
- There are periods when FPNs were only issued to BAME.
- While there is no evidence that any one officer or group of officers was particularly targeting BAME, indeed dip sampling would suggest all FPNs in and of themselves were issued appropriately, there is also no definitive explanation as to why BAME feature so significantly. A focus on the restriction of movement may have unconsciously biased against those who do not fit the local profile at beauty spots frequented by visitors living in relatively close proximity in north Bradford/Leeds.



Introduction

The Health Protection (Coronavirus, Restrictions) (England) Regulations 2020 (S.I. 2020/350) empowered the police to issue Fixed Penalty Notices to any person in contravention of the regulations. From the start NYP made a conscious decision to manage FPNs centrally before submitting them for processing nationally, rather than their being sent direct from the officer or local station. Therefore consistent and substantial data was available for review. It was identified and raised early on that there seemed to be a disproportionate number of FPNs issued to BAME individuals and the Commissioner requested that scrutiny work be conducted to understand why and see whether the Service were in any way acting discriminatorily.

North Yorkshire has a BAME population of 3.4%. High level analysis showed that 20% of FPNs had been issued to BAME individuals, almost entirely visitors, with a significant proportion being Asians traveling into the Dales from Bradford. Anecdotal evidence suggested that an element of this was their tendency to travel in large groups, raising the number of FPNs issued in one incident. Anecdotal evidence also suggested that they were generally being stopped at destination, and not necessarily at any road check. The PFCC was also aware that each FPN was being triaged centrally before submitted, so the validity of the FPN was likely to be made out.

The aim of the scrutiny was therefore to understand whether any underlying reason for the disproportionality could be found, and to provide public assurance on whether there was any bias in NYP enforcement. We set out to confirm our high-level and anecdotal findings, considering the proportion, place of origin and geographical spread, movement in groups, rate of FPNs over time, proportionality and method of stop/issue, and any bias in enforcement.



Data limitations

We analysed 891 FPNs issued between 02 April 2020 (the first FPN to be issued by NYP following the introduction of the regulations) and 11 May 2020 when the regulations changed. We recognise the following limitations of the data we were analysing:

- The data provided can say who was given FPNs.
- The data cannot say who was stopped by police but not given an FPN, or who was seen by police but not stopped.
- The data cannot tell us the level of engagement/use of 4E model prior to FPN being issued.
- Ethnicity was not stated on 11% of FPNs.

It is therefore not possible to conclude whether certain ethnicities were more or less likely to break the rules, more or less likely to be stopped or engaged, or more or less likely to comply with police instruction. It is also not possible to definitively conclude if they were more or less likely to be issued an FPN as we do not know the ratio of persons in the area on the day. We can only assess the proportionality of FPNs issued against general population statistics.

Glossary

For the purpose of this report the following terms are understood to mean:

BAME

Unless otherwise stated, includes Black, Asian, Mixed race, Other minority (including Chinese, not including white minorities), and White minorities other than British.

White

White British (code W1) only

NS

Not stated (ethnicity not recorded)

FPN

Fixed Penalty Notice

Local/Visitor

Resident/Non-resident of North Yorkshire

Group

2+ people of different households unless otherwise stated

4Es

National Police Chiefs Council’s recommended approach to ensuring compliance of the regulations – Engage, Educate, Encourage, Enforce.



Conclusions and Recommendations

Questions remain over why BAME numbers are so high. There is insufficient evidence to determine what factors may have been at play. It is difficult to believe that there were so many more BAME compared to White who contravened the restrictions or who were substantially more antagonistic or refused to follow guidance by officers.

However, without evidence as to numbers of all stops/interactions by police to establish overall levels of engagement, it is not possible to draw definitive conclusions other than what the data tells us related to FPNs actually issued.

- FPNs issued to local people are proportionate to the local demographic.
- BAME visitors are disproportionately represented.
- BAME numbers have remained steady over time while White numbers have increased.
- Young Asian men travelling in groups feature prominently amongst BAME FPNs, and are particularly frequent amongst FPNs issued in Craven.

We recommend that FPNs in Craven require further investigation by NYP.

- They are a major factor in the high number of BAME FPNs.
- A significant proportion were issued to Asian visitors.
- There are periods when FPNs were only issued to BAME.
- While there is no evidence that any one officer or group of officers was particularly targeting BAME, there is also no definitive explanation as to why BAME feature so significantly. A focus on the restriction of movement may have unconsciously biased against those who do not fit the local profile at beauty spots frequented by visitors living in relatively close proximity in north Bradford/Leeds.

We also recommend that work should be done by NYP to review and reduce the number of FPNs (11%) where no ethnicity was recorded.

