

Policing the Pandemic in Scotland: The Independent Advisory Group and COVID Interventions Data Insights

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Structure

1. The Independent Advisory Group
2. The importance of evidence and data
3. Insights from different data sources
4. What have we learned?

(1) The Independent Advisory Group

Established 9th April 2020 by David Crichton (interim Chair of SPA)

“Mindful of the extraordinary nature of the powers, Police Scotland and the Scottish Police Authority agreed that it was appropriate to **establish additional measures for scrutiny** of this “public health policing”, involving all aspects of engagement with the public, but also including the use of the powers. This would **serve to reassure the public that the temporary powers of enforcement were being used appropriately, and only as a last resort.**

It would also provide **a forum for exchange of information and views between the police and public to deal with the sort of mistakes and misunderstandings – on the part of the public and the police - that are inevitable in a situation where significant new powers are introduced as a matter of urgency** and without the opportunity for training, dissemination and communication which would be necessary in normal circumstances.”

Membership of the IAG

- Chair: John Scott QC – prior experience of chairing a variety of policing advisory groups and enquiries
- Membership: A broad composition representing a variety of formal organisations, public constituencies and individual experts, including:



- Expertise in policing and wider justice issues; insights into wider impacts of the pandemic; strong focus on equalities and human rights
- Additional support from the Scottish Police Authority Secretariat and the Operation Talla Information Collation, Assurance and Liaison (OpTICAL) Group

Terms of reference

Provided clear boundaries of responsibility and a framework for evidence collection

- To ensure the use of the powers is compliant with human rights principles, values of Police Scotland and the purpose of the Coronavirus Act & Regulations
- To seek and take account of the views of police officers and members of the public
- To pay particular attention to the use of powers involving children, young people or persons within disadvantaged communities

Value of the IAG

“The IAG was an innovative, important and in many ways ground breaking initiative. Its work has, of course, been constrained in all sorts of ways – by the resources available to it, the fast-moving nature of its work, and the limitations on its access to different kinds of expertise, evidence and experience.

Nonetheless, within these constraints, **the IAG was able to draw on an impressive array of inputs both from the membership itself and further afield – and allowed an important and different conversation to take place.**

While clearly not the answer to all of the complex challenges facing policing, **this IAG ‘model’ has potentially wide-ranging benefits, both in the specific and unique circumstances of the pandemic and for policing more generally.”**

– Anderson & Waterton (2021) A review of the work of the IAG

(2) The importance of evidence

- Early recognition that the IAG would need to consider a wide variety of evidence sources
- The IAG workplan had five agreed areas of focus:
 - i. **Statistical data on the use of the powers** to inform recommendations on an ongoing basis and be reflected in public reporting.
 - ii. **Public views and experiences** accessed via professional and community networks, a public portal and wider research.
 - iii. **Professional input and expertise**, from within and outside the IAG, to maximise available information.
 - iv. **Human rights implications** of the use of the temporary powers.
 - v. **Discussions on a “live” basis** to support the policing response to any changes in lockdown and public health guidance.

Sources of evidence

Statistical data	Public views & experiences	Professional input	Human rights	'Live' discussions
Coronavirus Intervention (CVI) System	Citizen's Space public portal	Experts on policing practice & strategy	Consideration of HR impact assessments	Operation Talla commanders & senior officers
Police Scotland Fixed Penalty Notice data	Surveys of key groups (e.g. by GDA & SWAN)	Experts on public behaviour & compliance	Consideration of 'necessity' & 'proportionality'	Divisional Commanders on a weekly basis
Scottish Courts & Tribunal Service Data	SPA public opinion surveys & SCJS findings	Experts on human rights & equalities	Policing by consent and the 4 Es approach	Police specialists e.g. C3, BTP and Equality/Diversity
Crown Office & Procurator Fiscal Service data	Other research (e.g. HMICS, SCCJR, SIPR)	Experts on public health	Specialist reports from AI, CYPCS & SHRC	Scrutiny of public order and public safety policing
Public Health Scotland data	Personal contact via Twitter & email	Experts on legal issues and UK-wide scrutiny	Joint Committee on Human Rights	Focus on asylum seeker protest in May 2021

Value of evidence

- Capturing the experiences of the public, police officers and wider experts fed in to 'real time' operational planning & officer guidance
- Openness and transparency (e.g. CVI data, police bulletins, data reports)
- Innovation in data sharing and data linkage (e.g. FPN and SCTS data)
- Organisational learning around improvements in data quality
- Creating new opportunities for research with both policing and public benefit in the future

“We will use the experience of this in terms of our ability to collate data and use it to make sure our practice is evidence based moving forward.”

