


## ORIGINAL ARTICLE OPEN ACCESS

# ‘Dealing With People as We See Fit’: Framing Police Decisions to (and not to) Arrest in the COVID-19 Pandemic

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## ABSTRACT

The advent of the COVID-19 pandemic required police officers in England and Wales to enforce new public health restrictions (e.g., stay-at-home directives, social distancing requirements and mask mandates), as well as navigate the risk that COVID-19 posed to their own health and safety during interactions with the public. From a practical standpoint, these factors changed the nature of the policing task significantly, with previously routine police decision-making (e.g., whether or not to carry out stops, searches, arrests and/or detentions) necessarily responding not only to traditional concerns around suspicion and evidence but also directly to these novel legal and organisational challenges. Findings from interviews carried out in 2020 and 2022 with 18 police officers from 11 different forces in England and Wales suggest that well-established predictors of arrest decisions (e.g., offence severity, evidence and/or the pursuit of culturally orientated objectives) were disrupted due to broader considerations, uniquely related to the COVID-19 pandemic. This article uses Keith Hawkins’ (2002) conceptual framework of criminal justice decision-making—surround, field and frame—as an explanatory device to help us understand arrest and non-arrest decisions of street-level police officers during this period, despite the existence of sufficient evidence to support such action.

■ ‘Policing is completely impossible.’ (P8)

## 1 | Introduction

In early 2020, day-to-day policing in England and Wales changed dramatically. Police officers were required to temporarily pause traditional operational practice and instead dedicate most of their resources to a fluid public emergency situation: COVID-19. For frontline policing officers, this meant that officers were immediately required to enforce controversial and strict emergency regulations under the Coronavirus Act 2020 and questions were raised about public support, trust in, and legitimacy of, lawmakers (the government) and law enforcers (the police). In the UK, police

officers’ police by consent. In other words, they are ‘citizens in uniform’ (Yesberg et al. 2021), exercising their powers with the implicit consent of the wider public. The implication is that police legitimacy (i.e., that police authority is acknowledged as rightful by citizens (Beetham 1991, 19) is based upon normative values and support consensus that is indicative of the transparency of this type of policing, individual officer integrity and accountability when there is misconduct and/or malfeasance.

But the COVID-19 pandemic introduced elements of uncertainty, in respect of the laws, rules, regulations and guidance which the police were required to enforce (Farrow 2020; De Camargo 2022); this placed additional strain on police decision-making. The rapid expansion of the discretionary scope of individual actors during the first wave of COVID-19 countermeasures, primarily enacted during the lockdowns<sup>1</sup>, meant that decision-making,

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from chains of command, regarding accountability and the rule of law, was delayed in their response and in designing an adequate response at that. But this novel operational reality also had broad implications for the operation of police discretion, during what would otherwise be routine police–citizen interactions.

A wealth of empirical research has provided valuable insights into the operation of police discretion and helped us better understand the influence of police occupational culture on decisions to arrest, to stop and search and/or to detain those police suspect of criminal activity (Banton 1964; Bittner 1967; Skolnick 1966; Dixon 1992, 1997; McConville et al. 1991; McConville and Shepherd 1992; Young 1991; Waddington 1998, 1999; Loftus 2009; Cram 2020; Bacon 2016, 2022). More recent work has examined empirically different aspects of how police adapted—both at an organisational level and street level—to COVID-19 emergency conditions across a variety of jurisdictions and contexts (e.g., Matarazzo et al. 2020): England (Farrow 2020; Stott et al. 2020; De Camargo 2021, 2022; Charman et al. 2023), Australia (e.g., Drew and Martin 2020), Canada (Jones 2020), Denmark (Hartmann and Hartmann 2020), Peru (Hernandez-Vasquez and Azanedo 2020), the United States of America (Jennings and Perez 2020; Kugler et al. 2021; Papazoglou et al. 2020; White and Fradella 2020; Maskály et al. 2021), and Vietnam (Luong et al. 2020). Some of this work (e.g., Alcadipani et al. 2020) has sought to shed light on conceptual aspects (e.g., political, cultural and material) that can foster or hinder police responses to the COVID-19 crisis. In this article, however, we sharpen the focus by examining how the constrained context of the COVID-19 emergency disrupted well-documented and understood influences on how police officers typically understand and respond to situations that arouse their suspicion and how they employ their discretion in response to such events.

The data unfolded below show that the highly distinctive circumstances of the COVID-19 lockdowns in England and Wales placed considerable strain on police officers as their usual practices and perspectives (e.g., the need to arrest for serious offences) were curtailed in the context of a political and organisational environment that rendered those inappropriate. The paper also demonstrates that conceptual framework of surround, field and frame provides a useful way of thinking through the various tensions evident from the study's data, thus further confirming its potential as an explanatory device in decision-making contexts beyond that of health and safety.

The article proceeds as follows. In Section 2, we explore research done on police decision-making, with an emphasis on its relationship between police discretion and police culture. In Section 3, these ideas are positioned within Keith Hawkins's (2002) theory of surround, field and frame, which helps us understand the broader decision-making environment within which police officers find themselves and the process of interpretation they embark on when responding to events unique to the crisis. Section 4 describes the characteristics of the sample, the data collection and method of analysis. Next, in Section 5, we present participant responses, capturing their experiences of policing during the pandemic. Section 6 discusses the implications of the findings, whilst Section 7 offers some concluding thoughts on the direction of future research and the limitations of the study.

## 2 | Police Decision-Making

Policing invariably encompasses complex and diverse interactions with the public as officers negotiate a variety of incidents. Although what the police do in the circumstances they encounter is determined by legal rules, their actions (or inactions) are also guided by the decision-making flexibility available to them. As Brown (1988, xiii) observes, 'the police always have some choice in any situation'. Discretion is thus a pervasive and inevitable dimension of frontline policing, enabling officers to select from a set of alternative options in response to citizen behaviour (Finnane 1994; Bronitt and Stenning 2011). It is this extensive degree of flexibility, permeating police decision-making practices, as well as the nature, source and operation of this discretion that has preoccupied academic research since the 1960s.