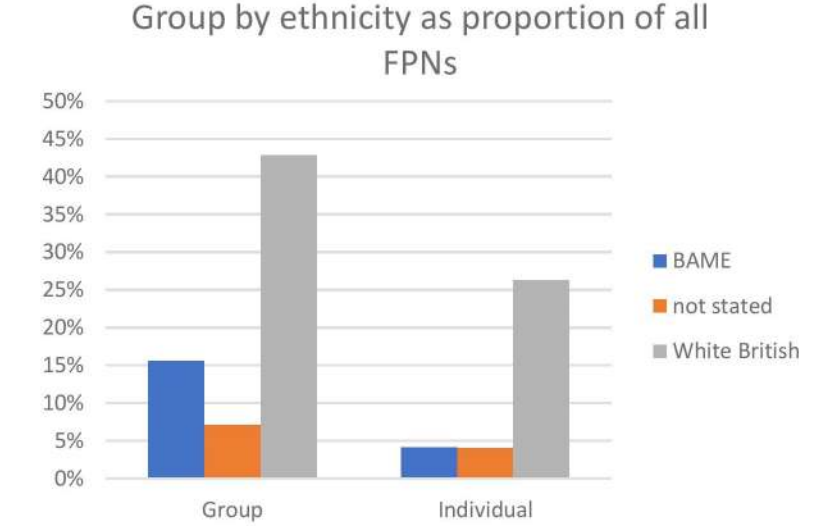
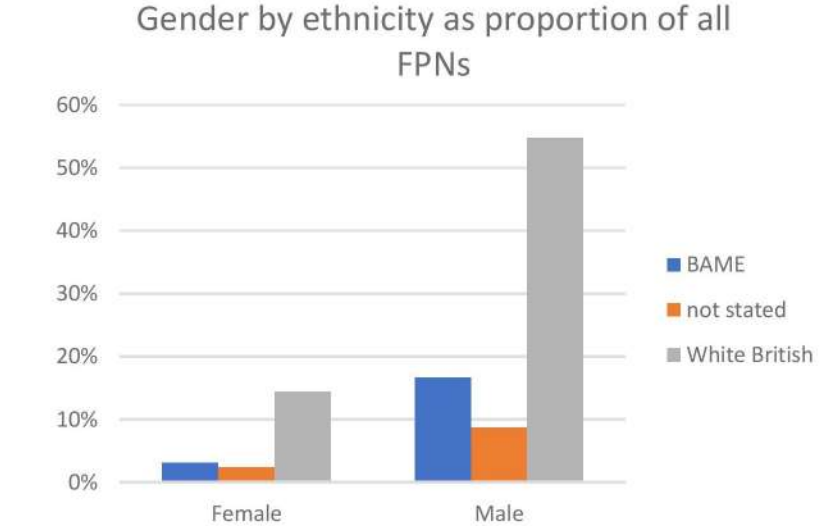
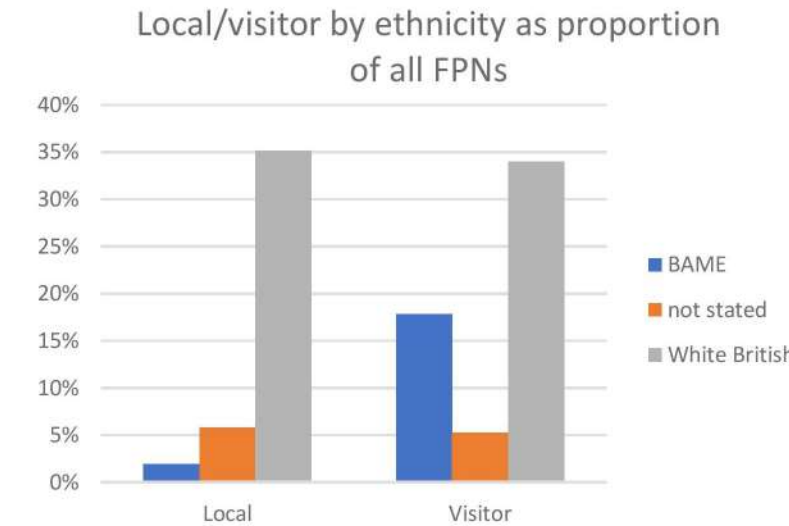


Findings

BAME as a proportion of all FPNs

BAME account for 19.75% of all FPNs issued (White – 69.14%, NS – 11.11%)

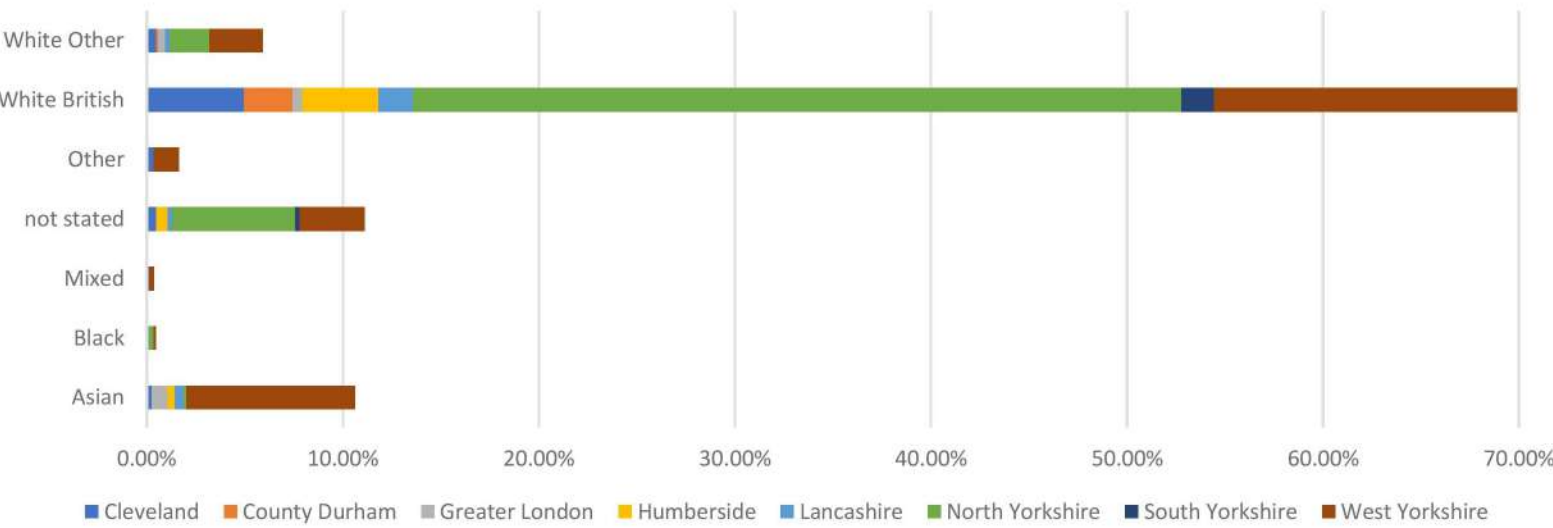
- 18% of all FPNs have been issued to BAME visitors (white - 34%). Visitors account for 90% of BAME FPNs (white - 49%).
- 2% of all FPNs have been issued to BAME residents of North Yorkshire (white – 35%).
- 17% of all FPNs have been issued to BAME men (white men – 55%).
- 16% of all FPNs have been given to BAME in groups (white in groups – 43%). 14% to BAME men in groups (white men in groups – 33%). 17% of all groups are BAME (white – 62%).