- Iain Livingstone, Chief Constable, Police Scotland

(3) Insights from data reports

- No time to discuss all aspects of evidence in detail!
- Data reports published so far by the IAG include:

SCOTTISH CENTRE FOR ADMINISTRATIVE DATA RESEARCH

Understanding Inequalities

28 June 2020

Interim report on data for the Independent Advisory Group on Police Use of Temporary Powers related to the Coronavirus Crisis

Professor Susan McVie
Dr Ana Morales
Dr Fernando Pantoja
School of Law, University of Edinburgh

Economic and Social Research Council

SCOTTISH CENTRE FOR ADMINISTRATIVE DATA RESEARCH

Understanding Inequalities

19 August 2020

Data report on Police Use of Fixed Penalty Notices under the Coronavirus Regulations in Scotland

Professor Susan McVie OBE FRSE
School of Law, University of Edinburgh

Economic and Social Research Council

SCOTTISH CENTRE FOR ADMINISTRATIVE DATA RESEARCH

Understanding Inequalities

February 2021

Second data report on Police Use of Fixed Penalty Notices under the Coronavirus Regulations in Scotland

Professor Susan McVie OBE FRSE FAcSS
School of Law, University of Edinburgh

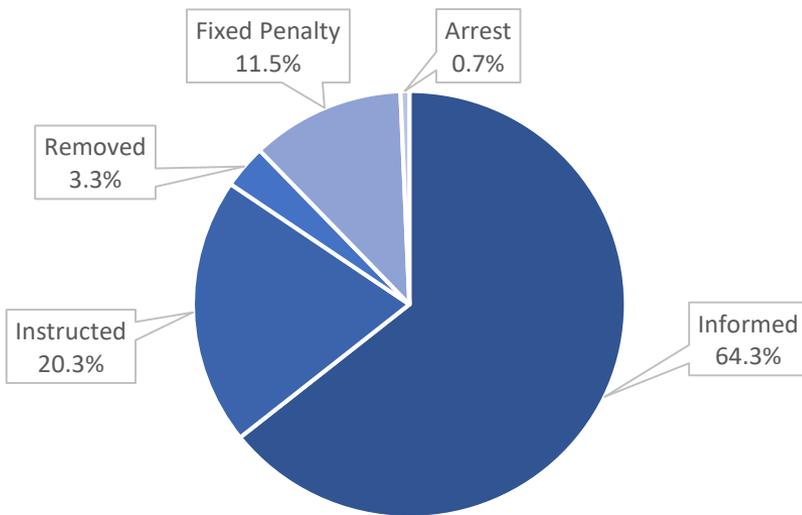
Economic and Social Research Council

Levels and trends in enforcement

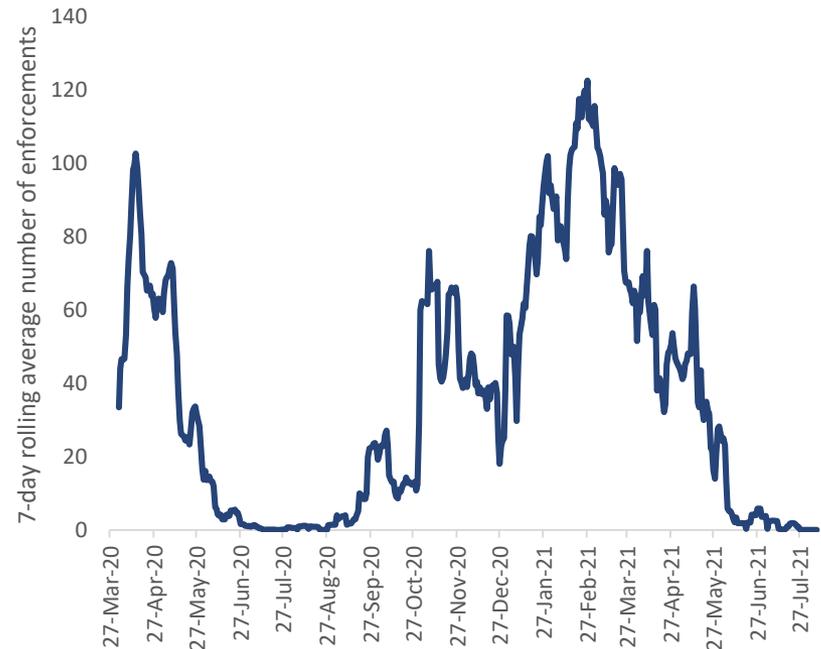
Very low level of enforcement compared to other types of public interaction (under the Four Es model)