Much of this work has been driven by a desire to identify factors that influence police decisions to arrest, stop and search and/or detain some people suspected of criminal activity, and not others. In particular, a sustained focus has been on the conditioning of police decision-making by individual officers themselves. For instance, Lipsky (1980) conceptualised police officers as 'street-level bureaucrats', who deliver a variety of services through routine interactions with the public. It is during these encounters that officers are required to translate often amorphous and/or conflicting laws and policy goals into action. Discretion is an operative part of this process and has the effect of positioning individual police officers as policymakers (Lipsky 1980). Nevertheless, according to the literature on street level bureaucrats, whilst exercising discretion during encounters with citizens, police officers face a number of challenges unique to the job: lack of time, information and/or other resources to respond according to the highest standards of decision-making' to each individual case (Lipsky 1980, xi), relentless pressure to get results, danger, boredom, status frustration, and perpetual confrontations with criminal elements of society (Bowling et al. 2019).

Police officers have responded to these pressures through the development of common routines of practice, ways of organising work, and a collective set of attitudes and dispositions—all of which influence the way officers carry out the job (Loftus 2009; Waddington 1999; Reiner 2010). Indeed, a mosaic of police codes of conduct, working assumptions, rules and subcultures has been documented within a rich tradition of research done on police–citizen interactions (for a recent overview of this work see Cockcroft 2020).

Police culture (e.g., an exaggerated sense of mission, a desire for action and excitement, the glorification of violence, an Us/Them divide of the social world, isolation, solidarity, prejudice, authoritarian conservatism, suspicion and cynicism (Bowling et al. 2019) is conveyed and reinforced throughout the rank-and-file of the police institution through a process of socialisation and further distilled through the operation of powerful working 'assumptions' (Hoyle 1998) and 'rules' (McConville et al. 1991). Classificatory devices and vernacular used, such as 'previous' (known to the police), 'suspiciousness' (incongruent with surroundings), 'uncooperative' (belligerence) and 'workload' (volume and quality of tasks) structure the operation of police discretion, acting as a prism through which

informal police culture is transformed into police actions and behaviours.

As an explainer of the nature, functions and origins of the perspectives and worldview of police of rank-and-file police officers—the notion of police culture has been seen as significant (Reiner 2000). But the concept remains contested. Sklansky (2007), have taken issue with what he describes as ‘cognitive burn-in’, where policing scholars become transfixed, reusing and recycling what were originally and perhaps provisionally useful ideas, inadvertently obscuring our ability to advance insights and understandings of policing. Society and police work have changed, straightforward application of old constructions of police culture to modern (reformed) policing may therefore be problematic. Rowe (2023) is more critical, ‘disassembling’ the concept of police culture, suggesting instead that to understand the actions of police officers we should pay more attention to the mundane tasks, interpersonal dynamics, procedural nuances, and socio-political contexts that shape policing practices, than the ‘black box’ of police culture (see also, Rowe and Pearson 2020). Others like Waddington (1998) have long pointed to the ‘oral tradition’ of policing, drawing a distinction between the *words* of officers and their *actions* on the ground. The two are apparently distinct, with little connection between deeply problematic talk (e.g., that permeated with racism, sexism and bigotry), largely confined to the ‘privacy’ of the canteen, and police operational practice on the street. Some policing research (e.g., Smith and Gray 1982; Hoyle 1998; Loftus 2009) supports Waddington’s argument, whilst other recent work (e.g., Bacon and Spicer 2022; Cram 2020)—typically based on ethnographies of frontline patrol officers—drifts away from it, instead confirming a number of police culture’s component parts evident in both the words *and* deeds of officers. Thus, whilst we must recognise the challenges made to the concept, it is important therefore not to abandon orthodox ideas about police culture entirely.

The pandemic offered a unique situation for decision-making. Police officers are ‘law-enforcement specialists by design, not healthcare professionals’ (Farrow 2020, 590), therefore qualified decisions that needed to be made resulted in officers being subsequently hesitant to confront individuals suspected of being infected with COVID-19, certainly in the first few months when little was known about the unknown coronavirus SARS-COV-2. Indeed, during this time, up to a third of officers were threatened with a ‘weaponised invisible virus’ (De Camargo 2021) and ‘deliberate infection’ from cough and spit attacks (Police Federation 2020). When initial decisions about arrests were made at the start of the pandemic under the new legislation, it came to light that police action in relation to the pandemic led to a high number of wrongful convictions (Dodd 2020). In addition, data shows that more than 28,000 people were convicted of COVID rule breaches in England and Wales, with ‘mostly young people [...] severely penalised for relatively minor infractions of rules that left them with damaging fines, and in many cases, criminal records’ (McClenaghan 2023). These reports likely bred further ill-feeling about police decision-making during this time, especially as the Sue Gray report (2022) and recent dramatisation of ‘PartyGate’<sup>2</sup> on Channel 4 (UK), highlighted various rule-breaking parties by those in government (law-makers) and revealed a police officer (law-enforcer) who attended to an accidental panic alarm trigger

at one party, ‘did not engage with attendees to explain the COVID laws in place at the time and encourage them to follow them, or move to enforce the restriction on gatherings’. The acting head of the Metropolitan police claimed that it was ‘impossible to expect’ the police officer to realise COVID laws were being broken, although lawyers who represented people fined for COVID breaches during the lockdowns told The Independent newspaper that this is exactly what police officers had done to the public throughout the pandemic—used their discretion to decide. Queen’s Counsel, Kirsty Brimelow, argued the police had appeared to set a ‘higher bar’ for issuing fines and arrests with ‘enforcement [only] applied to the general public’ (Dearden 2022).

Frontline policing has always involved high-discretion, low-guidance, and low-visibility scenarios (Johnson and Hohl 2023). The complexity of understanding the differences between ‘law’, ‘rules’ and ‘guidance’ (for example officers in Manchester, UK, were seen Googling the updated rules before arresting someone) (De Camargo 2022), and the uncertainty and confusion created by the fast-paced and frequently changing legislation will likely have weakened officers’ confidence in their authority and their ability to police in appropriate ways (Kyprianides et al. 2022). Hartmann and Hartmann (2020) predicted a surge of frontline improvisations and practice changes, which they framed as ‘reactive innovations’, and Maskaly et al. (2021) noted some changes in officer arrest practices in many countries, particularly showing a decrease in arrests for minor crimes and warnings issued instead. Similarly, Turner, Rowe, and Redman (2022, vii) found police officers were more likely to be more sympathetic to ‘usual’ law-abiding citizens, although those individuals found in ‘business-as-usual’ policing activities were treated as ‘blatantly’ breaching the law as they were ‘habitually contemptuous’. Arrest decisions in Turner and Rowe’s study were based on officer evaluations of ‘the general character of a person’ rather than the level of risk and harm posed by law-breaking.