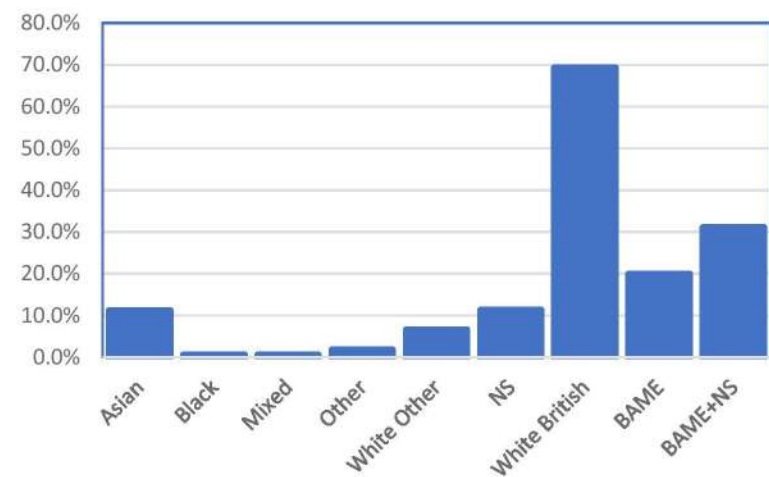
Ethnic breakdown of all FPNs

- 11% of all FPNs have been issued to Asians.
- 10% of all FPNs have been issued to Asian males
- 9% of all FPNs have been issued to Asian males aged 18-34.
- Asians from Bradford account for 5.7% of all FPNs, the third highest proportion after White British from York (13.4%) and Scarborough (10.55%)

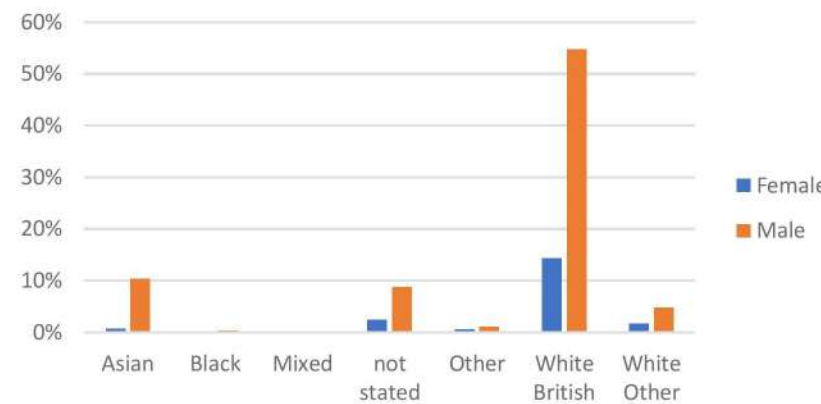
Ethnicity and point of origin (% shared between top 8 origins)