Greatest use of enforcement during 'peak' periods of the pandemic (based on spread, deaths and restrictions)

Profile of all interventions recorded on CVI system
(27th March 2020 to 8th August 2021)



Changing profile of enforcement over time
(27th March 2020 to 8th August 2021)

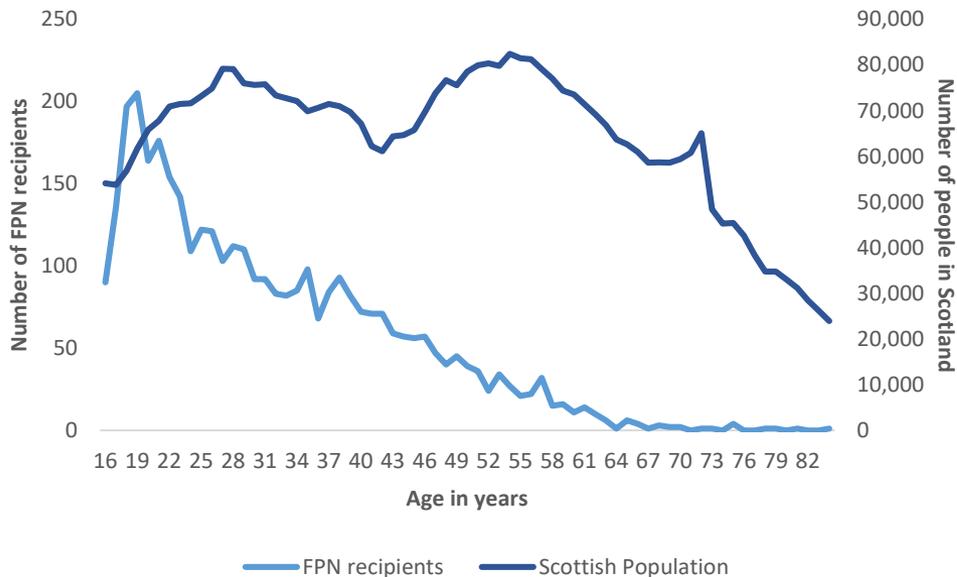


Demographic differences

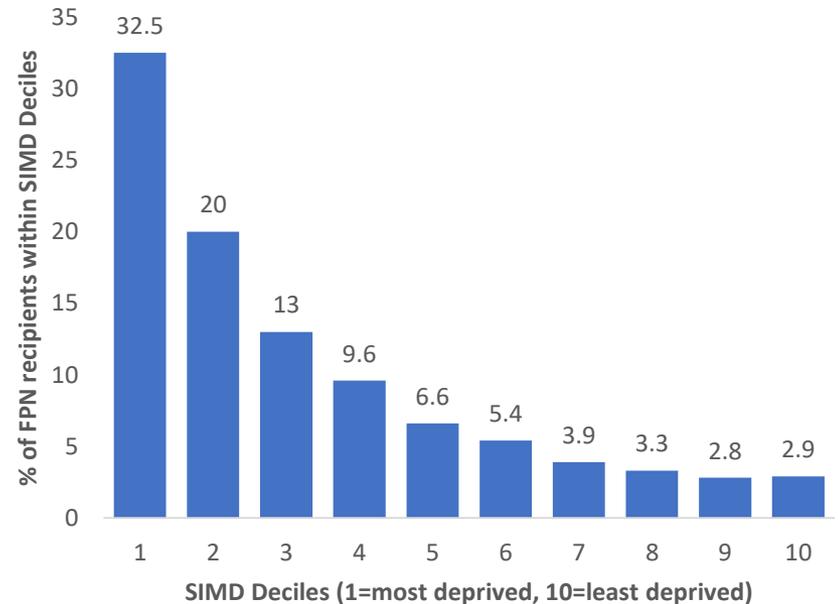
Rates of enforcement were higher amongst men and younger people during the early stages of the pandemic

Rates of enforcement were also higher amongst those who were living in more deprived communities of Scotland

Age profile of FPN recipients and Scottish population (27th March to 31st May 2020)



Scottish Index of Multiple Deprivation profile of FPN recipients (27th March to 31st May 2020)