### 3 | Surround, Field and Frames

Whilst there seems to be little doubt that police culture can be an important guide to police behaviour (Bowling et al. 2019), other scholarship has moved beyond conceptualisations anchored in the work of US policing scholars such as Bittner, Bayley and Manning. In a major intervention, Janet Chan (1996) has offered a new framework for understanding police culture; one which ‘recognises the interpretive and creative aspects of culture, allows for the existence of multiple cultures, and considers the political context and cognitive structures of police work’. Chan’s model draws on Bourdieu’s concepts of ‘field’ and ‘habitus’ (Bourdieu and Wacquant 1992) and adopts the framework on cultural knowledge in organisations developed by Sackmann (1991). The resulting assumption is that police cultural practice stems from the interaction between the socio-political context of police work and various dimensions of police organisational knowledge. Similarly, Hawkins (2002) has shifted the sole analytical focus away from positioning police officers as individual decision-makers, instead emphasising organisational, environmental, situational, and legal influences in explanations of police decision-making. Hawkins argues that decisions, made by criminal justice actors, can only be understood by

reference to their broad environment, particular context and interpretive practices of the decision-maker: their 'surround, field and frames'.

Surround concerns the economic, political and social settings within which police decision-making occurs, whereas the 'field' (itself set within the surround) denotes the 'legally and organisationally defined setting in which decisions are made' (Hawkins 2002, 52). Within the field—the police organisation—policy is formulated, resources are calculated and guidance issued regarding engagement with citizens. The notion of 'frame' captures how features in a particular problem or case are understood, placed and accorded relevance by the decision-maker (Hawkins 2002, 53).

[Decision] frames include the 'knowledge, experience, values and meanings' (2002, 53) that frontline officers employ whilst on the street. When officers 'frame' particular instances of interaction with citizens on responding to a domestic dispute or violent assault, for example, the frame addresses such questions as 'what sort of case is this?' (Hawkins 2002, 52). It is a classificatory act. For example, conduct encountered may be designated as that which requires immediate arrest as the response, or simply it might be that the same conduct is viewed as merely deserving of some form of warning/guidance. Frames, thus, provide officers with a set of rules for organising the ascription of meaning to such events (Hawkins 2003). In short, the frame displaces what might otherwise be random, patternless policing; instead, structuring police decision-making according to various assumptions, rules and practices developed by street-level police officers (McConville et al. 1991; Hoyle 1998; Stroshine et al. 2008).

Frames are also shaped by occupational and professional ideology—this varies according to the values and outlooks held (Hawkins 2003). Police organisational subculture will therefore influence how events are framed by police officers. A further point to make is that frames are 'indicated by cues or signs such as a word, action or event' (Hawkins 2003, 191), for example, a cue might be a person deemed by officers to be acting suspiciously. In this sense, the frame is 'keyed', as Hawkins (2003, 191) puts it. What cues or signs are recognised by police officers and what they mean, however, depends on the frame employed.

Decision frames are negotiable and open to redefinition (Hawkins 2003) by individual officers. Although, a change in frame does not always produce a different outcome; rather, it provides an opportunity for the 'development of a new basis for defining material as relevant (and discarding other previously relevant material) as well as a new basis for interpreting the decision to make the outcome rational' (Hawkins 2003, 192). Sometimes there may be a choice between several alternative (potentially competing) frames, which respond to the circumstances of the event faced by the police officer.

Finally, elements of decision framing may be more resistant to change than others. Frames firmly anchored in police cultural practice or established working rules, for instance, may be viewed by officers as too important to be abandoned or 're-keyed' on the basis of a single interaction. This is because the informal rule or practice usually provides the basis or justification for enforcement strategies or action taken by officers. The important

point is, however, that the frame governs the transaction or, at least, 'mark[s] out the territory on which matters are to be conducted' (Hawkins 2002, 55).

Hawkins developed this framework to examine prosecutorial decision-making within the Health and Safety Executive (HSE)—in particular, the prosecutorial decision-making processes of Health and Safety inspectors. Since then, others have adopted the concepts of 'surrounds', 'fields', and 'frames', as tools for analysis in various criminal justice settings: recovery of the proceeds of crime (Cram 2013), policing of missing persons (Oakley 2014), use of special measures in criminal trials (Fairclough 2018), decision-making processes of Dutch border police officers (Brouwer et al. 2018), and Integrated Offender Management (Cram 2020, 2023).

In this article, the framework of surround, field and frames is used to structure our analysis of police decision-making in the COVID-19 context. We do not claim that the ideas of Hawkins are the only, or even the best, way of making sense of the choices made by officers in this criminal justice setting. Chan's (1996) work (briefly discussed above), for instance, has some overlap with Hawkins's framework in that it also pays attention to socio-political and organisational factors influencing police cultural decision-making. Yet, as a theoretical device, we suggest that the implicit interchangeability of frames and police working rules (McConville et al 1991, 22) make it an accessible and irresistible choice.

This article advances this literature by examining the intersection between arrest decision-making by street-level police officers, during an emergency pandemic situation and Hawkins' concepts of surround, field and frame. Arrest decisions are strongly influenced by the characteristics of the situation to which an officer is responding (Quinton 2011). The commission of a serious offence is typically an antecedent to arrest, whereas events involving minor infractions of law invite the use of broader discretion. It is in the latter instance that the extent literature on police discretion intersects the notion that it is in this particularly low-visibility space that police cultural attitudes and dispositions can lead officers to use their powers to secure independently defined objectives. Stop, search, arrest and/or detention powers, for example, can in this way be a conduit for the expression of power or used as a punishment, or a means of control and harassment (Dixon 1997, 77; Loftus 2009; Methven 2022).