All FPNs by Ethnicity



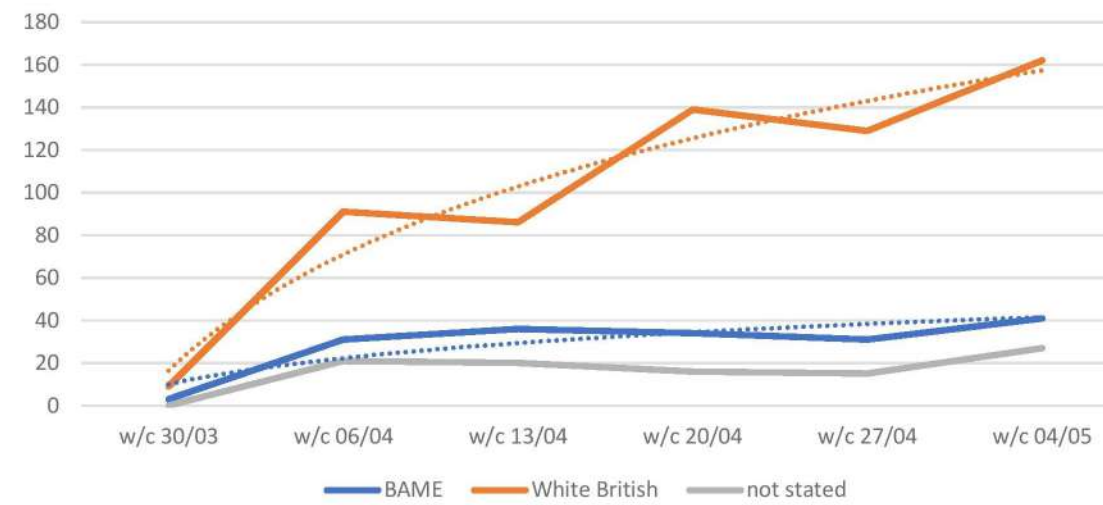
All FPNs by ethnicity and gender



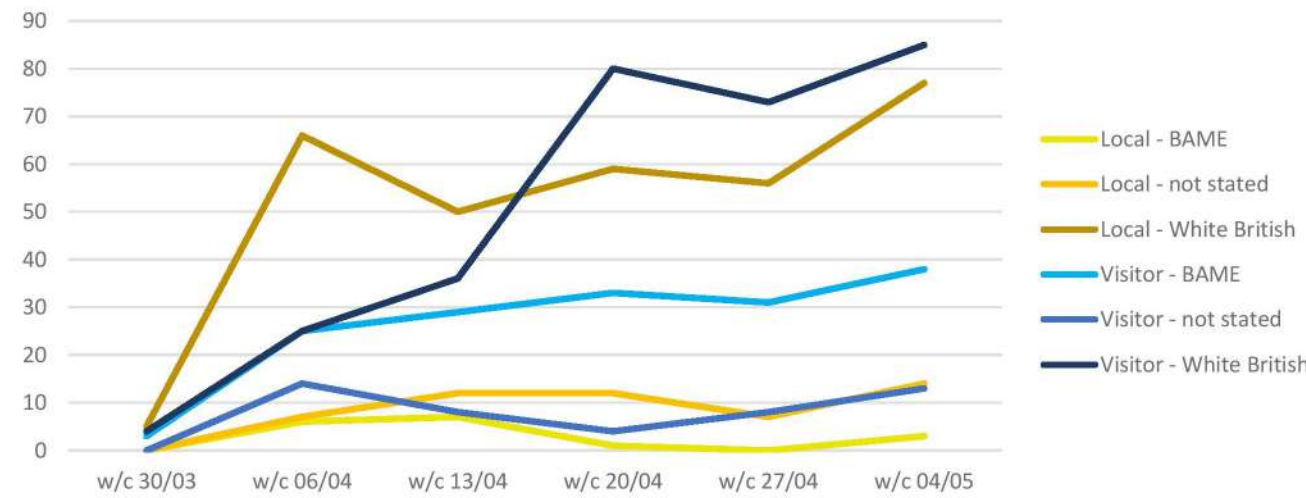
Offences over time

- The number of White British individuals given FPNs has continued to increase over time, whereas BAME FPNs levelled out since mid-April.
- It is possible that joint comms with West Yorkshire around the weekend 11-13 April may have been a factor in this.
- It is notably White British individuals aged 18-34 driving the sustained increase.

