



## Part 2 - International policing responses to COVID-19: Easing of lockdown



**CRIME AND JUSTICE**

# **Part 2 - International policing responses to COVID-19: Easing of lockdown**

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## Purpose of the paper

The main purpose of this paper is to assess how COVID-19 may have impacted international policing responses **during the easing of lockdown** in other countries in order to identify any useful learning. For this reason, evidence from Scotland is not included.

## Jurisdictions covered

England, Northern Ireland, Republic of Ireland, New Zealand, Netherlands, Norway and France.

## Note on the evidence

This paper highlights factors around policing responses to be considered as part of forward planning, based on the evidence and intelligence available.

The information in this paper was collected through a 'rapid intelligence review' of publicly available sources, such as relevant agency reports, government reports, and news reporting. This paper provides the most up-to-date available evidence, commentary and intelligence on international policing responses but as the evidence is rapidly evolving it may not be in all cases, completely up-to-date at the time of reading.

Please note that the information provided covers the period up until **15 June 2020**.

## Acknowledgements

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# Areas for consideration based on international experience

- Police need clear and timely guidance and appropriate tools to ensure they are equipped to enforce new restrictions
- There are examples from several countries of what seems like good and innovative practice<sup>1</sup> of policing domestic abuse (France, Ireland, NZ)
- The challenge will be to maintain this response and continue to prioritise police efforts on the safety and wellbeing of vulnerable groups (e.g. children and the elderly) after the pandemic, and when demands on policing resume or intensify
- The demands and expectations of policing have increased at a time when resources are already stretched - in part directly due to absenteeism caused by COVID-19
- Prepare for a continuing decline in public compliance to restrictions due to 'lockdown fatigue'<sup>2</sup>
- Ensure prompt responses to possible issues arising e.g. be prepared to deal efficiently and quickly with unexpected large gatherings in public spaces
- Prioritise regular patrolling around retail businesses reopening and take-away outlets to avoid incidents in queues (Northern Ireland, NZ – 'reassurance checks')
- Police forces should be mindful of the risks associated with inconsistent /differential approaches to enforcing legislation<sup>3</sup>
- Focus on maintaining/rebuilding community trust in the work of the police
- The new measures introduced by governments to support individuals and businesses struggling economically during the crisis may open up new forms of criminal exploitation (Norway)
- Consider 'secondary effects' of lockdown – economic instability, changes in crime, boredom, increasing societal division, protests and civil unrest
- The pandemic has strengthened the need for more collaborative ways of working and partnerships within and across the public and private sectors<sup>4</sup>

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<sup>1</sup> It should be noted that these have not been evaluated.

<sup>2</sup> <https://www.theguardian.com/world/2020/may/21/fewer-young-adults-sticking-uk-lockdown-rules-study-coronavirus>

<sup>3</sup> As recently seen in Northern Ireland

<sup>4</sup> *Rising to the policing challenge of COVID-19: Looking beyond the crisis* - <https://www.pwc.com/gx/en/industries/government-public-services/public-sector-research-centre/policing-challenge-of-covid-19.html>

## Main points from the paper

- Countries are now at different stages of lockdown easing, but tend to follow a similar pattern
- In many countries policing the initial lockdown was more straightforward than policing the eased lockdown, both because of the cumulative effect of lockdown on communities and often unclear guidance for officers
- Police forces need time to digest and adapt to any significant changes in easing of lockdown, which has not always been afforded
- As the restrictions have been eased countries have found policing by consent to be more important than ever, as police negotiate a fragmented and changing mix of restrictions<sup>5</sup>
- There is emerging evidence that particular types of crime may have increased, including domestic abuse, child sexual exploitation, anti-social behaviour and speeding, presenting different challenges for the police<sup>6</sup>. There is the potential for more anti-social behaviour as the lockdown eases with young people out of school
- Now that the sense of urgency around COVID-19 has begun to settle, emergency police powers are being scrutinised more closely, with the police's actions being investigated in some cases (i.e. Northern Ireland)
- It is possible that police morale may have been damaged in recent weeks following negative public perceptions of the police, reignited in response to the killing of George Floyd in the USA

## Human Rights and Equalities considerations

- Police have to comply with human rights requirements on any limitation to freedom of assembly, expression and thought/conscience/religion in the context of enforcing public health regulations. Issues around public assembly - ranging from recreational sites to public demonstrations such as Black Lives Matter and counter protests - have been a particular challenge to the police<sup>7</sup>
- There have been concerns raised of a 'postcode lottery' of policing under the emergency powers, and the criminalisation of certain communities/differential treatment in enforcing restrictions

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<sup>5</sup> <https://www.ucl.ac.uk/jill-dando-institute/sites/jill-dando-institute/files/policing-the-lockdown.pdf>

<sup>6</sup> Although evidence from a range of reliable sources will be required to corroborate this.

<sup>7</sup> Comment provided by Susan Kemp, Independent Advisory Group

- There may have been biases against Minority Ethnic communities<sup>8</sup>, especially when it comes to spot checks or stop and search
- Collect equalities data on the use of police enforcement powers where possible
- Carefully consider the use of technology by the police, taking into account individual privacy rights

## Risk to Health

- Police must deal with operational duties while protecting themselves against infection
- Provision of adequate PPE to officers remains central - officers are not always provided with sufficient PPE
- Officers have been assaulted and attacked by those purporting to have the virus and some have died of COVID-19. Officers have also been injured, some seriously, in both the Black Lives Matter and counter protests
- Officers enforcing movement restrictions may have to deal with violent responses from the public
- There are some examples of mental health support to Police Officers and Staff

## Priority Areas for Medium and Longer-term Consideration/Action

- A number of concerns have been highlighted about the risk and possible causes of civil disorder in the medium and long-term, and there is an urgent need to assess the crime and disorder implications of a severe recession and the resources available to the police to manage this
- Continue reviewing the police's use of the emergency powers
- Consider possible effects of lockdown measures on police budgets and staffing
- Consider how police will deal with a deluge of calls (particularly around domestic abuse) following further easing of restrictions, within existing resources

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<sup>8</sup> In this paper 'Minority Ethnic communities' is used instead of 'BME' or 'BAME' to include all racial and ethnic groups protected under the Equality Act 2010. We acknowledge there is some debate around the terminology used.

- The enforced circumstances of the pandemic have offered opportunities for how policing could be done, including moving to a more digital way of working and more effective policing of domestic abuse
- Children and young people could be more likely become involved in crime as perpetrators and/or victims in the coming months whilst out of school, with less parental supervision and with police resources diverted elsewhere
- Prepare the police to deal with likely changes in people's working patterns (more home and remote working) and increases in cyber security threats associated with working from home
- Particular types of crime have increased during the outbreak and there are concerns that these will become increasingly problematic after the pandemic. These crimes often take place in the private and virtual realms, making them harder to detect and tackle
- Consider how police interpretation and enforcement of the COVID-19 restrictions will affect public trust in the police and perceptions of their legitimacy, e.g. the policing of protests and high profile cases in the media of how individuals have conducted themselves with regards to the restrictions and how these have been policed
- It will remain key to listen to the public and communicate effectively

# Introduction

In order to prevent the spread of COVID-19, police forces across the world have been given new emergency powers to ensure the public adhere to their country's lockdown rules. Justice Analytical Services wrote [\*International comparisons of policing approaches and responses to the COVID-19 lockdown\*](#) (7 May), which describes how national police forces were policing and responding to the early COVID-19 lockdown across a number of jurisdictions. This follow-on paper considers how select jurisdictions have been policing the subsequent phases of lockdown in order to provide an early assessment of considerations around policing for planning purposes.

While the focus of this paper is on the stages of lockdown easing in respective countries, information from the earlier lockdown period is included where this is considered useful or significant. Many of the same challenges remain from the initial lockdown which were explored in the first paper. Some of these are expanded on here whilst others are newer challenges specific to this phase of the lockdown.

The countries included are: England, Northern Ireland, Republic of Ireland, New Zealand, Netherlands, Norway and France (see Annex 2 for country selection criteria). For each country we sought to collect information on a number of research questions (Annex 3). In order to avoid duplication of work, this paper does not explore the policing approach in Scotland, or public perceptions of the police's approach to enforcing the lockdown in Scotland. This is being addressed by [John Scott QC's Independent Advisory Group \(IAG\)](#). Instead the purpose of this paper is to identify any useful learning for Scotland.

There is variation in the detail presented for each country and for each of the research questions. This is due to differing availability of material and time constraints. The lack of information on some research questions does not necessarily mean that this does not exist, but that it was not found within the timeframe allocated to writing this paper.