The emergency situation of the pandemic resulted in the government for England and Wales rapidly introducing control measures (described below) aimed at slowing the spread of the coronavirus. The new 'rules' and 'regulations' generated confusion and (sometimes suspected deliberate) misunderstanding, among the public and the police (De Camargo 2022), and highlighted disparities in police organisational practice<sup>3</sup> but also circumscribed the ways in which individual officers were able to operationalise their typically 'vast and largely unscrutinised discretion' (McConville et al 1991), in response to otherwise routine policing events such as issuing fines or arresting people. The former has been discussed at length in a companion paper (De Camargo 2022; see also Turner and Rowe 2022), but the current study here explores how more serious infractions, that would ordinarily have led to an arrest, were subject to various changes within police decision-making. In this way, the socio-political



surround affected the organisational field, and structured police officers' choices and judgements, about different courses of action (or inaction), in respect of arrests.

#### 4 | Method

This research was approved by the Institutional Ethics Review Board of Lancaster University. Interview data were collected at two time points, within a 2-year time frame, during the 'main' period of COVID-19 in the UK. Participants were recruited via a 'call for participants' on 'X' (formerly 'Twitter') asking for volunteers. While there is little research available on how police use social media (Scheider 2016), since 2008 there has been a growing interest in X from UK police forces wanting to engage with the public (Crump 2011), and X is historically a natural fit for police workers because the original creators modelled its design after existent police emergency dispatch technologies (Scheider 2016). Although police personal use of X and other social media platforms is hard to measure, in part because often pseudonyms and anonymous accounts are used, increasing numbers of police departments use social media because it encourages transparency and accountability (Bullock 2018; Rosenbaum et al. 2011). Of the little research available, it is argued that police use X almost exclusively for information reasons (Crump 2011) and it was chosen for this study because of its potential to access a diverse range of participants and network connections, and it is generally used as a platform for 'widespread conversation' (Forge et al. 2013). It also allows the bridging of perceptual differences among the academic and police community by facilitating mutual understanding, sharing, and transforming knowledge (Bresnen 2010).

A type of digital snowballing took place (O'Connor et al. 2014) resulting in 131 retweets, 45,380 impressions and 2768 total engagements by the time of the first interview. While some officers used the opportunity to air grievances, perhaps a cathartic safe space with promised anonymity (Jeschke et al. 2021), and while the retweets helped reach a much wider audience than the original call, only 31 officers volunteered, and several of these withdrew because of Black Lives Matter protests, re-focused priorities and/or shift reallocation. Perhaps unsurprising considering it was essentially a 'cold call' for participation with no promise of remuneration; researcher-researched relationships are usually based on some level of reciprocity. Interviews took place online between May–June 2020, and March–April 2022, resulting in over 20 h of anonymised interview data in 2020 and 8 h of data in 2022, where interviewees were asked to reflect on policing during the various stages of lockdown, and the tightening and lifting of restrictions. This time period is a salient backdrop to exploring the surround, field, and frames of policing the pandemic because 'critical discourse moments' (Chilton 1987) activate intense external scrutiny in turn making the culture of an issue visible (see Gamson and Modigliani 1989). Of the original 18 officers, 11 were male, seven were female, and averaged 35-years-old. A lack of diversity limits this study because the risk to black and minoritised communities were higher (Lacobucci 2020). Interviews were professionally transcribed verbatim and analysed thematically via processes of data familiarisation, coding, and then formation of themes. Combining the new 2022 data with the original 2020 data, allowed for fresh analysis, and officers

discussed some additional topics during second interviews—for example, miscommunication and changes to arrest decisions were resolved by the time of the second interviews.

Since the use (and abuse) of police decision-making has always been subject to extrinsic probing, exploring the way that discretion is used during a global pandemic is paramount—after all, studies have shown that pandemics will become more frequent (Haileamlak 2022). In the first interviews, all officers agreed to being interviewed again 'at the end of the pandemic' (little did we realise the chance to reinterview would be a long two years later), but only ten were subsequently re-interviewed in phase two. One interviewee (2022) admitted he was 'very tired thinking about the pandemic' and had strongly considered not replying to the email at all when a follow-up interview was requested. One officer re-interviewed ill in bed with COVID-19 (at his request), and one who was suffering with Long-COVID. The effects on the police, and other keyworkers, taking part in any empirical research during this stressful time, is not to be underestimated, and while the number of re-interviewees is lower than would have been preferable, one cannot argue with Maruna and Matravers's (2007) study, 'N = 1', with only one (albeit incredibly interesting) participant, Stanley—underscoring the argument that although it can be difficult to make claims about generalisability in a small sample, even one case can be theoretically illuminating. One can only hope that during a global pandemic, to which some people COVID-19 was deadly, that all original participants in this study emerged relatively unscathed. Questions were open-ended and designed to elicit lived experiences and perceptions (e.g., 'Did work tell you to do anything differently in how you dealt with the public?', 'Did anything affect your decision-making or how you used your discretion?'). Participants provided informed consent, were promised anonymity and interviews were recorded and professionally transcribed verbatim.

For the purposes of this paper, the participants were anonymised with numbers (e.g., P1 for Participant 1). We are mindful that the theoretical concepts discussed in this paper, such as specific frames (Hawkins 2003) are experienced differently depending on people's identities, and for this reason, we encourage further intersectional research in this area with more diverse samples as all participants bar one, were White British. Moreover, we now know that the COVID-19 risks to black and minoritised communities were higher (Lacobucci 2020) and it is therefore crucial to advance policing research with participants of colour particularly as police decision-making has historically been highlighted as discriminatory (the evidence on this topic is reviewed by Bowling and Phillips 2007; see also Bowling and Phillips 2002; Yesufu 2013). The research was designed in a semi-structured manner primarily to adopt a narrative approach, in that participants were allowed to 'tell their own story' about their experiences.

Similar to Bullock and Garland (2020), the officers who volunteered were self-selecting but if they are active users of X, it was important to acknowledge that social media can act as a 'force multiplier for exacerbating our worst problems as a society' and is not an accurate reflection of reality (Aspen Institute 2021). X experienced 'considerable growth' during the COVID-19 pandemic although this coincided with the spreading of mass misinformation with reportedly 25% of false pandemic information being spread by 'bots' (Benson 2020). Twitter was rebranded

to 'X' in July 2023 after Elon Musk purchased the platform. Since the acquisition there have been numerous controversies with increasing concern about fake accounts, misinformation, and the rise of right-wing politics on the platform (Mahdawi 2023). As a consequence, users have dropped by a fifth in the USA and a third in the UK since Musk took over. It is therefore pertinent to suggest that the police users of X that saw the call for research may not be a similar pool of participants for any future work.