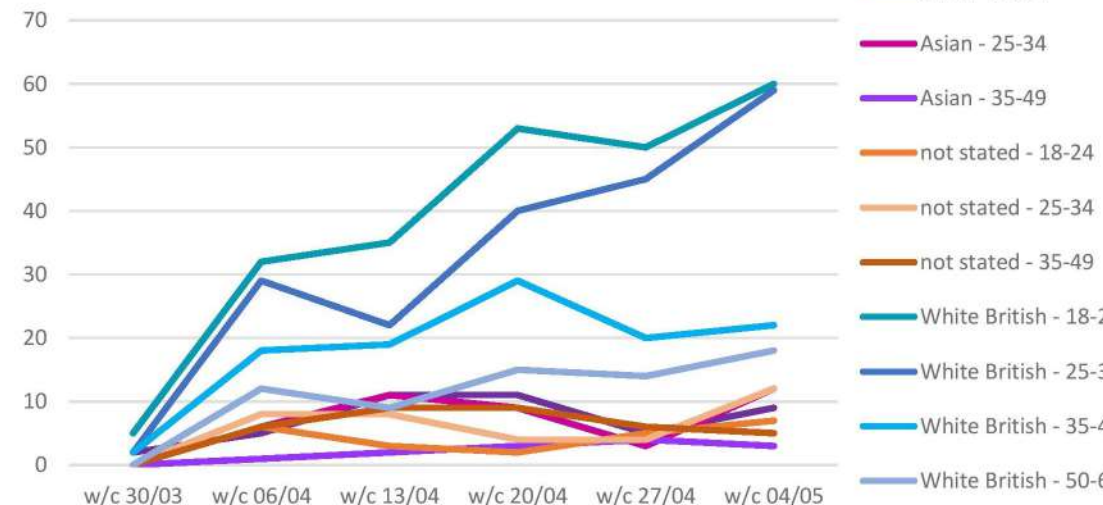
Number of offences over time



FPNs over time by local/visitor ethnicity

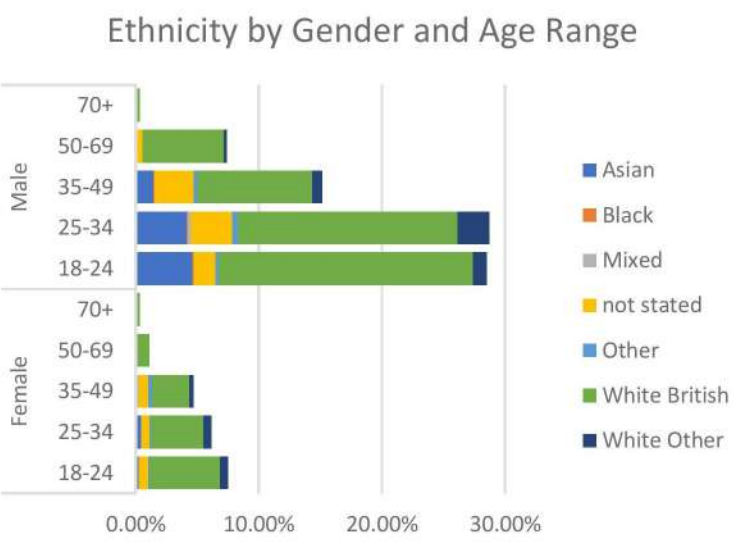
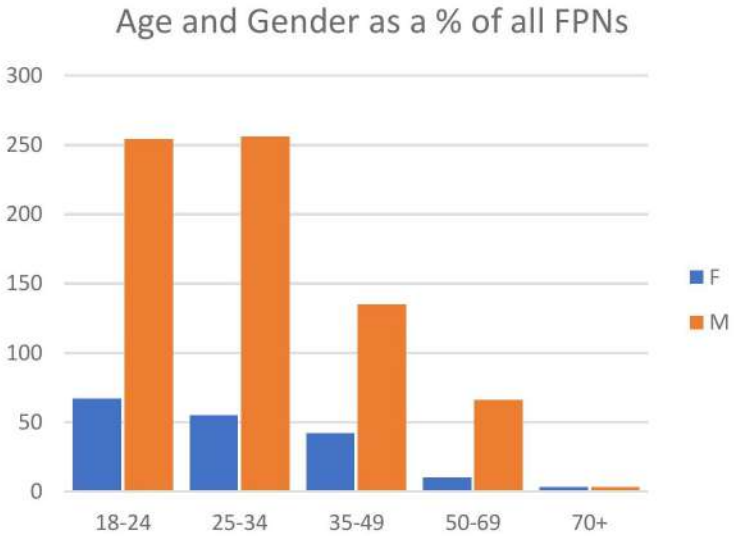


FPNs over time by ethnicity and age



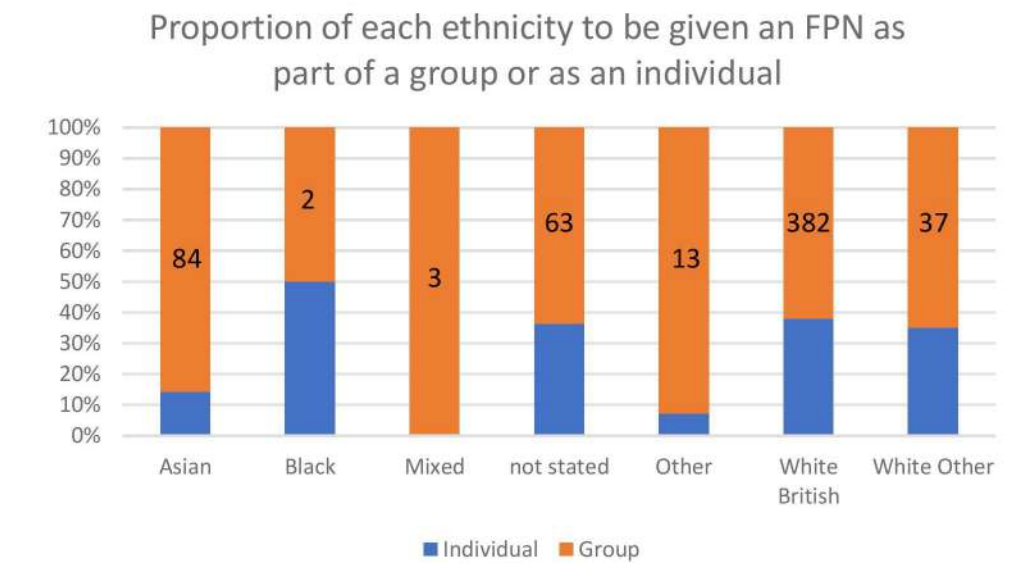
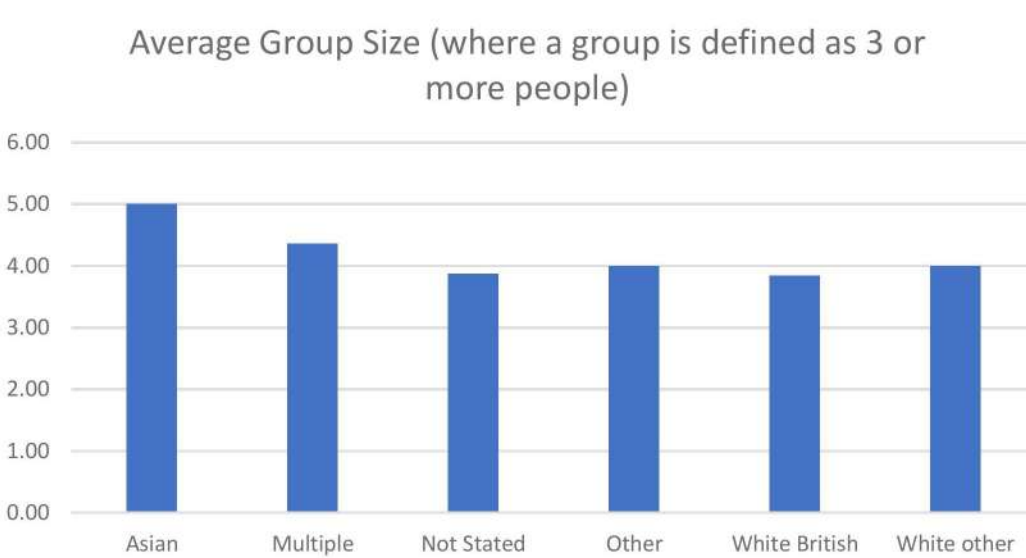
Age and gender