Lastly, there are sections on good and innovative practice – please note that these are what appear to be good and innovative practice based on the literature considered, and are unlikely to have been evaluated.

# England

## Main Points

- Policing the initial lockdown was considerably more straightforward than policing the easing of lockdown in England, due both to the cumulative effect of lockdown on communities and the unclear and complex guidance for officers
- Revised guidance for officers has been drawn up in response to the easing of the lockdowns
- As the restrictions have been eased, the [four 'E's](#) approach to policing by consent has not only remained in place, but become more important as police negotiate a changing mix of restrictions
- Police leaders in England have criticised the legislation, the clarity of this vis-à-vis the guidance, the new slogan and the timing of political statements
- Once the slogan moved from 'stay at home' to 'stay alert' and social distance there was no clear role for the police in enforcement, as social distancing is guidance and not the law
- Police forces need time to digest and adapt to any significant changes in the rules, which has not always been afforded
- Officers are still not always provided with sufficient PPE (despite newer guidance), and have been assaulted and attacked by those purporting to have the virus
- There is concern that with children and young people out of school, less parental supervision and police resources diverted elsewhere, some young people could be more likely become involved in crime as perpetrators and/or victims
- Many police forces in England have adopted innovative approaches to policing domestic abuse during the pandemic. The challenge will be to maintain this response once the pandemic is over and demands on policing resume to normal or enhanced levels
- Police have been 'under employed' during the pandemic with almost all officers on duty, which has allowed officers to catch up on the backlog of cases that were in the system
- There have been concerns raised of a 'postcode lottery' of policing under the emergency powers, which may be leading to the inadvertent criminalisation of certain communities

- There may be a risk of a human rights challenge in relation to the application of the Regulations by the police
- There are a wide range of concerns about the risk of further civil disorder in the medium to long term which police must prepare for
- There are also concerns about the potential increase of particular types of crime during and after the outbreak, such as organised crime, corruption, child sexual exploitation, domestic abuse and cybercrime
- In the medium and long-term, experts are concerned about how police behaviour during the COVID-19 outbreak will affect public trust in the police and perceptions of their legitimacy

## Background and current situation

In the proceeding paper, England and Wales were considered together, having both introduced lockdown restrictions on 26 March with minor differences in their respective approaches. Since then, their respective regulations have been amended differently (Annex 5) with differing implications for policing, so this section focusses on England. This section broadly covers the period from around 7 May to 15 June, when the second and third review of regulations took place, although information from the earlier lockdown period is included in this section where considered useful or significant. Boris Johnson announced the first review on 10 May, setting out England's 'roadmap for the next phase' of the lockdown, detailed in the [recovery strategy](#) for England. On 13 May, regulations were made in England which amended the principal lockdown regulations. These:

- amended the list of reasonable excuses to be outside to include recreational purposes
- amended the text of the regulations to make it clear that people can meet one person from outside their household in open air spaces for recreation or exercise
- increased the fines associated with the Fixed Penalty Notices (FPNs) issued under the regulations. Fines for the first offence increased from £60 to £100 (reduced to £50 if paid within 14 days)
- amended the list of essential businesses in England to include garden and recycling centres

On 1 June the regulations were [eased again](#), fundamentally changing the principal lockdown regulations in England and removing many of the early lockdown rules. This included:

- the ban on people leaving their homes without a ‘reasonable excuse’<sup>9</sup>
- changing the restrictions on gatherings to restrict indoor gatherings of two or more and outdoor gatherings of more than six. A list of exceptions to these rules allow gatherings for work and education purposes (amongst other things)
- amending the relevant police powers – such as police powers to direct people back home and the power for police to fine people for being outside without a reasonable excuse

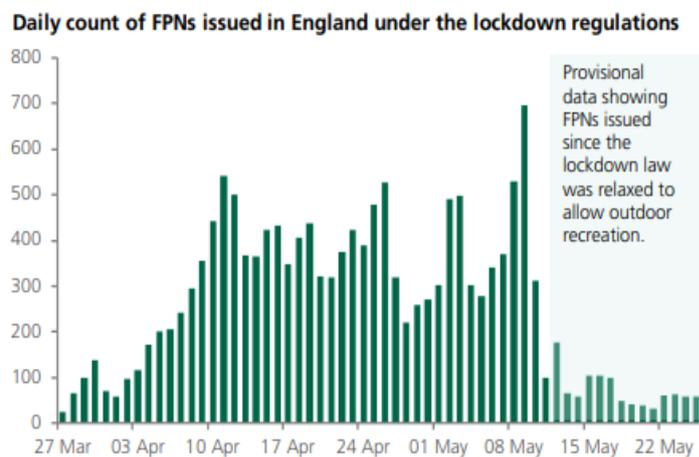
These changes have shifted the focus of the lockdown away from the former requirement to stay at home, to the new restrictions on indoor and outdoor gatherings. Whilst this shift gives people in England far more freedom of movement than previously, it still places severe restrictions on their ability to gather socially, particularly indoors.

## Policing approach

As set out in the first paper, the police’s approach to enforcement in England, as in the rest of the UK, has been based on [four ‘E’s](#) through the College of Policing Guidance<sup>10</sup>. This constitutes a co-operative approach to policing the lockdown, using common sense and discretion to determine what is reasonable, and only enforce as a last resort<sup>11</sup>. As the restrictions are eased, this approach of policing by consent has remained in place and has arguably become more important<sup>12</sup>.

## Enforcement statistics for England

15,550 FPNs were issued in England under lockdown regulations between 27 March and the 25 May. This number has reduced since the lockdown in England was relaxed to allow outdoor recreation. 473 FPNs were issued in the eighth full week of lockdown (15 May to 21 May), an 85% reduction on the peak in early April<sup>13</sup>.



<sup>9</sup> And replaced it with a requirement to have a ‘reasonable excuse’ to stay overnight somewhere other than your home.

<sup>10</sup> The body responsible for professional standards in English and Welsh policing

<sup>11</sup> <https://www.gov.uk/government/news/ministry-of-defence-police-covid-19-response>

<sup>12</sup> <https://policinginsight.com/features/opinion/trickiest-issues-isle-of-man-police-chief-shares-the-lessons-from-policing-the-easing-of-lockdown-restrictions/>

<sup>13</sup> <https://commonslibrary.parliament.uk/research-briefings/cbp-8875/>

## Key challenges

### The legislation and clarity of this vis-à-vis the guidance

There has been criticism of both the legislation, the clarity of this vis-à-vis the guidance and new slogan and the timing of political statements. It has also been argued that once the slogan moved from 'stay at home' to 'stay alert' and social distance there was no clear role for the police in enforcement, as social distancing is guidance and not the law<sup>14</sup>.

(i) The Legislation - The Health Protection Regulations have not been scrutinised or approved in their current form by parliament, and it has been argued that 'repeated tinkering' with these has left a complex web of loopholes and contradictions<sup>15</sup>. The regulations are complex, confusing and constantly evolving which presents a challenge for officers to interpret, with some stating that the police have been 'set up to fail'.<sup>16</sup>

"Police officers are being required to strike a balance on the street that would present significant challenges for justices of the Supreme Court, even in the somewhat calmer atmosphere of a courtroom<sup>17</sup>." Sir Stephen Laws, first parliamentary counsel.

The regulations provide police officers, police and community support officers (PCSOs) and others with a range of specific enforcement powers they can use in the interests of public health only (and not part of day-to-day detecting and preventing crime and maintaining public order). There are issues with these powers, particularly around: power of arrest; power of entry and lack of stop and account powers which are set out in detail in the House of Commons Briefing Paper<sup>18</sup>. Compared to the initial unprecedented lockdown, it has been argued that there is now little that the police can still enforce<sup>19</sup>. For example, while the government is calling for people to maintain social distancing, it is not contained in the Health Protection Regulations in England and cannot be enforced by police.

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<sup>14</sup> Correspondence with Dr Peter Neyroud

<sup>15</sup> <https://www.independent.co.uk/independentpremium/news-analysis/coronavirus-uk-lockdown-easing-rules-police-a9543246.html>

<sup>16</sup> The Telegraph, 27 April 2020, 'Police warn lockdown rules becoming unenforceable as people start returning to work

<sup>17</sup> <https://www.telegraph.co.uk/news/2020/05/08/police-warn-increased-community-tension-lockdown-mixed-messages/>

<sup>18</sup> <https://commonslibrary.parliament.uk/research-briefings/cbp-8875/>

<sup>19</sup> *The latest regulations do not give police the authority to remove people who are contravening the requirement to stay overnight in their home from where they are staying. They cannot use force to break up a prohibited gathering taking place in private. However, they can still issue directions to people breaking both rules which it would be an offence to disobey. They can also use force, when necessary, to break up prohibited public gatherings and return those in them to their homes -* <https://commonslibrary.parliament.uk/research-briefings/cbp-8875/>

(ii) The clarity of the legislation vis-à-vis the guidance and the slogan – this was problematic for policing in the first phase of lockdown and differences between government guidance and the law continue to cause difficulties for policing as the restrictions have eased. The new slogan of ‘stay alert, control the virus, save lives’ announced on 10 May replaced ‘stay home, protect the NHS, save lives’, and has been criticised for being confusing, and that instructions to the public were unclear as the lockdown was relaxed.

