

	<u>Agenda Item: 7</u>
Report to:	Local COVID Outbreak Engagement Board
Date:	1st October 2020
TITLE:	WEST MIDLANDS POLICE ENFORCEMENT UPDATE
Organisation	West Midlands Police
Presenting Officer	Chief Superintendent Steve Graham

Report Type:	Presentation
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1. Purpose:
1.1 To receive an enforcement update from West Midlands Police relating to Covid-19.

2. Recommendation
2.1 The Board is asked to note the contents of this report

3. Report Body
3.1 Throughout the course of the current pandemic, West Midlands Police (WMP) has sought to play its role in the coordinated and collective response to the crisis that threatens our communities. While in some areas WMP have played a lead role (such as in chairing the regional Strategic Co-ordination Group), it has been recognised that this is a public health crisis, not a crime and disorder issue. That said, policing generally has had a role to play in enforcing the various iterations of the Health Protection Regulations as they have been enacted.
3.2 Nationally, the policing approach has been based around what have become known as the 4Es; - <ul style="list-style-type: none"> • Engage, • Explain, • Encourage • Enforce.
3.3 The fourth 'E' of Enforcement has been seen as being the last resort if members of the public did not respond well to the first three Es. Within the West Midlands we have avoided any instances (seen elsewhere in the country) of allegations of over-zealous policing of the regulations with what we believe has been a sensitive and proportionate application on the 4Es

approach. This was evident in the policing of a number of the 'Black Lives Matter' protests across the city. Even though they were unlawful, a proportionate approach was taken with the protestors, which meant that no enforcement took place at any of the demonstrations and the events passed off peacefully.

- 3.4 WMP produced an app which was downloaded to the mobile devices of all our front-line staff. This app allowed them to record what we called, "Directions to Leave" (DTL), and when people were spoken to who were breaching the regulations, they were assessed as falling into one of four tiers:

Level 1: Simple request made and compliance gained resulting in a voluntary dispersal - these were not recorded on the app

Level 2: Mild disagreement (argumentative, delaying etc.) resulting in a formal instruction to disperse. Recorded on app

Level 3: Individual is obstructive, abusive, severely delaying, has been previously dispersed or has come back after already being dispersed, aggravating factor present (e.g. distance travelled). Record as Fixed Penalty Notice on the app

Level 4: As above, but threshold of arrest is met under Code G PACE. Arrest, then deal with person in custody through the app.

- 3.5 A policy change to this approach was made from Friday 18 September. From that point Level 1 interventions were also recorded on the app.

- 3.6 It is this enforcement that I will refer to in the below section. This is not to underplay other important aspects of enforcement that have taken place in conjunction with the BCC Environmental Health Team when it has come to licensing issues related to premises. However, an understanding was arrived at with BCC colleagues that as a general rule, if breaches were connected with a premises (usually related to a licensing issue) then BCC would lead on enforcement; if it was linked to people (usually unlawful gatherings) then WMP would lead. Therefore, to avoid duplication, I will only report on the results generated by the WMP Direction to Leave App and will break down the data up until 17 September.

- 3.7 Results

Total number of Directions to Leave: 1655

Level 2: 1196

Level 3: 229

Level 4: 5

Others: 225 (includes summons and NFA)

- 3.8 A set of slides is appended to this report breaking down this data on a month by month basis. There has been variation in levels of enforcement as new regulations came into force. Across the board, the overwhelming

method of disposal was at Level 2 (dispersal after a mild disagreement) bearing in mind that Level 1 was not recorded until recently.

3.9 As the restrictions imposed under early iterations of the Health Protection Regs were eased over summer, it inevitably led to a significant drop off in any enforcement activity

3.10 These results reflect a range of operational deployments, which include everything from everyday patrols to dedicated tasks such as Operation RELIANT. Op RELIANT is the name given by West Midlands Police to a series of specific deployments to tackle incidents over weekend nights and evenings including unlicensed music events, unlawful house parties and so-called block parties. This trend of larger public gatherings started to emerge in early August, but after two weekends of enforcement and a high-profile media campaign, this phenomenon in Birmingham has largely dissipated. It has not been necessary to issue any of the Fixed Penalty Notices which carry a £10,000 fine.

3.11 Summary

It has never been our intention to “enforce” our way out of this crisis. This is why the decision was initially taken not to record Level 1 interventions, as the emphasis was always on changing people’s behaviours with a view to reducing the spread of the virus. As such, no targets have ever been set for enforcement across the city. We have sought to balance the enforcement of the new regulations in a way that does not compromise the legitimacy of WMP in our communities, but still doing the right thing in terms of trying to halt the spread of the virus. We will continue to do this and can produce further reports for the Board as the situation develops.

Appendices

Presentation Slides - Enforcement by West Midlands Police 1/4/20-16/9/20

The following people have been involved in the preparation of this board paper:

Chief Superintendent Steve Graham
Commander, Birmingham West NPU | West Midlands Police

Mark Croxford
Head of Environmental Health
Birmingham City Council