Similar to Bullock and Garland (2020), the officers who volunteered were self-selecting and may have used the opportunity to air grievances about their force's handling of the situation, or particular decisions that were made that they did not agree with. The data was analysed with this in mind as certainly in the first few months of the pandemic, very little was known about the 'invisible enemy' (Nematchoua 2020), anxieties were understandably high as the majority of the population were told to 'stay at home', and the police were left with little to no personal protective equipment (De Camargo 2021).

Interviewing officers at two different time points makes for interesting analysis (quotes are denoted as 'R1 [Round 1], 2020' or 'R2 [Round 2], 2022'—the authors expected to see differences in how officers viewed decision-making (i.e., the unique top-down decisions 'made sense at the time' versus 'those were decisions we didn't agree with'), but the officers that were reinterviewed remained consistent in their perceptions of their forces' handling of the pandemic and the decisions made when there was not much information available. Furthermore, without being physically present at these interactions, witnessing decisions made, and also hearing the 'side' of the story of the people to whom these powers apply, it is not possible to get the 'whole story'. Indeed, even if we were there to witness it, the whole 'point' of discretion is just that—discretionary—subjective to the person making that judgement within the limits of procedural justice. We therefore have to appreciate the beauty of the participant narrative, in that their frustration at some limits to their power of discretion was allowed to be shared here (when they had to get management approval for an arrest for example); after all, the value of interviews lie in how officers personally make sense of events (Bullock and Garland 2020), and these accounts are not intended to be representative of overall officer experience in a particular force, or of the police in general.

From the data, several dimensions related to the framing of police decisions to (and not to) arrest emerged. This happened following the two authors conducting close readings of the interview transcripts and identifying relevant coding in line with the main theoretical framework of this paper—Hawkins' 'surround', 'field', and 'frames'. Our labouring with the data was guided by Braun and Clarke's (2022) reflexive thematic analysis. We started by highlighting units of meanings and similarities were noted and grouped (see figure 1), and subsequently discussed between the two authors.

Braun and Clarke (2022, 14) urge continuous reflection on "assumptions, expectations, choices and actions throughout the research process" and this importantly involves "locating yourself". We read and re-read participants' accounts and organised shared meanings according to the themes. Examples in participants' accounts were sometimes conflicting, and we had to

trust the reflexive thematic analysis process (Braun and Clarke 2022). In other words, participants' accounts mirrored reality—temporary decisions to arrest (or not to arrest) were not a national top-down law-maker decision, but personal and individual, and often varied widely even in the same police force building but with different shift managers! The excerpts discussed in this paper demonstrate decision-making at this time was fluid, and temporary. Before turning to the actual decision-making of street police officers, we first outline the decision field and social surround in which these officers were making their decisions.

## 5 | Findings

### 5.1 | Unpoliceable COVID-19 Regulations

COVID-19 generated much public and political concern and resulted in the formulation of emergency regulations (and guidance) laid out in the Coronavirus Act 2020. These events, in what Hawkins' (2002, 48) would term the broad political and economic surround, thus marked out the legal parameters of the decision field, shaping the response of the police organisation and to an extent the powers available to frontline police officers.

Although pre-pandemic grounds for arrest are set out in Section 24 of the Police and Criminal Evidence Act (PACE) 1984, the powers to arrest during COVID-19 would allow the police to arrest anyone reasonably suspected of involvement in offences contravening the new regulations communicated by the Coronavirus Act 2020. On the 26<sup>th</sup> of March 2020, the Home Office issued a memorandum strengthening police enforcement powers in England. From this date, if the public 'did not comply' the police were allowed to, instruct people to go home, or leave an area, ensure parents were monitoring children's rule-breaking, and/or issue fixed penalty notices of £60 (doubling each time for repeat offenders). If an individual continued to refuse to comply, they were deemed to be acting unlawfully, 'and the police may arrest them, where deemed proportionate and necessary'. The importance of police discretion was emphasised by the government right at the start of the COVID-19 restrictions, and this advice was summarised with 'in the first instance the police will always apply their common sense and discretion' (Home Office 2020). A further requirement was that police interactions with the public were carried out within the bounds of procedural justice (i.e., fair decision-making and respectful treatment (Sunshine and Tyler 2003)).

The COVID-19 legislation and Home Office memorandum altered the operational landscape of the police organisational field, in two ways. First, at a macro level, it provided the police with an ostensibly straightforward strategic mandate: enforce COVID-19 restrictions. Second, at meso level, through providing expectations as to how forces should pursue the mandate and obtain the law-enforcement objectives, for example by issuing guidance encouraging safe, procedurally fair interactions with the public.

### 5.2 | Organisational Problematisation of Arrest

Although new police powers of enforcement were advanced and defined by legislative activity in the surround, the organisational

"I don't think he should have [the pornography]. Err, I'm not sure of his licence conditions but pretty sure that kind of thing shouldn't be allowed."

"I told him to go away and think about it... and he didn't arrest the lady"

**FIGURE 1** | Grouping similarities across data.

decision field marked out the province of individual police forces. Here, their ability to allocate resources, formulate operational practice and craft guidance (with which police officers should comply) remained intact; although, such guidance was often distinct between forces. Relevant to COVID-19, were health and safety policies, introduced across some of the police forces in this study to prevent the spread of coronavirus, for example, taping the floor to mark out 'safe' distances between chairs in briefings, removal of 'hot-desking', and the creation of one-way corridors to name but a few (see De Camargo 2021 for a fuller discussion of the temporary health and safety policies enacted).

We had a dedicated custody suite, irrespective of where in the force they got arrested, and then in November 2020 that changed, and they could go to any custody suite. But certain parts of the suites were dedicated purely for COVID prisoners. I think people were choosing not to arrest sometimes because we're such a big force and you could be driving two hours if you had COVID prisoners and we were the only one with the dedicated suite at the time so that was a bit of a nightmare. So, when all the stations got COVID suites it was better to cut down on travelling. But it can slow things right down because if you need them to come out for documentation or whatever, you couldn't have any other non-COVID prisoners out there at that time, so it slowed things right down. [P12, R2, 2022].