The Police Federation for England and Wales challenged the mixed messages, stating that the ambiguity of the new measures for England could make an ‘already challenging’ job ‘impossible’ and would be ‘grossly unfair on officers’<sup>20</sup>. The chairman of the Police Federation, Mr Apter, requested ‘clear and unambiguous’ detail on the new measures to allow officers to effectively police it:

“Police officers will continue to do their best, but their work must be based on crystal clear guidance, not loose rules that are left open to interpretation - because that will be grossly unfair on officers whose job is already challenging. If the message of what is expected of the public is not clear then it will make the job of policing this legislation almost impossible.”

(iii) The timing of political statements and the delay in the law coming into force after the lockdown was announced was also criticised. The leaking of information and media speculation also led some people to change their behaviour before the relaxation of lockdown rules officially came into force, exacerbating the challenges of policing the restrictions. Police chiefs had proposed 8 key principles for an exit strategy, stressing that police need sufficient time to provide a ‘considered and consistent response’<sup>21</sup>. However, police have found out about the latest lifting of restrictions at the same time as the general public which meant that there was inadequate time for police training on what is and is not allowed (the College of Policing were also left trying to catch up with the guidance)<sup>22</sup>.

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<sup>20</sup> <https://www.bbc.co.uk/news/uk-52618005>

<sup>21</sup> <https://www.telegraph.co.uk/news/2020/05/08/police-warn-increased-community-tension-lockdown-mixed-messages/>

<sup>22</sup> <https://www.telegraph.co.uk/news/2020/05/08/police-warn-increased-community-tension-lockdown-mixed-messages/>

## Police morale

Linked to the above, the lack of clarity between the legislation and guidance, and the difficulty in enforcing the revised restrictions (policing large groups) has arguably led to a knock to police morale. There have also been some observations in the media that while the NHS are applauded, the same praise and recognition has not been afforded to the Police<sup>23</sup><sup>24</sup>. However, others have remarked that the police have benefitted from increased public support for frontline staff and 'key workers'<sup>25</sup>.

It is possible that police morale may have been damaged in recent weeks following negative public perceptions of the UK police, reignited in response to the killing of George Floyd in the USA.

"The mood of the officers I have spoken to is one of disgust, disbelief and disappointment that the actions of a handful of police officers on the other side of the world could potentially undo decades of progress in re-establishing public trust in policing<sup>26</sup>" - Katy Bourne, police and crime commissioner for Sussex

Steven Lawrence's father Neville spoke openly in early June that police promises to reform and enshrine racial justice in the ranks have not been delivered and highlighted the disproportionate targeting of stop and search towards Black people. Britain's head of counterterrorism, Neil Basu, denounced racial bias in UK institutions and society<sup>27</sup> but stressed the importance of remembering the differences between British and US policing (policing by consent and not by force).<sup>28</sup>

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<sup>23</sup> <https://www.independent.co.uk/voices/coronavirus-uk-ppe-shortages-police-policing-covid-19-postcode-lottery-a9519816.html>

<sup>24</sup> <https://www.itv.com/news/2020-05-07/he-spat-at-me-and-said-have-some-of-my-corona-policing-britain-during-the-coronavirus-lockdown/>

<sup>25</sup> <https://www.ucl.ac.uk/jill-dando-institute/sites/jill-dando-institute/files/policing-the-lockdown.pdf>

<sup>26</sup> <https://www.theguardian.com/society/2020/jun/09/katy-bourne-police-crime-commissioner-solidarity-protesting-racism-black-lives-matter>

<sup>27</sup> <https://www.theguardian.com/uk-news/2020/jun/09/neville-lawrence-black-people-still-second-class-citizens-in-britain>

<sup>28</sup> <https://www.theguardian.com/global/2020/jun/09/police-must-view-legitimate-anger-with-care-we-need-to-listen-to-our-communities>

## Police training and guidance

Revised guidance<sup>29</sup> was ‘hurriedly’ (according to the Guardian<sup>30</sup>) drawn up for officers in England about the new rules introduced by the Prime Minister 10 May, on what they should and should not police. The Police Federation then published further guidance on 1 June<sup>31</sup> to coincide with the second relaxation of restrictions. With the release of these guidelines Mr Apter said:

“This is the third time our colleagues have had to rapidly adapt to changes in the law; and I have to say they are doing an incredible job... This is not a straight-forward task for officers; the legislation is complex, confusing and is an awful lot to take on board overnight – but I know they will continue to do their best in these trying times”<sup>32</sup>.

## Police Health and Safety

### Guidance on PPE

Over the earlier period of the pandemic Police received mixed messages and contradictory advice from Public Health England and the Health and Safety Executive about what PPE officers should wear in which situations. This reportedly led to chief officers following different advice and created a ‘postcode lottery of safety for police officers’<sup>33</sup>. Mr Apter said that these mixed messages are “... nothing short of a disgrace; it’s dangerous and completely unacceptable. This is not a training exercise; this is reality and is a matter of life or death”<sup>34</sup>. The National Police Chiefs’ Council (NPCC) were slightly less critical.

Following the conflicting advice, the Defence Police Federation issued a message on 15 April clarifying the situation and stating that all officers should have PPE readily available on their person, which can be donned quickly when deemed necessary, in situations where it is not possible to socially distance. However, since then the message has become more nuanced and as the public have been permitted more time outdoors, this had made ensuring the safety of officers more challenging. Despite the PPE provided to officers, this is often basic, does not always provide sufficient protection and is not always practical to wear for some duties.

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<sup>29</sup> <https://www.college.police.uk/What-we-do/COVID-19/understanding-the-law/Documents/Health-Protection-Regulations-Amendments-England-changes-130520.pdf>

<sup>30</sup> <https://www.theguardian.com/politics/2020/may/10/doctors-warn-of-second-coronavirus-wave-as-uk-lockdown-weakens#maincontent>

<sup>31</sup> <https://www.polfed.org/hants/advice-guidance/coronavirus/>

<sup>32</sup> <https://www.polfed.org/news-media/latest-news/2020/lockdown-law-guidelines-for-officers-launched/>

<sup>33</sup> <https://www.independent.co.uk/voices/coronavirus-uk-ppe-shortages-police-policing-covid-19-postcode-lottery-a9519816.html>

<sup>34</sup> <https://www.independent.co.uk/voices/coronavirus-uk-ppe-shortages-police-policing-covid-19-postcode-lottery-a9519816.html>

## Assaults and injuries to police officers

There have been numerous reports of police officers being spat at by people claiming to have the virus<sup>353637</sup>. Sussex police recorded a 39% rise in assaults against officers in April, compared to the same time last year<sup>38</sup>, including officers being punched, kicked, bitten, spat and coughed on and threats to infect the officers and their families with the virus<sup>39</sup>. There have also been injuries, some serious, to police during the Black Lives Matter and counter protests.

## Police wellbeing and mental health support

In mid-late May the National Police Wellbeing Service<sup>40</sup> uploaded resources and training on resilience, wellbeing and psychological and mental health onto their COVID-19 Coronavirus Hub to make available to officers. Cleveland Police used a 'Wellbeing' Van during the COVID-19 crisis to support staff and officers (details in the [Examples of good and/or innovative practice Section below](#)).

## Maintaining public confidence

According to the Telegraph, at the same time that the National Police Chiefs Council (NPCC) called for the government to be 'clear and unambiguous' about rule changes during the lockdown, senior officers also stressed the importance of maintaining public confidence and the policing by consent model<sup>41</sup>.