- Of all FPNs, Males aged 18-34 account for 58%, Males 35-49 15% and Females 18-34 14%.
- The top 5 groupings by ethnicity/gender are White British(WB) Male(M) (54.3%), WB Female(F) (14.4%), Asian(A) M (10.3%), Not Stated(NS) M (8.8%) and White Other(WO) M (4.7%).
- The top 5 groupings by ethnicity/age are WB18-34 (48.5%), WB35-49 (12.3%), A18-34 (9.4%), WB50-69 (7.6%) and NS18-34 (6.6%).
- The top 5 groupings by ethnicity/gender/age are WBM18-34 (38.5%), WBF18-34 (10%), WBM35-49 (9.3%), AM18-34 (8.8%) and WBM59-69 (6.6%).
- To compare between WBM18-34 and AM18-34:
 - Of WBM18-34, 53% came from North Yorkshire, 23% from West Yorkshire. 29% were given an FPN in Scarborough, 20% in York and 19% in Craven. 66% were travelling in a group. 16% were travelling in a group of 5 or more.
 - Of AM18-34, 77% came from West Yorkshire, 9% from London, none from NYorks. 64% were given an FPN in Craven, 10% in Harrogate, 6% in both Richmondshire and Scarborough. 91% were travelling in a group. 37% were travelling in a group of 5 or more.



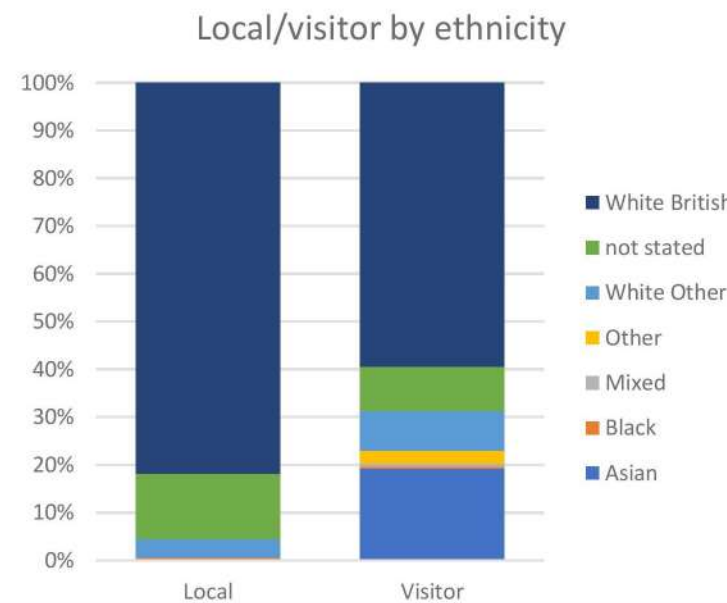
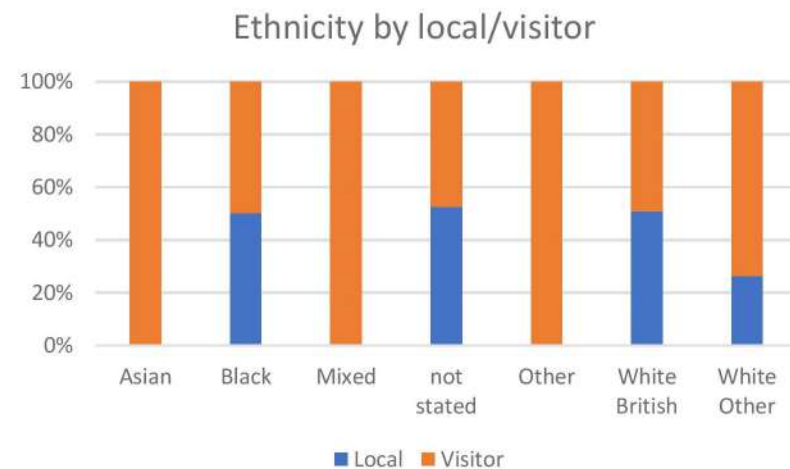
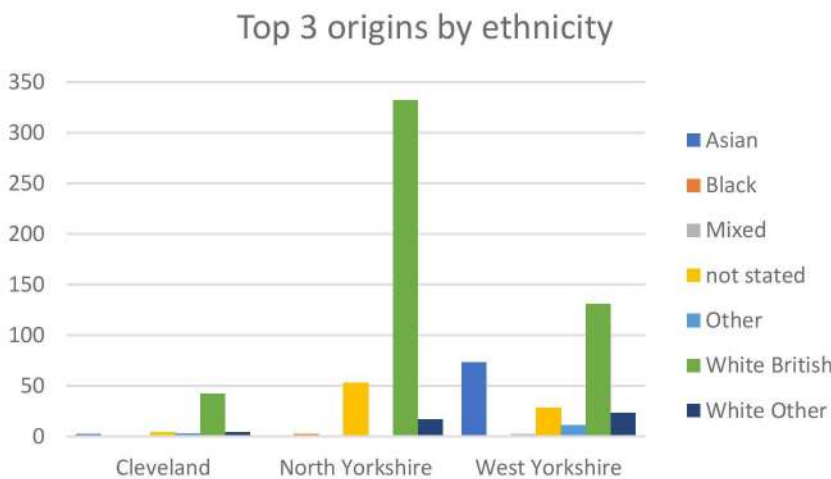
Groups

- 16% of all FPNs have been given to BAME in groups (white in groups – 43%). 14% to BAME men in groups (white men in groups – 33%). 17% of all groups are BAME (white – 62%).
- 79% of BAME given FPNs were in a group, compared to 62% of White British and 64% not stated.
- The average group size is 2.97 for BAME groups compared to 2.72 for White British.
- Of all groups (2+), Asian groups had the largest average group size – 3.09.
- Excluding pairs (which account for 59% of groups) the average group size goes up to 4.62 for BAME, 3.84 for White British and 5.00 for Asian groups.
- Comparing group sizes, 84% of White British and 78% of Asian groups were 2 or 3 people. 14% of both WB and Asian groups were 4 or 5. 4% of WB groups were 6-9 people compared to 10% of Asian.