On the street, for both frontline officers and general public, the implications of COVID-19 regulations were manifold. Citizens were viewed with 'general suspicion, just by being outside' (Herbinger and Laufenberg 2022, 256). But police forces also faced intense scrutiny, with media outlets (which also form part of the surround) pointing to incidents of police 'overreach' (The Independent 2020; also De Camargo 2022) in respect of COVID-19 enforcement decision-making. Yet research (e.g., Turner and Rowe 2022) also revealed instances of underenforcement and/or events where police chose not to take enforcement action, even when justified by law. This was done so officers could avoid antagonising those perceived to be usually law-abiding citizens, potentially jeopardising their goodwill (a necessary condition for policing by consent). The varied approach to the enforcement of

temporary regulations seemed to result from a sense of confusion among individual officers around how to interpret the guidance itself. As one officer explained:

The guidance and the enforcement side of it was unpoliceable [...] [for example], [people] were told to exercise near [their] house: great, everyone got that. Then as long as your exercise was one minute longer than the drive it took to get there it was acceptable. How were we supposed to police this? [P5, R2, 2022].

Examples of problematic interpretation and [mis]application of legal rules (e.g., the amorphous concept of 'reasonable suspicion'), during fluid police-citizen encounters are well-documented in policing literature (e.g., Loftus 2009; Quinton 2011; Choongh 1998). Indeed, there are few constraints imposed by legal rules on police discretion, which has broad implications for street policing. Observational research has highlighted instances of low-level police powers, such as those which allow officers to stop, question, search and/or occasionally arrest, used by officers to pursue independently defined objectives, some of which have little to do with enforcing the law (see, for example, Loftus 2009). But the advent of the new regulations, as well as the health and safety context shaping their enforcement, disrupted opportunities for traditional police cultural practice. Events that might be typically framed, by frontline officers, as arrest-type situations were reframed in response to concerns related to the decision field.

### 5.3 | [Re]framing Arrestable Situations

As Hawkins (2002, 249) puts it, 'framing is a prerequisite to deciding whether decision-makers should act, how they should act, and for what purpose'. An important frame, guiding the decisions of frontline police officers is 'real police work'—the business of catching, arresting, and convicting criminals. This is what most police officers perceive as their main duty/responsibility. The activity unambiguously responds to the emotively driven and value-led 'exaggerated sense of mission' dimension of police culture. It is an interpretation of police framing of their role, as first and foremost, that of 'crime fighter'—whose job of policing is one of excitement, action, and skill (Cockcroft 2013;

Loftus 2009). But data revealed that COVID-19 regulations and individual force rules/guidance were having a direct impact on the ability of police officers to carry out a core function of the police mission—arresting people suspected of criminal activity:

I was doing custody cover, and the duty inspector rang up wanting to arrest someone and I told him to go away and think about it... and he didn't arrest the lady. [P2, R1, 2020].

Despite this, the following officer complaint provides a sense of how the police cultural cognitive disposition generates resistance to organisational efforts and reframing an essential aspect of the role (arrest) into action which does not support the core police mission:

We were told unless it was extreme circumstances, nobody was to be arrested. We went to one [job] where a male had stabbed his partner in the chest with a shard of glass and we had to argue that this bloke was to be arrested. We said, 'hang on, he's just stabbed his Mrs in the chest with a piece of glass', and they replied, 'is she supportive?'. It shouldn't matter! We can go victimless if we need to, we can get this lad in [...] he'd taken some tablets, so we had to take him to hospital, and the sergeant says 'right, get him to hospital, but when he's medically fit, de-arrest him.' I was so mad about it. [P8, R1, 2020].

Here legality (i.e., strong evidence of criminality) is acting as the initial classificatory frame (Hawkins 2002), instructing P8 on how to understand the situation as one requiring an arrest response. However, organisational guidance related to health and safety concerns (as well as anxieties about the personal wellbeing of the arrestee) had a more significant influence on the framing of the situation than legal rules of 'evidence' or indeed, a cultural desire to take down a 'bad guy'. Traditional justifications for police enforcement action thus became redundant in the face of organisational requirements that 'arrest situations' be reframed as 'non-arrestable' because of emergency conditions shaping the decision-field. Most respondents in this research framed COVID-19-related health and safety concerns as interference with the broader police 'catch and convict' mission. The following interview response captures these sentiments:

"We had a high-risk sex offender ringing constantly [...] making lewd and sexual comments [to the call handler] – he'd rang 111 in excess of 130 times, the ambulance service were dealing with him, and I said right, send them through to me. My inbox crashed – 60–80 recordings of disgusting filth. I tell the custody sergeant and he says, 'well, he's not coming in. Under normal circumstances he'd be coming in, but under [COVID] he won't be coming in.' I couldn't believe it. [P10, R1, 2020].

Despite this, however, evidence from interviews did suggest that traditional cultural frames like the police 'sense of mission' and the pursuit of 'action/excitement' were resistant to adaptation. This was the case, even where compliance with health and safety guidance necessitated a shift away from activity that embraces these cultural attitudes and dispositions. In short, it was still possible for officers like P10 to pursue the more thrilling objective of 'crime fighting', through a simple tweak to operational practice:

So, I got hold of the [offender's] phone number and thought 'right, I'll get you back'. I went outside his house and could see the phone lighting up through his curtains, so I kept ringing him so he couldn't get through to 111. I rang him 70–80 times in an hour to stop him getting through. [P10, R1, 2020].