Earlier analysis from the lockdown period about public perceptions of pandemic policing showed that some measures (such as checkpoints and issuing fines) are much more popular than others (like mobile phone and facial recognition tracking). It also showed that people's perception of the legitimacy of the police is crucial in establishing public consent for enhanced police powers. In turn, legitimacy is rooted in people's experience of everyday policing<sup>42</sup>. A more recent article in the LSE entitled '*The Cummings row undermines the sense of collective solidarity on which the lockdown relies*' draws on public opinion data to show that compliance with lockdown measures is driven by social identity and collective responsibility and that

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<sup>35</sup> <https://www.bbc.co.uk/news/uk-england-52772337>

<sup>36</sup> <https://www.itv.com/news/2020-05-07/he-spat-at-me-and-said-have-some-of-my-corona-policing-britain-during-the-coronavirus-lockdown/>

<sup>37</sup> <https://www.independent.co.uk/voices/coronavirus-uk-ppe-shortages-police-policing-covid-19-postcode-lottery-a9519816.html>

<sup>38</sup> Although caution is urged when comparing one month's data from one force - recording will have been carried out much more carefully this year.

<sup>39</sup> <https://www.theguardian.com/society/2020/jun/09/katy-bourne-police-crime-commissioner-solidarity-protesting-racism-black-lives-matter>

<sup>40</sup> <https://oscarkilo.org.uk/>

<sup>41</sup> <https://www.telegraph.co.uk/news/2020/05/08/police-warn-increased-community-tension-lockdown-mixed-messages/>

<sup>42</sup> <https://blogs.lse.ac.uk/covid19/2020/05/01/what-makes-britons-trust-police-to-enforce-the-lockdown-fairly/#comments>

by defending Dominic Cummings, the government risks undermining people's compliance with the restrictions<sup>43</sup>. This may also have damaged trust in the Police.

### **Challenges of co-operation, with the public and/or partner agencies**

In a document drafted at the start of May in which chief officers proposed eight key principles which should be applied when the Government begins its exit strategy<sup>44</sup>, chief officers praised the public for its adherence to the current restrictions, but warned: "A collective sense of being in this together exists. Any breakdown of this sense is likely to lead to increased community tensions. It also has the potential to shift demand to a small number of policing areas".

### **Policing young people/older children who are out of school for long periods**

With children and young people out of school, less parental supervision and police resources diverted elsewhere, particular young people could be more likely become involved in crime as perpetrators and/or victims. There are concerns that the victimisation of children in increasingly serious and harmful ways may be one challenge for policing over the coming months. For example, serious organised crime (SOC) networks exploitation of vulnerable young people to deliver drugs across 'county lines' is one way in which this could be a challenge for policing over the coming months. In Birmingham there have been warnings of a potential rise in violence after rival groups recruited 'low-performing' children while out of school and are now preparing to exploit rising numbers of unemployed youngsters.<sup>45</sup> SOC groups often perform a sense of caring that the young people might not get elsewhere. With the closures of schools and other critical community organisations, key community partners will be less able to detect and report this form of exploitation, which vulnerable young people may be particularly vulnerable to after the lockdown period.

### **Policing domestic abuse**

It has been argued that coronavirus has thrown the daily realities of domestic abuse 'into sharper relief'<sup>46</sup>. Domestic abuse charities have reported steep increases in calls, and presented early evidence that during the lockdown cases have escalated more quickly to become more complex and serious, with high levels of physical violence and coercive control<sup>47</sup>. Since the lockdown there have been estimates of

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<sup>43</sup> <https://blogs.lse.ac.uk/politicsandpolicy/lockdown-compliance-may/>

<sup>44</sup> <https://www.telegraph.co.uk/news/2020/05/08/police-warn-increased-community-tension-lockdown-mixed-messages/>

<sup>45</sup> <https://www.theguardian.com/uk-news/2020/may/16/uk-police-fear-explosion-of-violent-as-lockdown-eases>

<sup>46</sup> <https://www.telegraph.co.uk/women/life/lockdown-might-easing-cant-relax-grip-domestic-abuse/>

<sup>47</sup> [https://www.ucl.ac.uk/jill-dando-institute/sites/jill-dando-institute/files/policing\\_lockdown\\_domestic\\_abuse\\_and\\_vulnerability.pdf](https://www.ucl.ac.uk/jill-dando-institute/sites/jill-dando-institute/files/policing_lockdown_domestic_abuse_and_vulnerability.pdf)

domestic homicides doubling<sup>48</sup> and almost trebling<sup>49</sup> in the UK. Police have also reported that while the demand for police help has been persistent over time, victim-survivors of domestic abuse have required more police help during the lockdown<sup>50</sup>.

Since the lockdown measures, many police forces have responded by prioritising their response to domestic abuse. In London, officers have arrested thousands of suspects for current crimes and historic offences<sup>51</sup>. Sussex police recruited a new team of 30 specially trained officers to deal solely with reports of domestic abuse that do not require an urgent or 999 response (see Innovative practice section below).

### **Preparing for the possibility of civil unrest and how to manage this**

There were reports, prior to the easing of the lockdown, that the continued uncertainty around Britain's exit strategy was causing increasing concern for the police, who feared community tensions could spill over if the public felt it was not being treated fairly<sup>52</sup>.

Mass anti-racist protests took place across England (and worldwide), in early June, in response to the killing of George Floyd in the USA. The protests in England called for the end of institutional racism within the police and observed a minute's silence on one knee to commemorate Black people killed by police in the UK<sup>53</sup>. During these protests, chants included 'No justice, no peace, no racist police', and posters listed the names of Black victims of police violence in Britain over the past 40 years or more<sup>54</sup>. On 13 June, Far Right protests in London resulted in violent clashes with the police.

### **Policing of food and drink outlets, including surrounding road safety**

Speeding has been causing concern as lockdown eases and roads get busier, in combination with vehicles sharing the roads with more people who have taken up cycling, running or walking during the current pandemic. Inconsiderate parking<sup>55</sup> (blocking farmer's fields, entrances, driveways and slipways) was also reported as an issue as lockdown eases.

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<sup>48</sup> [https://www.ucl.ac.uk/jill-dando-institute/sites/jill-dando-institute/files/policing\\_lockdown\\_domestic\\_abuse\\_and\\_vulnerability.pdf](https://www.ucl.ac.uk/jill-dando-institute/sites/jill-dando-institute/files/policing_lockdown_domestic_abuse_and_vulnerability.pdf)

<sup>49</sup> <https://www.telegraph.co.uk/women/life/lockdown-might-easing-cant-relax-grip-domestic-abuse/>

<sup>50</sup> [https://www.ucl.ac.uk/jill-dando-institute/sites/jill-dando-institute/files/policing\\_lockdown\\_domestic\\_abuse\\_and\\_vulnerability.pdf](https://www.ucl.ac.uk/jill-dando-institute/sites/jill-dando-institute/files/policing_lockdown_domestic_abuse_and_vulnerability.pdf)

<sup>51</sup> <https://www.telegraph.co.uk/women/life/lockdown-might-easing-cant-relax-grip-domestic-abuse/>

<sup>52</sup> <https://www.telegraph.co.uk/news/2020/05/08/police-warn-increased-community-tension-lockdown-mixed-messages/>

<sup>53</sup> <https://www.theguardian.com/world/2020/jun/07/anti-racism-mass-protests-take-place-in-cities-across-the-uk>

<sup>54</sup> <https://www.theguardian.com/world/2020/jun/07/anti-racism-mass-protests-take-place-in-cities-across-the-uk>

<sup>55</sup> <https://www.cornwalllive.com/news/cornwall-news/police-fire-warning-over-inconsiderate-4139268>

## Examples of good and/or innovative practice

### Domestic abuse

Sussex police took a proactive approach, reaching out to potential victim-survivors of domestic abuse<sup>56</sup>. The force was the first in England to use new video-conferencing software, which is now used for a third of their appointments. This discreet software enables a potential victim to provide a safe number where police can send a disguised text. The message contains a link that will take them to a virtual waiting room where an officer can see and talk to them, carry out all their investigations before explaining how to delete the link so there is no trace of it. This allows a face-to-face conversation which has been difficult to achieve otherwise during the lockdown.

Sussex Police have also been using a new analytical dashboard system that allows them to overlay police reports with other data to get a richer picture of the most prolific offenders. Dedicated domestic abuse cars then visit potential perpetrators to warn them they are being monitored, to try and de-escalate situations before they become high risk<sup>57</sup>.

### Proactive policing

Metropolitan Police Service (MPS) - 1000 of London's most prolific violent offenders were visited by MPS officers to try to stop crime rising as the lockdown eases<sup>58</sup>. Commissioner Cressida Dick said she wanted to 'capitalise' on the fall in police recorded crime by officers visiting people believed to be predisposed to violent offending and offering them support to change. The 1,000 offenders will each be visited twice by officers to give them 'the opportunity to engage in diversionary activities'<sup>59</sup>.

While the evidence suggests that procedurally just policing<sup>60</sup> is most effective and motivating compliance (and the legitimacy of the police and the law), there is some evidence that 'hotspots' policing can motivate compliance among target populations<sup>61</sup>.