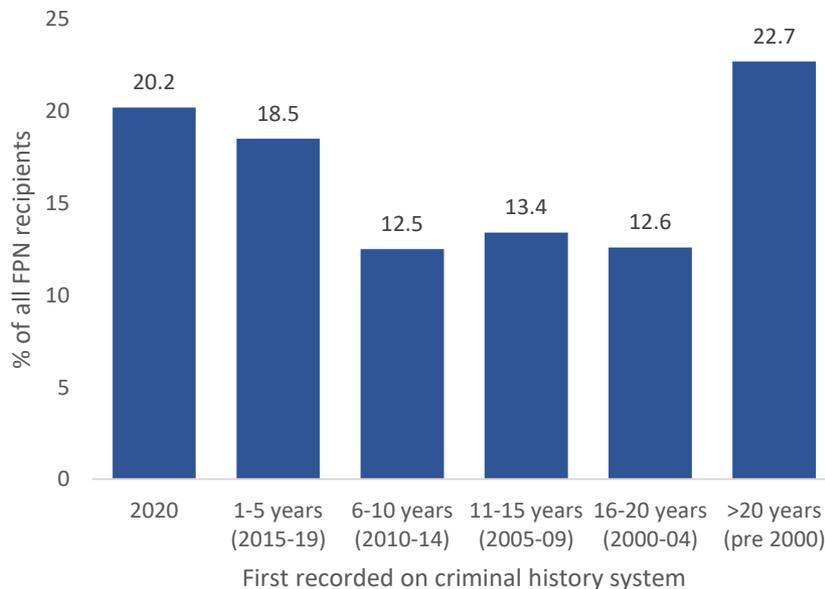


Links to prior offending

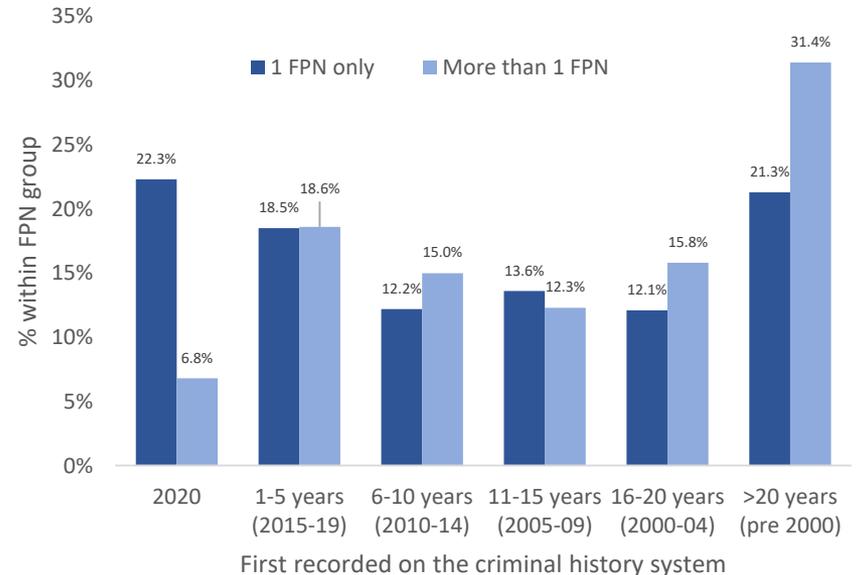
Eight out of ten people who were offered an FPN during the first lockdown were already known to the police

Repeat ticketing was very low, but most likely to involve those with a prior criminal history

Number of years since first known to Police Scotland amongst FPN recipients (27th March to 31st May 2020)



Number of years since first known to Police Scotland for single and repeat FPN recipients