Moreover, the direction of influence (i.e., surround field frame) was not, however, one way, and it seemed that the police organisational field also adapted to accommodate these long-established patterns of police framing. In the excerpt presented below, the respondent seems to suggest that senior police managers (who both understand the entrenched nature of rank-and-file cultural practice and are likely to share officer concerns about the disruption of the core police mission) had apparently modified organisational rules to fit the reality of officer framing on the ground rather than attempting to make the same reality fit organisational policy:

Following evening I'm back in, and he's done it again! Ambulance services are absolutely enraged that he's not been arrested. We then forced entry to his house, he's upstairs hiding in the loft, a very creepy individual [...] so he gets arrested, we seize his pornography, he gets brought into custody, excess of 130 calls he made, on average 6–10 minutes each. So, you've got a sex offender creating a massive demand, and committing offences, and we're not arresting him, and then a different custody sergeant comes on, and I ask to speak to the inspector and said, 'have you seen this job?'. He said, 'damn right he should have been coming in [to custody].' I said, 'well I was going to arrest him last night, but [Sergeant] said I shouldn't'. But I think overnight there's been some feedback from 'up high' and people talking, and they've said, 'well hang on, we're police, we should be arresting!', so now I think it will revert back to normal a bit [and we can go and arrest him]. But what a waste of everyone's time that was. [P10, R1, 2020]

Thus, here the frame (non-arrestable) responds to field (new organisational guidance) and this type of event (belligerent suspect / evidence of criminality) is redefined, once again as unequivocally arrestable. Health and safety concerns may have complicated matters for officers on the ground by interrupting the dominant frame, but what it represents (furtherance of a core police mission of catch and convict) is far too important



a dimension of policing to be discarded entirely. As one police officer put it, “We’re still dealing with people as we see fit. If the person has to be arrested the person will be arrested, COVID or no COVID” [P4, R1, 2020].

Other comments from police officers, however, pointed to a further important and well-documented frame: ‘seriousness’ (or lack thereof). This precipitated the possibility of police variance in approach to arrest, depending on the severity of the event. Breaches of COVID regulations, were not for example, viewed as serious enough to warrant action:

Sometimes it was really overwhelming, [people] on really rough council estates for example, well they all get involved. You’ve been in a house and then you’ll turn around and another 20 people from the street will have entered the house and you’d just be there your whole shift handing the fines out – it’s not worth it. [P4, R2, 2022].

This sort of thinking is also linked to the ‘workload’ (volume and quality of police work) frame. That at times there were situations where officers’ like P4 felt they had neither the time, nor inclination to focus on COVID infractions, when there may be ‘proper jobs’ and ‘real police work’ to conduct during the shift. Nonetheless, and in congruence with data presented above, COVID related health and safety concerns at times displaced this important frame:

I’ve been involved in a situation at the hospital, where a lady was spitting at hospital staff and we’ve gone in to, erm, try and rectify that, which was an interesting logistical challenge, because she was in a COVID ward, [...]she had no fixed address, so we had no option but to arrest her. But then custody don’t want her – but yet you’re still told to – you’ve got to deal with this type of attack as a high priority (laughter), so you’re in this kind of, “Great, now what do we do?” situation. [P1, R1, 2020]

As the extracts reported above reveal, the extent of the ‘strain’ on the usual police decision-making practices and perspectives varied. Decisions by P10 and P1, respectively, not to arrest the sex offender and homeless patient committing assault, due to COVID-19 related restrictions on the use of custody, for example, can be juxtaposed against the choice of P4, not to arrest members of a gathering at a ‘rough council estate’ address, in obvious breach of lockdown regulations. The former seem less compatible with traditional police (‘sense of mission’) framing, whereas the latter is not—rather, is anchored in ‘workload’ (i.e., the impracticalities of fining large numbers of people).

Notable also, is the malleability of police framing around the dangers posed by the virus. Restrictions on the use of custody as a health and safety precaution whilst not welcomed were seemingly accepted as necessary. Yet at the same time, breaches of COVID-19 restrictions by members of the public were viewed as trivial. Police decisions about where priorities should lie were

not therefore solely based on the ‘mission’ of crime-fighting but included a broad range of competing factors.

## 6 | Discussion

Police officers were at the core of the government response to the COVID-19 crisis—enforcing restrictions on the public movements, to contain the spread of the disease, as well as supporting other government agencies to assist affected communities (Matarazzo et al. 2020). In this paper we have explored how the common routines of police–citizen interactions the attendant cultural decision-making practices of police were significantly disrupted by the emergency policing response COVID-19 required. The data presented above points to a relationship between decisions to (and not to) arrest and a variety of (political) surround, (organisational) field, and (cultural) frames. We saw, for example, the legal parameters of police decision-making marked out by the Coronavirus Act 2020, shaping officers’ initial reactions to atypical events (e.g., social distancing requirements, and travel restrictions), attracting a disposition toward the enforcement of ‘standard’ criminality—i.e., when events were easily framed in terms of legality.

Nonetheless, localised operational guidance, largely related to health and safety concerns, disrupted this type of traditional framing, and what might have previously been straightforward processes of police decision-making—albeit, considering a range of factors and contexts—that would typically lead to an arrest, became more complex. Serious offences, including those involving violence, typically provoking an irresistible arrest response were re-framed and (often reluctantly) understood as non-arrestable events, in direct response to organisational health and safety guidance.

Yet, across the 11 force areas from which participants were drawn (and indeed the 43 forces of England and Wales these decision-making processes are largely devolved anyway), there were also clear discrepancies between organisational health and safety guidance issued, the amount of PPE available, and indeed, resources available (such as dedicated COVID-19 cars and COVID-19 custody suites). This may have laid the (shaky) foundations for incongruous management decision-making (e.g., telling officers they needed permission to arrest), then leaving officers questioning their own decision-making (e.g., being pointedly told to go away and think [more] about it...). Even when policing returned to ‘normal’, this may affect trust of individual judgement.

Perceived inaction (where criminality was suspected strongly or indeed evident) generated further frustration among most participants, due to its incongruence with traditional hyper-masculine action-orientated, cultural practice. Participants like P8 and P10 clearly viewed guidance related to COVID-19 as disrupting opportunities to engage in ‘real police work’. In some instances, however, cultural frames (e.g., the significance of the core police mission: crime fighting) simply won out and precipitated police action, regardless. Here the relevant police cultural objectives were not, therefore, entirely aligned either with the broader political surround or organisational health and safety guidance. But such objectives were congru-

ent with the defined (organisational field) police mandate of law enforcement. On occasions, typically where serious criminality was suspected, officers found ways to 'work around' force guidance that enabled them to pursue crimefighting objectives whilst also adhering to organisational health and safety guidance.