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<sup>56</sup> <https://www.sussex.police.uk/news/sussex/news/force-news/sussex-police-maintain-focus-on-domestic-abuse/>

<sup>57</sup> <https://www.theguardian.com/society/2020/jun/09/katy-bourne-police-crime-commissioner-solidarity-protesting-racism-black-lives-matter>

<sup>58</sup> <https://www.bbc.co.uk/news/uk-england-london-52650696>

<sup>59</sup> <https://www.bbc.co.uk/news/uk-england-london-52650696>

<sup>60</sup> respectful, open and accountable, explaining decisions and listening to people, making unbiased decisions, and conveying trustworthy motives

<sup>61</sup> <https://www.ucl.ac.uk/jill-dando-institute/sites/jill-dando-institute/files/policing-the-lockdown.pdf>

The MPS have carried this out in areas that have seen high levels of street violence and robbery, with high-visibility officers patrolling at random times to reassure communities their streets are safe. The MPS have also undertaken significant proactive policing activity, targeting violence, drugs, robbery, domestic abuse, speeding to try and keep communities safe.

### **Supporting Police wellbeing**

Cleveland Police used a 'Wellbeing' Van during the COVID-19 crisis to support staff and officers<sup>62</sup>. Whilst adhering to social distancing guidelines, the van visited the 5 headquarters in the area, covering a range of shifts to make it as accessible as possible for all. The Oscar Kilo vans, which are part of the national police wellbeing outreach service, deliver physical, psychological and financial health checks to officers and staff and are supported by local Occupational Health staff from each force area. In Cleveland, 'freebies' were offered whilst providing information on mental and physical support available for officers and staff.

### **Lessons learned**

Writing in *Policing Insight*, Police Chief Roberts from the Isle of Man, where lockdown eased earlier, writes about some lessons learned<sup>63</sup>. These include:

- Messaging from the government – changes need to be clear and well-articulated and there needs to be sufficient time between government policy on lockdown being made and the changes coming into force
- Call handling – call volumes will initially increase as lockdown changes
- Law versus the guidance – If this isn't aligned then the public expect the police to enforce things they cannot, or which they don't consider to be priorities
- The need for a plan for breaches of the law or of guidance on building site and in shops - not for the police to do
- Normal policing demands resume as soon as restrictions are eased
- The 'four Es' approach assumed greater importance as restrictions have relaxed

### **Domestic abuse**

A paper from the Jill Dando Institute advises that it is important for the police to consider lessons learned from responding to domestic abuse during these exceptional circumstances and to use this opportunity to reflect on how "to improve and flex police resources to work most closely with third sector organisations offering

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<sup>62</sup> <https://oscarkilo.org.uk/blog-cleveland-police-using-a-wellbeing-van-during-the-covid-19-crisis/>

<sup>63</sup> <https://policinginsight.com/features/opinion/trickiest-issues-isle-of-man-police-chief-shares-the-lessons-from-policing-the-easing-of-lockdown-restrictions/>

respite and escape”<sup>64</sup> The authors advise police to consider ways of working differently, or improving the way of working with victim-survivors of domestic abuse, by considering what is different during COVID-19 and what is the same. In the first instance they recommend police carry out more detailed analysis of incidents over the pandemic to learn from these, including who was involved, what were the circumstances, and how did the police respond.

“COVID-19 scientific observers have admitted that they are all learning about the virus while studying its impact on the population. Policing can do the same”<sup>65</sup>

## Digital working

George Alders argues that police forces must adapt rapidly to a more digital way of working, and while operational policing has to mostly be on the street, the pandemic is leading forces across jurisdictions to challenge long held assumptions about where work can be done<sup>66</sup>.

“Just as doctors are surprising themselves with the quality and productivity of video consultations... so too police are learning how much crime fighting can be done remotely through online surveillance. These enforced circumstances offer transformational opportunities for the way policing organisations see themselves”<sup>67</sup>.

However, as Wells et al. (2020) point out the impact of increasingly technologically-mediated contact on police legitimacy has yet to be explored<sup>68</sup>.

## Unintended consequences

### Unintended impact of face masks

Dr Simon Harding, director of the [National Centre for Gang Research](#) at the University of West London warned that the increasing normality of face masks might assist rising levels of street crime, particularly robberies<sup>69</sup>.

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<sup>64</sup> [https://www.ucl.ac.uk/jill-dando-institute/sites/jill-dando-institute/files/policing\\_lockdown\\_domestic\\_abuse\\_and\\_vulnerability.pdf](https://www.ucl.ac.uk/jill-dando-institute/sites/jill-dando-institute/files/policing_lockdown_domestic_abuse_and_vulnerability.pdf)

<sup>65</sup> [https://www.ucl.ac.uk/jill-dando-institute/sites/jill-dando-institute/files/policing\\_lockdown\\_domestic\\_abuse\\_and\\_vulnerability.pdf](https://www.ucl.ac.uk/jill-dando-institute/sites/jill-dando-institute/files/policing_lockdown_domestic_abuse_and_vulnerability.pdf)

<sup>66</sup> <https://www.pwc.com/gx/en/industries/government-public-services/public-sector-research-centre/policing-challenge-of-covid-19.html>

<sup>67</sup> <https://www.pwc.com/gx/en/industries/government-public-services/public-sector-research-centre/policing-challenge-of-covid-19.html>

<sup>68</sup> <https://bscpolicingnetwork.com/2020/04/29/the-rise-of-technologically-mediated-police-contact-the-potential-consequences-of-socially-distanced-policing/>

<sup>69</sup> <https://www.theguardian.com/uk-news/2020/may/16/uk-police-fear-explosion-of-violent-as-lockdown-eases>

## Human Rights and Equalities considerations

A recent report asked the views of 1,100 experts on their concerns about COVID-19 and COVID-impacted areas in the immediate and longer term future on the topic of crime, justice and policing<sup>70</sup>, between 3 and 30<sup>th</sup> April. With regards to policing, concerns were highlighted around how the police are monitoring and enforcing adherence to Government restrictions, including the inadvertent criminalisation of certain communities<sup>71</sup>.

### Inconsistency in fines and accusations of a ‘postcode lottery’ by Police Force<sup>72</sup>

There is evidence of unequal fines and arrests by Police Force, age and ethnicity. An FPN can be issued for more than one reason, with the most common reason in England between 27 March and 25 May being outside without a reasonable excuse. There have been concerns raised of a ‘postcode lottery’ of policing under the emergency powers. Across England 29 FPNs were issued for every 100,000 people (27 March - 25 May), but there has been considerable disparity in this rate across areas. North Yorkshire issued FPNs at a level almost four times higher than the national FPN rate.<sup>73</sup>

Rank	Police force	FPNs	Rate (per 100,000 population)
1	North Yorkshire	1,032	125
2	Dorset	737	95
3	Cumbria	436	87
4	Cleveland	303	53
5	Surrey	632	53
34	Metropolitan Police	1,035	12
35	Greater Manchester	309	11
36	Warwickshire	40	7
37	Kent	125	7
38	Staffordshire	53	5
<b>England</b>		<b>15,550</b>	<b>29</b>

Note: Data relates to the period 27 March to 25 May

Police spokespersons have countered that figures per head of the population can be misleading, as they assume that people receiving them are resident in that area, but are likely to include people visiting areas of natural beauty for example.<sup>74</sup>

### Young people

In a recent survey of experts, concerns were highlighted that the police may inadvertently criminalise certain groups who are less able/ likely to observe Government guidance, such as young people who live in unsafe housing, and who may be more likely to be in public spaces more often<sup>75</sup>. In England FPNs were more

<sup>70</sup> <https://post.parliament.uk/horizon-scanning/crime-justice-policing-and-covid-19-what-are-experts-concerned-about/>

<sup>71</sup> <https://post.parliament.uk/horizon-scanning/crime-justice-policing-and-covid-19-what-are-experts-concerned-about/>

<sup>72</sup> <https://www.independent.co.uk/news/uk/home-news/coronavirus-fine-police-uk-postcode-lottery-lockdown-latest-a9519251.html>

<sup>73</sup> <https://commonslibrary.parliament.uk/research-briefings/cbp-8875/>

<sup>74</sup> <https://www.independent.co.uk/news/uk/home-news/coronavirus-fine-police-uk-postcode-lottery-lockdown-latest-a9519251.html>

<sup>75</sup> <https://post.parliament.uk/horizon-scanning/crime-justice-policing-and-covid-19-what-are-experts-concerned-about/>

likely to be issued to young people and men with 55% issued to people aged 18 to 29 and around 80% issued to men between 25 March - 27 May <sup>76</sup>.