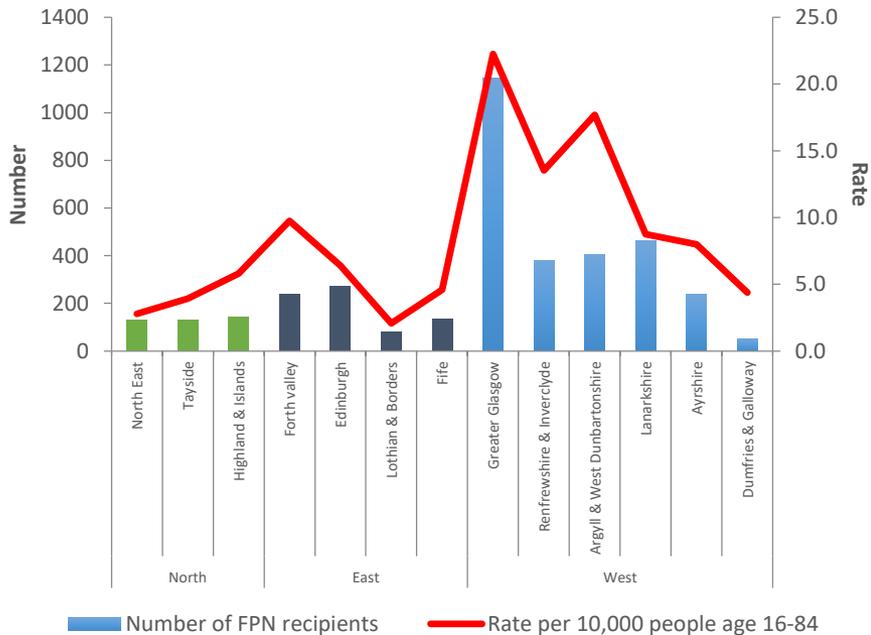


Geographical variation

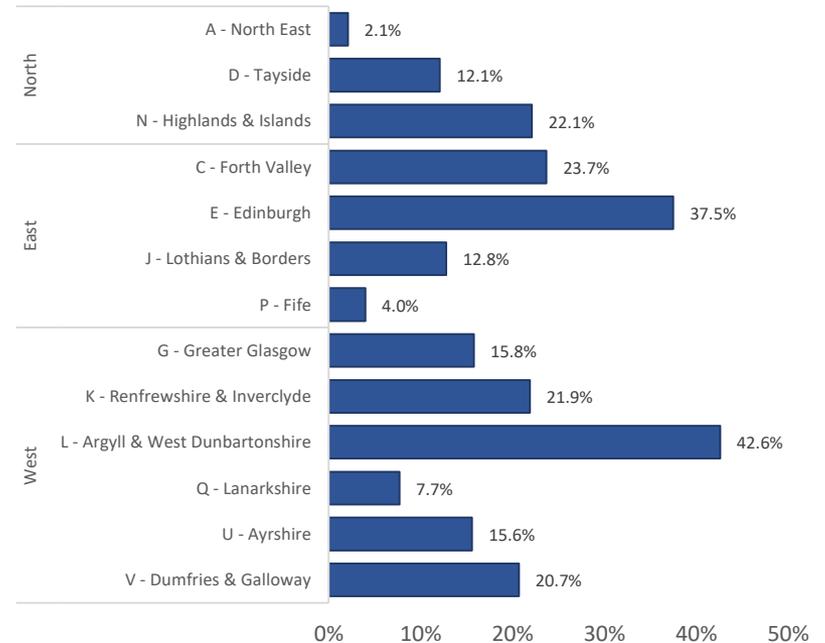
Enforcement was more prevalent in the west of Scotland than the east or north – based on both numbers and rates

Some divisions were impacted more seriously by illegal travel than others, which partly explains variation in rates

Number and rate of FPN recipients by police division
(27th March to 31st May 2020)



Percentage of FPNs offered to non-residents
(27th March to 31st May 2020)



Public views

Very appreciative comments on the frontline role of police officers in supporting the public health crisis, and positive views of local policing

“Police Officers have put themselves at risk to protect the health of our nation - is that really a police job? The fact that they’ve done it shows compassion and kindness.”

“My opinion has not changed much, I already have a high opinion. Our Community Police, in particular, are very good.”

Negative comments about policing were divided between those who felt officers were taking unnecessary action and others who felt they were not doing enough

“Policing our common sense in these hard times, very disappointing.”

“Additional powers are utterly futile if there is an unwillingness to use them.”

Forthcoming insights

- New data reports to be published next week!
 - Profile of FPNs from March to December 2020
 - Coronavirus charges reported to the COPFS from March 2020 to June 2021
- Future reports will look at:
 - Profile of FPNs and FPN recipients from March 2020 to May 2021
 - Payment outcomes of Covid and non-Covid FPNs

(4) What have we learned?

- Having scrutiny in place at an early stage, with a specific remit, and a clear evidence plan has provided valuable insights into the Scottish experience of policing the pandemic
- Police Scotland is a highly adaptive and flexible organisation that has benefited from both a consistent national framework (the Four Es & policing by consent) and a localised policing approach (time and place)
- Human rights principles are key to delivering a fair and proportionate policing response, but the pandemic exacerbated existing inequalities in ways that posed significant challenges for the public and the police
- Underpinning scrutiny with data and other forms of evidence has been key to providing assurance around the extent and proportionality of police use of the new extraordinary powers