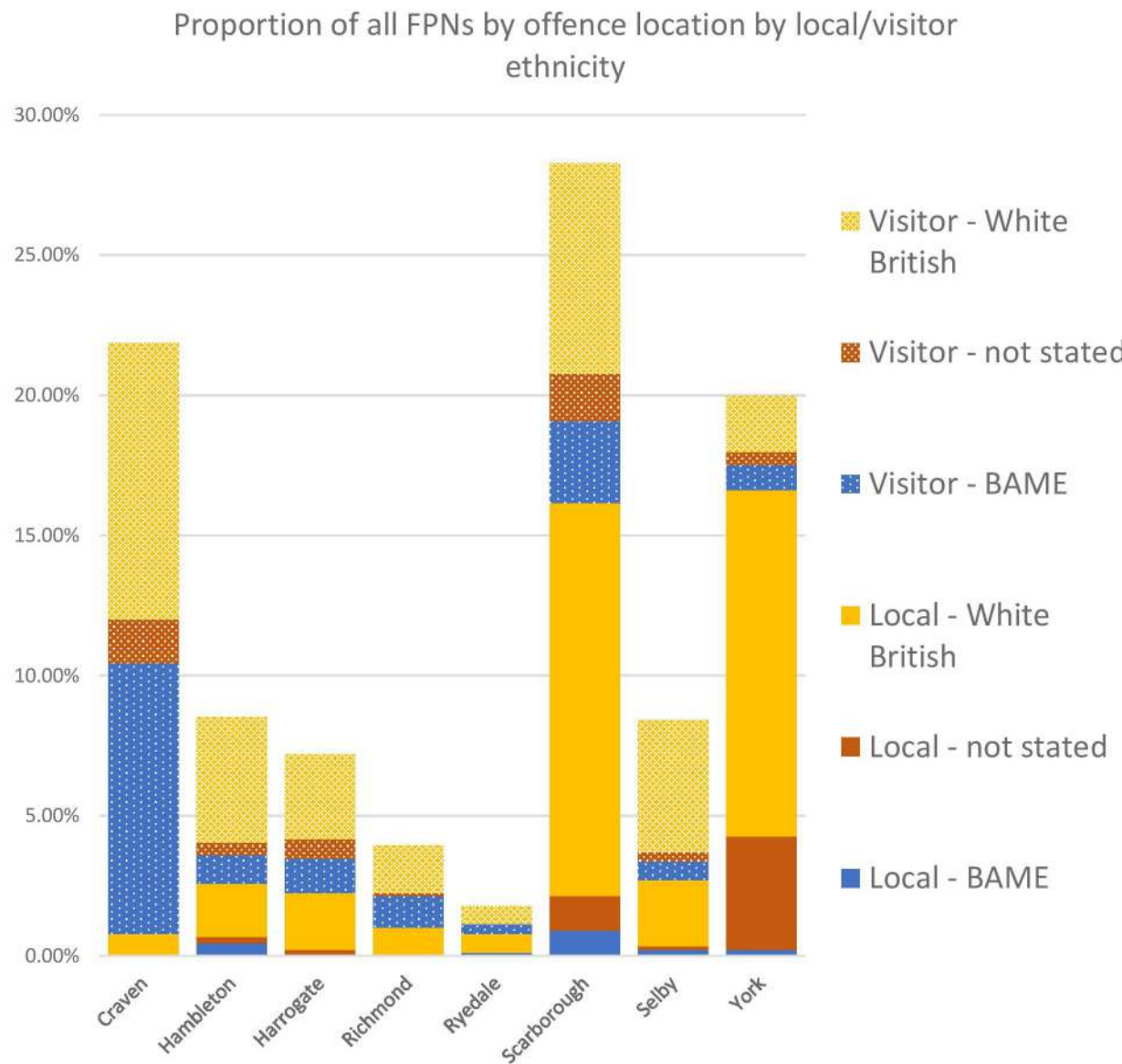
Ethnic breakdown of local/visitor FPNs

- Of local FPNs, 4.5% have been issued to BAME people (White – 82%, NS 14%)
- Of visitor FPNs, 31.2% have been issued to BAME people (White – 60%, NS – 9%)
- 100% of Asians receiving FPNs were visitors (98 FPNs).
- Main origins for BAME were West Yorkshire (62.5%), North Yorkshire (11.4%), Cleveland (5.7%) and London (5.7%).
- Main origins for White were North Yorkshire (53.9%), West Yorkshire (21.3%), Cleveland (6.8%) and Humberside (5.4%).
- Of FPNs given to West Yorkshire residents, 41% were to BAME, 27% to Asians.
- Bradford accounts for 54% of WY BAME FPNs, 70% of WY Asian.



Offence location and type

- No notable trends in offence type.
- Most FPNs were given out in Scarborough, Craven and York.
- Of these Craven stands out for the following reasons:
 - 9.7% of all FPNs were issued in Craven to BAME individuals. 6.9% of all FPNs were issued in Craven to Asians.
 - 49% of FPNs issued to BAME persons were issued in Craven, followed by 19% issued in Scarborough.
 - Visitors to Craven make up 21% of all FPNs. Of these, 44% are BAME (31% Asian) and 45% White.
 - Of Craven FPNs, 26% were issued to Asian men 18-34, 33% to White men 18-34.
 - 74% of FPNs in Craven were given to people from West Yorkshire, compared to just 3% to people from North Yorkshire.