### Minority Ethnic communities

There is evidence to show that people from Minority Ethnic communities are disproportionately likely to be fined or arrested under the regulations. Around a quarter of people issued an FPN in England (23%) did not report their ethnicity<sup>77</sup>, but of those who did, around 21% of people receiving FPNs in England were from Minority Ethnic communities. Similarly, in London<sup>78</sup> more White people received FPNs or were arrested than other individual ethnic groups, but compared with the resident population, higher proportions of those were from Minority Ethnic communities <sup>79</sup>. More than a quarter of fines for lockdown violations were handed to Black people, and 23% to Asian people (12% and 18% of London's population respectively)<sup>80</sup>. The MPS stated that the reasons for this are complex and reflect the MPS's hotspot and proactive (street patrols) policing in high crime areas, and the variation in the age-profile and geographical distribution of ethnic groups in London<sup>81</sup>. The MPS have implemented a quality assurance process to monitor the use of FPNs and to ensure they were issued appropriately and correctly.

A letter sent to the health secretary by a group of human rights organisations called for immediate changes to the health protection regulations to ensure measures “do not discriminate against communities of colour”<sup>82</sup>. In the context of the restrictions easing and policing powers becoming ‘increasingly vague’, the human rights organisations requested that all fines issued to date be reviewed and the scope of the regulations be narrowed. *Liberty*, the lead signatory, said the combination of broad police powers and vague government guidance was “bound to create a recipe for arbitrary policing and injustice”. Currently there is no route to appeal the penalties without refusing to pay and risking prosecution<sup>83</sup> - “Such broad powers were

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<sup>76</sup> <https://commonslibrary.parliament.uk/research-briefings/cbp-8875/>

<sup>77</sup> Making it difficult to accurately assess the proportion of FPNs issued by ethnicity

<sup>78</sup> from when the law came into force on 27 March to 14 May and prior to the latest easing of lockdown rules

<sup>79</sup> <http://news.met.police.uk/news/metropolitan-police-release-detailed-analysis-of-covid-19-related-enforcement-403705>

<sup>80</sup> <https://www.independent.co.uk/news/uk/crime/police-fine-arrest-black-people-coronavirus-lockdown-london-a9546181.html>

<sup>81</sup> <http://news.met.police.uk/news/metropolitan-police-release-detailed-analysis-of-covid-19-related-enforcement-403705>

<sup>82</sup> <https://www.independent.co.uk/news/uk/home-news/coronavirus-police-powers-race-human-rights-a9539651.html>

<sup>83</sup> <https://www.independent.co.uk/news/uk/home-news/coronavirus-fine-police-uk-postcode-lottery-lockdown-latest-a9519251.html>

inevitably going to lead to inconsistent, postcode lottery policing”<sup>84</sup> (Liberty spokesperson).

### **Unlawful prosecutions**

Sir Stephen Laws, formerly responsible for drafting government legislation put before parliament, argued that while the lockdown regulations are flexible enough to be compatible with human rights law, there is a risk of a human rights challenge in relation to its application by the police. Sir Laws said the role of the police would become ‘intolerable’ when rules were loosened, due to the complexities of human rights law and warned that the complexity of the new social distancing rules meant the police risked becoming embroiled in legal actions over human rights that would undermine the fight against the virus. He urged the Government to consider derogating from the European Convention on Human Rights (ECHR) until the end of the crisis to avoid public safety measures approved by Parliament being overturned in the courts<sup>85</sup>.

Concerns have been raised that there have been inconsistent and at times heavy-handed policing in England, leading to unlawful prosecutions. This comes in the context of new police powers to increase fines for first time offenders £100 and up to £3,200 for repeat offences. For example, the case of Ms Dinou who was wrongly prosecuted and charged under the incorrect section of new coronavirus legislation<sup>86</sup>. Martin Hewitt, chair of the National Police Chiefs Council said that mistakes had been made during the first phase of lockdown and (correctly) predicted fewer fines would be handed out during the subsequent phases of the restrictions<sup>87</sup>.

### **Increase in stop and search in London**

The MPS conducted 30,608 Stop and Searches in April 2020, which increased by 29% from the previous month. This included a 29% increase in the number of Black individuals and a 28% increase in the number of White individuals stopped and searched compared to the previous month.

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<sup>84</sup> <https://www.independent.co.uk/news/uk/home-news/coronavirus-fine-police-uk-postcode-lottery-lockdown-latest-a9519251.html>

<sup>85</sup> <https://www.telegraph.co.uk/news/2020/05/08/police-warn-increased-community-tension-lockdown-mixed-messages/>

<sup>86</sup> <https://commonslibrary.parliament.uk/research-briefings/cbp-8875/>

<sup>87</sup> <https://www.independent.co.uk/news/uk/home-news/coronavirus-fine-police-uk-postcode-lottery-lockdown-latest-a9519251.html>

## Longer-term considerations

### Civil disorder

A number of concerns have been highlighted about the risk of civil disorder in the medium and long-term, including concerns that:

- There will be a more 'volatile and agitated society' after lockdown (Chief Superintendent Paul Griffiths) that Police must prepare for, resulting from pent up aggression due to rising unemployment, mental health issues, abuse inside homes and a general need for 'release'. And that there could be particular challenges as the night time economy reopens and people seek to celebrate the end of lockdown
- People may experience frustration at restrictions and that police may struggle to contain civil unrest if there are widespread violations of restrictions or protests<sup>88</sup>
- There could be generational tension, as young people begin to resent the constraints on their right to freedom and assembly
- There could be a rise in tensions between the police and certain communities if people feel they are being unduly monitored compared to others (young people, Minority Ethnic communities)
- Civil unrest is now perhaps more likely to result should further Black Lives Matter protests become more hostile towards the police
- A recession will lead to increased crime rates and disorder, which will add further pressure to police forces

### Post-COVID crime

There are also concerns about the potential increase of particular types of crime during and after the outbreak, such as organised crime, corruption, domestic abuse, fraud, child sexual exploitation and cybercrime. Many of these take place in the private and virtual realms, making them often the hardest to detect and tackle. See [Further Information and Discussion](#) for more information.

### Police resources

It has been observed that the public have not been reporting crimes, especially crimes within the home, for fear of overburdening the police, or feeling that their calls will not be answered. If the public wait until lockdown is completely lifted, this could be creating a 'fresh onslaught of demand'<sup>89</sup>.

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<sup>88</sup> <https://post.parliament.uk/horizon-scanning/crime-justice-policing-and-covid-19-what-are-experts-concerned-about/>

<sup>89</sup> <https://www.independent.co.uk/news/uk/home-news/coronavirus-mental-health-crime-unemployment-lockdown-end-police-a9471316.html>

# Northern Ireland

## Main points

- Online child sexual abuse and domestic abuse have been recognised as key challenges for the police as people spend more time at home
- A number of Black Lives Matter protesters might have been unjustly fined, which is ‘deeply worrying’ according to Amnesty International, and the police are now being investigated by the Northern Ireland Ombudsman
- The Northern Ireland Policing Board has launched a review into the police’s use of the new powers
- A number of police officers were assaulted while trying to disperse a crowd on a beach, leading to the police increasing their patrols particularly around beauty spots, resorts and transport hubs
- NI Health Minister recently admitted that the public's adherence to the lockdown was ‘fraying’
- Policing is particularly challenging as community relations with the PSNI are not always positive, and complicated by ongoing terrorist threats
- Retail staff have had to deal with fights breaking out in queues outside shops, but the police have confirmed they have been supporting businesses through regular patrolling
- The heads of the police forces in NI and the Republic of Ireland have agreed the terms of reference for a joint review into the policing approach to the pandemic
- There are concerns about possible challenges arising when enforcing coronavirus legislation during the ‘marching season’

## Current situation

The Government in Northern Ireland (NI) has to review lockdown restrictions every 21 days, and must terminate the regulations as soon as the restrictions and requirements set out in them are ‘no longer necessary’<sup>90</sup>. The latest review of restrictions was announced on 6 June: starting from 8 June, vulnerable people who were advised to shield can now go outdoors; large retailers can reopen, and outdoor weddings with 10 people present can take place. From the same date, anyone entering from outside the Common Travel Area has to self-isolate for 14 days<sup>91</sup>.

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<sup>90</sup> <https://www.instituteforgovernment.org.uk/sites/default/files/publications/four-nation-exit-strategy-coronavirus.pdf>

<sup>91</sup> <https://www.bbc.co.uk/news/uk-northern-ireland-52925516>

Gatherings that involve more than two people remain prohibited unless they are considered necessary (for work, to attend a funeral, to facilitate a house move, to assist vulnerable people, provide emergency assistance or participate in legal proceedings or only involve members of the same household)<sup>92</sup>.