Yet despite the emphasis (both surround and organisational field) on health and safety, breaches of regulations were routinely framed by officers as not warranting police action. There was, however, some intersection between the cultural frames of workload and seriousness, with some incidents disregarded as 'rubbish' (Holdaway 1983). Of course, this finding is not in-and-of itself unique to the policing environment generated by COVID-19 enforcement. Outside of this atypical context, one can point to several crimes which may be viewed by police as a waste of time, or too complicated, thus affecting patterns of arrest. Domestic violence and low-level shoplifting, for instance, are often not seen by officers as worth pursuing (Hoyle 1998; Loftus 2009). Nonetheless, where officers are reluctant to make COVID-19 related arrests for reasons linked to underlying cultural assumptions, it does provide further support to the notion that occupational culture is likely to hinder effective police responses to emergency health-related situations—in this instance, against COVID-19 (see also, Alcadipani et al. 2020).

A final point to make here is that whilst an emergency pandemic situation is highly distinctive and unusual it is not entirely unique in terms of the strains placed generally on police processes of decision-making. One argument of this paper is that officer decision-making becomes conflicted when there is a lack of congruence between surround, field and frame. This occurs in day-to-day policing circumstances, beyond the context of COVID-19. It is possible, for example, to extrapolate from the findings of Rowe's (2007) study on the impact of a positive arrest policy, on police discretion that when officers were dealing with incidents of domestic violence. Here where the discretion of officers is removed or limited by such a policy, their framing of a given event is effectively superseded by the (organisational) field, which in turn is shaped by the surround (i.e., political will to improve domestic violence arrest rates). Work done by Grace et al. (2025) on factors influencing police decision-making in possession of cannabis cases further confirms assumptions we might make about the potential curtailment of police framing, in response to organisational field guidance.

## 7 | Conclusion

Policing COVID-19 presented many challenges to the police-citizen relationship. Officers continued to deliver policing services through daily interactions with the public in uniquely challenging health and safety circumstances, whilst also required to enforce COVID-19 restrictions. The UK's consent-based model of policing relies on both the police and the public being clearly informed about the 'rules' (whether that be law, rules, guidance, etc.) in any situation.

Studies emerging from the pandemic have reported that the speed with which new regulations were introduced (and then changed again) was the greatest challenge policing faced (see

Farrow 2020; De Camargo 2022; Aitkenhead et al. 2022) and reportedly having to 'wing it' when asked for advice (and this in turn threatens perceptions of police legitimacy, among the public, if officers show that they are unsure), and this naturally will affect decision-making processes, particularly in relation to enforcement. Nonetheless, the traditional themes of police cultural practice endured, with collections of dominant features persisting around the sense of mission and preference for crime fighting. These frames interacted with other important dimensions of the surround and field, but remained dominant, at times disrupting the policing response to COVID-19. This finding also demonstrates the utility of surround field and frame as a conceptual lens for revealing the multi-dimensional complexities of police decision-making, as officers responded to this distinct policing environment.

Penalties in the form of Fixed Penalty Notices are the most effective way of tracking enforcement activities but since there was no systematic collection of data on the volume of COVID-related checks, and the many different strategies employed by police forces and individual officers within each force, this data has its limitations (Aitkenhead et al. 2022; Turner and Rowe 2022). Therefore, arrest (and non-arrest) decisions detailed in this paper cannot be quantified in the same way. This makes the current study unique, and central in our understanding of officers lived experiences of these judgements and action (or non-action as the case may be).

Furthermore, in October 2020, local authorities were given additional funds to recruit 'COVID Marshals' whose role was to advise and support the public in following COVID rules. They had no powers to enforce against COVID breaches but undertook proactive public engagement to ease pressure on the police. How this affected police decision-making (perhaps with less arrests needing to take place for minor breaches, more serious breaches would mean more likely to warrant arrest perhaps)—but we know this is not necessarily the case in this study as P10's frustration with the pornography breach showed. However, again, data is scarce, as it relied on the marshals manually recording any incidents and non-enforcement outcomes; similar to the officers in this study, these decision-making processes are not recorded in any formal way (unless an arrest takes place of course) so the only way to access these experiences is by talking to officers who lived it.

Studying the nuances of policing response will likely form a large body of academic work to emerge post-pandemic. Since research suggests that we are likely to see another pandemic in our lifetime, decision-making processes by those in power, and the challenges faced by those tasked with enforcing these, are vitally important to learn from their experiences. Afterall, as one of the participants argued, policing is at times, impossible, and nothing is more difficult perhaps, and therefore most precious to our policing-by-consent model, than being able to decide.

## Conflicts of Interest Statement

The authors declare no conflicts of interest.

## Endnotes

<sup>1</sup>The first lockdown (i.e., the government order for people to “stay at home”) in England started on 23 March 2020, with restrictions easing on 4 July 2020. The second lockdown came into force on 5 November 2020, with all areas in England entering into ‘tiered’ restrictions. The third and final lockdown started on 6 January 2021, with phased ‘irreversible’ exit from lockdown beginning 8 March 2021 (House of Commons 2021).

<sup>2</sup>‘Partygate’ was a political scandal in the UK about parties and other gatherings of government officials held during the COVID-19 pandemic in 2020 and 2021, when public health restrictions prohibited most gatherings. In late January 2022, twelve gatherings warranted police investigation by the Metropolitan Police and at least three of these gatherings were attended by then-Prime Minister Boris Johnson. Johnson eventually resigned two months later following the scandal. Senior Civil Servant, Sue Gray, published her report after an internal investigation noting ‘failures of leadership and judgement in No. 10 and the Cabinet Office’.

<sup>3</sup>These disparities have always existed. The police institution as a whole is comprised of many different departments, divisions, and ranks, and to conceive it as a singular entity where they all behave in the same way is a misnomer. Although the 43 police forces of England and Wales work within the bounds of the same laws and generally have similar ‘goals’ (i.e., something similar to ‘promote a safe and secure society, preserve the peace, to address crime, and to uphold the law’) there are naturally some differences depending on the wide variations of working culture, geography, demographics of staff, etc., and these resultant differences in working practices produce a wide range of distinctive experiences for both the worker and members of the public that interact with them. The policing departments within forces vary widely encompassing different roles, activities and expectations and thus have very different ‘customers’; which all require at times, discretionary police decision-making (De Camargo 2017). For example, in just four forces in England and Wales, police community support officers are issued with handcuffs (again, force discretion whether to provide them) to complement their ‘citizen’ powers of arrest. This difference on its own is beyond the scope of the current contribution but does generate an interesting question related to police use of discretion: does having the ‘tool’ to arrest (i.e., handcuffs) make arrest more likely?

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