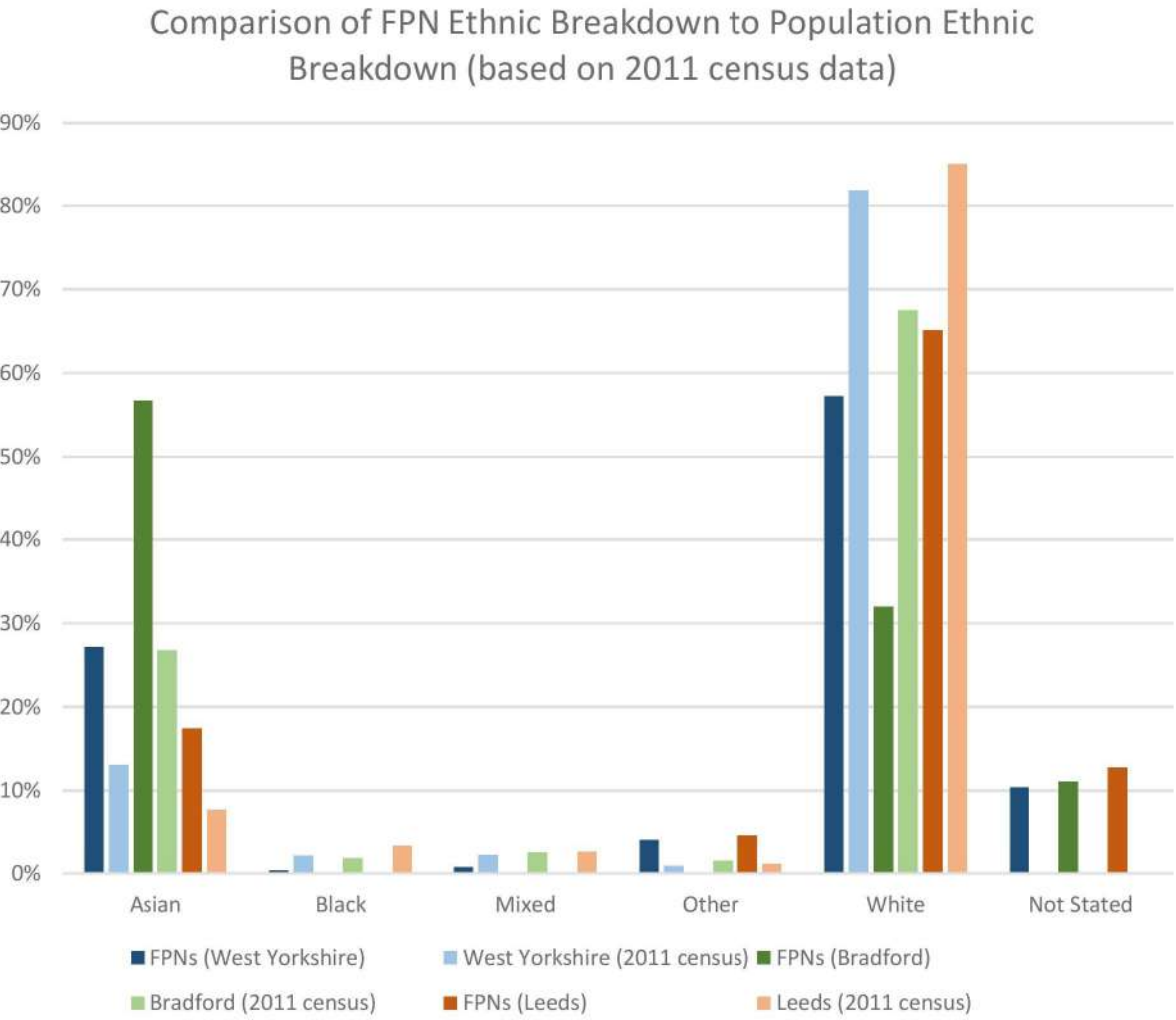


Craven Deep Dive Summary

- Craven was identified as having a disproportionately high number of FPNs given to BAME individuals, including a large number of Asians from West Yorkshire.
- In total, 43% of FPNs given in Craven were to BAME individuals. In April, there were 61 FPNs given to BAME individuals compared to 50 given to White British individuals and 11 not stated.
- Between 8th and 13th April, there were no FPNs given to White British individuals, but 14 given to BAME individuals and 5 not stated.
- There were 3 later dates (15 April, 19 April, 2 May) with a notably high number of BAME FPNs compared to White British FPNs.
- Review of officers giving FPNs found no notable trends, primarily due to the small number of FPNs each officer gave out. Indications are that the large number of FPNs given to BAME individuals was spread across a number of officers rather than being driven by the behaviour of a smaller subset of officers.
- While there is no evidence of conscious bias, questions remain as to the reasons why BAME feature so prominently.
- That this trend is driven by the whole officer cohort suggests evidence of unconscious bias given the obvious difference to the local population. Without further data as to all stops/engagement it is not possible to draw definitive conclusions.
- This requires further investigation and assessment by NYP.

Ethnic breakdown of West Yorkshire

- 63% of BAME individuals given FPNs were from West Yorkshire, of which 67% were given FPNs in Craven.
- Of FPNs given to West Yorkshire residents, 27% were to Asians. According to the 2011 census, 13% of the West Yorkshire population are Asian.
- Of FPNs given to West Yorkshire residents, 33% came from Bradford and 32% came from Leeds.
- 27% of the population of Bradford and 8% of the population of Leeds are Asian.
- There were nearly twice as many FPNs given to Asian residents of Bradford as were given to White residents of Bradford, despite the Bradford population having over twice as many White residents as Asian.
- In all cases the proportion of FPNs issued to Asians is double the demographic and consistently below the demographic for White.



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