## **Key challenges**

### **Online child sexual abuse**

The Police Service of Northern Ireland (PSNI) and a child protection charity have warned that the lockdown is likely to lead to an increased risk of child sexual abuse in Northern Ireland. In fact, the PSNI said that there has been a rise in online grooming and people accessing indecent images of children. The head of the Police Service of Northern Ireland, Mr McNally, said:

“We know that children are more likely to be online at the moment when they're not at school and we also know that people are not working or have been furloughed and generally have more time... We are definitely seeing an increase in people on the internet...Parents are extremely busy too and might not have the same time to look after their children's online activity”<sup>93</sup>.

### **Domestic abuse**

In mid-May, the PSNI revealed that they received at least 3,755 calls related to domestic abuse since the coronavirus lockdown began. Pre-lockdown, domestic incidents and crimes in Northern Ireland were already running at a 15-year high. In April, Justice Minister Naomi Long said that at least three people had been killed in domestic abuse incidents since the start of the lockdown. Amnesty International's Northern Ireland Programme Director said:

“Two months into lockdown, when we are still being urged to stay at home, incidents of domestic violence are at an all-time high, and the demand for domestic abuse services has gone through the roof. Yet, women's refuges and other charities which support victims here are still waiting for desperately needed additional funding. Significant extra money has been made available in every other part of the UK, but not in Northern Ireland”<sup>94</sup>.

### **Black Lives Matter protests and differential treatment**

There were five events in support of Black Lives Matter planned to take place, but three of these events were eventually cancelled. The PSNI conducted checks on travel routes and transport hubs across Northern Ireland, requiring people to return home rather than travel to the unlawful protest gatherings. Between 60 and 70 fines

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<sup>92</sup> <https://www.bihar.org.uk/Handlers/Download.ashx?IDMF=5d1e441f-43b3-469e-b5d8-f520e72aaa09>

<sup>93</sup> <https://www.bbc.co.uk/news/uk-northern-ireland-52962266>

<sup>94</sup> <https://www.amnesty.org.uk/press-releases/northern-ireland-domestic-violence-all-time-high-funding-urgently-needed-frontline>

were issued to protesters<sup>95</sup> and a number of individuals, including organisers, will be reported to the Public Prosecution Service with a view to prosecution. The police will also conduct follow up enquiries to seek to identify others who may have committed offences<sup>96</sup>. However, one of the speakers at the Belfast event called for clarity on the criteria for fines being given, claiming that he was given a fine while walking alone towards the protest area<sup>97</sup>. Amnesty International UK's Northern Ireland Programme Director also described reports of fines being imposed on peaceful Black Lives Matter demonstrators in Belfast as 'deeply worrying'<sup>98</sup>. In particular, Amnesty International UK and the Committee on the Administration of Justice (CAJ) have raised concerns that enforcement powers used by the PSNI as the legal basis for penalties only came into force at 11pm on Friday 5 June, just hours ahead of Black Lives Matter protests<sup>99</sup>.

The Northern Ireland Policing Ombudsman has now launched an investigation of the PSNI's enforcement of the coronavirus legislation during the protests, with claims that the police have been operating double standards when policing large gatherings. In fact, just a week after the Black Lives Matter protests where dozens of fines were handed out, the police chose not to intervene during a gathering to 'protect' Belfast's cenotaph<sup>100</sup>, leading to claims of differential treatment and inconsistency in applying the law.

## **Police Health and Safety**

At the end of May, a crowd of more than 200 assembled on a Northern Ireland beach and had to be dispersed by officers, who were then attacked by sections of the crowd. One police officer was injured after she was kicked in the face. As a result of the incident, Assistant Chief Constable Alan Todd said: "Over the weekend we will be increasing our patrols, particularly around beauty spots, resorts and transport hubs, focusing on the issues of crowds gathering in breach of Regulation 6 of the Health Protection Regulations, alcohol consumption in designated public places and road safety - particularly speeding and drink driving"<sup>101</sup>.

## **Maintaining compliance**

Following the reports of large groups, especially young people, gathering on beaches at the start of June, NI health Minister recently admitted that the public's

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<sup>95</sup> <https://www.bbc.co.uk/news/uk-northern-ireland-52963039>

<sup>96</sup> <https://www.psnipolice.uk/news/Latest-News/060620-planned-protests-in-belfast-and-derry-londonderry-have-ended/>

<sup>97</sup> <https://www.bbc.co.uk/news/uk-northern-ireland-52963039>

<sup>98</sup> <https://www.amnesty.org.uk/press-releases/northern-ireland-fines-imposed-peaceful-black-lives-matter-protestors-deeply>

<sup>99</sup> <https://caj.org.uk/2020/06/16/amnesty-and-caj-raise-concerns-over-laws-restricting-protest-ahead-of-assembly-debate/>

<sup>100</sup> <https://www.belfasttelegraph.co.uk/news/northern-ireland/police-ombudsman-to-probe-difference-in-psni-approach-to-black-lives-matter-rallies-and-belfast-cenotaph-protest-39293099.html>

<sup>101</sup> <https://www.bbc.co.uk/news/uk-northern-ireland-52861828>

adherence to the lockdown was ‘fraying’. However, he also said he would not support giving additional powers to the police powers to enforce further coronavirus regulations. The Health Minister said:

“I don't think we're in a place yet where we need further legislation to actually bring in further penalties on those young people who are gathering (...) In regards to empowering police to enforce a two-metre distance, I think that would put an enormous pressure on an already under-pressure police force at this minute in time”<sup>102</sup>.

## Community relations

More in general, community relations with the police are an ongoing problem in Northern Ireland. With public trust and support for the police being generally low, the police operates in a very delicate context, further complicated by the ongoing terrorist threats<sup>103</sup>.

## Examples of good and/or innovative practice

### Child online sexual abuse

In response to a likely rise in child online sexual abuse during lockdown, the PSNI is promoting *Stop It Now!*, which runs a confidential helpline and a website for anyone concerned about child sexual abuse, including those who may be experiencing sexualised thoughts of children<sup>104</sup>.

### Queues

After reports of retail staff having to deal with fights breaking out in queues outside shops, PSNI have confirmed they have been in regular contact with retail and business organisations and directly with businesses operating across the country over recent weeks, providing reassurance through regular patrolling, offering crime prevention advice and guidance regarding the Health Protection (Coronavirus Restrictions) Regulations NI 2020.<sup>105</sup>

## Human Rights and Equalities considerations

### Review of PSNI powers

The Northern Ireland Policing Board has launched [a review into the PSNI's use of the new powers](#) given to the Force under coronavirus regulations. The PSNI received criticism over its use of the powers, with confusion over whether police

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<sup>102</sup> <https://www.belfasttelegraph.co.uk/news/health/coronavirus/coronavirus-call-for-travel-restrictions-to-halt-scenes-like-this-as-young-people-in-northern-ireland-urged-act-responsibly-during-lockdown-39255476.html>

<sup>103</sup> Comments by Dr John Topping

<sup>104</sup> <https://www.psnipolice.uk/news/Latest-News/080620-children-at-increased-risk-of-sexual-abuse-during-lockdown---warning-from-police-and-charity/>

<sup>105</sup> <https://www.belfastlive.co.uk/news/belfast-news/covid-19-shop-workers-having-18221283>

officers can prevent members of the public from travelling long distances for the purpose of exercise. The review commissioned by the Policing Board will consider whether the use of the new powers is in accordance with the law and compliant with human rights, whether it is being used proportionately, whether PSNI training for officers is adequate, the impact on community confidence and whether there are any recommendations that should be made or lessons that can be learned, including whether the use of spit and bite guards by the PSNI should be restricted or should cease completely <sup>106</sup>.

### **Joint review of policing approaches**

Furthermore, the heads of the police forces in NI and the Republic of Ireland agreed the terms of reference for a joint review into the policing approach to the COVID-19 pandemic<sup>107</sup>.

### **Long-term considerations**

There are ongoing concerns about the so-called ‘marching season’ over the Summer months. With marches usually attracting tens of thousands of individuals, the PSNI’s enforcement of coronavirus legislation will not be an easy and straightforward task<sup>108</sup>.

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<sup>106</sup> <https://www.belfasttelegraph.co.uk/news/northern-ireland/human-rights-review-launched-into-police-response-to-covid-19-pandemic-in-northern-ireland-39213275.html>

<sup>107</sup> <https://www.belfasttelegraph.co.uk/news/northern-ireland/police-chiefs-in-ni-and-republic-approve-review-into-pandemic-policing-39193132.html>

<sup>108</sup> Comment by John Topping

# Republic of Ireland

## Main points

- Although restrictions on movement remain, Gardaí no longer have the power to enforce them
- As restrictions are eased there are concerns about Garda ability to manage and encourage social distancing and to prevent large gatherings
- Gardaí are investigating organisers of a Black Lives Matter protest for breaching restrictions
- The tone and approach to policing COVID-19 has had a positive impact on community experiences of policing
- The operation to tackle domestic abuse during the pandemic has been welcomed, including Garda members proactively contacting previous known victims
- The use of spit-hoods remains a concern for the Policing Authority and human rights groups, although their use has declined over time
- Gardaí have encountered difficulties recording data on the use of enforcement powers, especially around the protected characteristics of the persons involved

## Current situation

On the 08 June the Republic of Ireland moved to phase 2 of [‘The Roadmap for Reopening Business and Society.’](#) Phase 2 measures include:

- Social distancing maintained at all times
- People can travel within their own county or within 20km if crossing counties
- Social gatherings of up to six people who are not from the same household permitted outdoors and indoors<sup>109</sup>
- Organised outdoor exercise, sporting, cultural or social activities of up to 15 people may take place
- Retail outlets, public libraries, playgrounds and outdoor public amenities can reopen

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<sup>109</sup> Advised that indoor visits last no longer than one hour.

- People arriving from outside the island of Ireland (including Irish citizens) are required to complete a Passenger Locator Form and are asked to self-isolate for 14 days
- Working from home to continue where possible

The Roadmap initially consisted of five phases but this was reduced to four in early June. Phases three and four are due to be implemented on 29 June and 20 July respectively.

## Key challenges

### Enforcement powers

With the move to Phase 2 of the Roadmap, Gardaí no longer have the power to enforce the restrictions on movement detailed above<sup>110</sup>, resulting in a distinction between actions required by regulations and public health advice. A Garda spokesman said the force will continue to ‘encourage and educate’ people found travelling outside the radius but confirmed it no longer has powers of arrest. Such powers proved controversial and were heavily criticised by the Irish Council for Civil Liberties, amongst others. A Department of Health spokeswoman said the Government believed it would not be ‘proportionate’ to retain criminal sanctions for breaching the movement restrictions<sup>111</sup>. This serves as an example of the concerns raised by the Policing Authority in their latest report (04 June) around the challenges facing Gardaí as restrictions are eased.

### Maintaining compliance

The Policing Authority has also raised concerns about the policing of popular public spaces such as parks, beaches and beauty spots, particularly as the country moves through the phases of the Roadmap. Concerns centre around the ability of Gardaí to effectively manage and encourage social distancing whilst dealing with increased crowds and footfall. To date, the policing in these areas has been reported as good with an emphasis on engagement, but as the numbers of people using such spaces increases, concerns have been raised about the ability of Garda members to sustain this approach<sup>112</sup>.

Furthermore, the Policing Authority noted additional concerns about reports of people congregating in other locations such as small parks, sports pitches, etc. There are fears that these areas may receive less policing attention due to smaller groups and that breaches of social distancing or anti-social behaviour could also occur in such locations. While crime has reduced during the pandemic there are

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<sup>110</sup> Emergency regulations introduced in March afforded Gardaí the power to arrest and charge anyone breaching previous movement restrictions

<sup>111</sup> <https://www.irishtimes.com/news/crime-and-law/covid-19-garda%C3%AD-lose-enforcement-powers-over-movement-restrictions-1.4273899>

<sup>112</sup> [https://www.policingauthority.ie/assets/uploads/documents/Policing\\_Performance\\_by\\_the\\_Garda\\_S%C3%ADoch%C3%A1na\\_in\\_relation\\_to\\_Covid-19\\_Regulations\\_20200604.pdf](https://www.policingauthority.ie/assets/uploads/documents/Policing_Performance_by_the_Garda_S%C3%ADoch%C3%A1na_in_relation_to_Covid-19_Regulations_20200604.pdf)

concerns about levels of public disorder and incidents of anti-social behaviour involving young people in particular, exacerbated by the closure of schools and many local amenities. As the latter of these begin to reopen, Gardaí could have challenges around preventing people from gathering in shopping centres, play parks etc.

## **Domestic abuse**

Levels of domestic abuse are reported by support organisations and the Garda Síochána as having significantly increased during the course of the pandemic. Whilst on the whole the Gardaí response to such incidents is viewed positively (discussed later), cases of poor practice have been highlighted by the Policing Authority. The main challenges seem to centre on consistency, with one organisation characterising the policing response to domestic abuse and coercive control as ‘culturally not there yet’<sup>113</sup>.

## **Black Lives Matter**

In early June thousands of people took part in anti-racism protests across Ireland following the death of George Floyd. This included over 3,000 people who attended a demonstration outside the US Embassy in Dublin on 06 June, defying the advice of the Chief Medical Officer and the Minister of Health. A Garda spokeswoman said they had been in contact with protest organisers to make them aware of their obligations under COVID-19 regulations<sup>114</sup>. Protests do not require a permit and therefore cannot be cancelled by Gardaí.

The organisers of a Black Lives Matter protest held in Dublin on 01 June are being investigated by Garda under COVID-19 regulations that prohibit the organising of events. The protest was organised via social media and Gardaí were not notified in advance. Despite attempts by the organisers to adhere to social distancing, the number of participants (approx. 5,000) made this unfeasible. The size of the crowd was also too big for Garda members to disperse<sup>115</sup>. Subsequent protests planned for the following weekend were called off amid fears that organisers could face prosecution under the regulations. The decision to investigate protest organisers has been criticised by the Irish Council of Civil Liberties. With the move to Phase 2, it remains an offence to organise an event attended by more than 15 people<sup>116</sup>.

## **Data**

As noted in Policing Authority reports, Gardaí have experienced difficulties recording and reporting on the use of the emergency powers. As of 30 May, reported figures

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<sup>113</sup>[https://www.policingauthority.ie/assets/uploads/documents/Policing\\_Performance\\_by\\_the\\_Garda\\_S%C3%ADoch%C3%A1na\\_in\\_relation\\_to\\_Covid-19\\_Regulations\\_20200604.pdf](https://www.policingauthority.ie/assets/uploads/documents/Policing_Performance_by_the_Garda_S%C3%ADoch%C3%A1na_in_relation_to_Covid-19_Regulations_20200604.pdf)

<sup>114</sup> <https://www.irishtimes.com/news/ireland/irish-news/protesters-gather-outside-us-embassy-in-dublin-over-george-floyd-death-1.4272826>

<sup>115</sup> <https://www.irishtimes.com/news/crime-and-law/why-is-there-a-criminal-investigation-into-the-black-lives-matter-dublin-protest-1.4270112>

<sup>116</sup> <https://www.gov.ie/en/news/7e0924-latest-updates-on-covid-19-coronavirus/#latest-regulations>

only include formal enforcement or non-compliance with the regulations and omit incidences where the powers have been used by way of a direction which resulted in compliance. The Authority is continuing to encourage the Garda Commissioner to provide more detailed reporting going forward<sup>117</sup>. The equalities aspect of this is discussed later.

## Examples of good and/or innovative practice

### Policing tone and approach

Stakeholder feedback to the Policing Authority has highlighted the positive impact Garda Síochána's tone and approach has had on the community's experience of policing. The response to COVID-19 has led to increased visibility of and engagement with Gardaí within communities. This has been credited with contributing towards a greater sense of security in the community. Reference was made to the current policing response as representing a return to 'knowing your local guard' and 'community policing as it used to be'<sup>118</sup>. Community Gardaí are in contact with vulnerable people and their families more so than before.

Policing during COVID-19 has been described as being more empathetic, respectful, focused, caring and engaged, including by those who traditionally hold low confidence in the police such as Travellers. As one Traveller remarked: "It is like nothing we've experienced before — it is as if they have been instructed to treat us as members of the community"<sup>119</sup>.

Much of the positive community engagement identified by the Policing Authority reflects the future vision of policing with communities envisaged by the Commission on the Future of Policing in Ireland<sup>120</sup>.

### Domestic abuse

The Garda Síochána established Operation Faoiseamh to specifically address the risks of domestic abuse during the pandemic. Part of the Operation involves Gardaí proactively contacting and checking-in with previous known victim-survivors of domestic abuse. This approach has been universally welcomed by groups, one organisation characterised it as -'at a time when victims are unable to reach out, it is critical that the Garda Síochána reaches in'. Some organisations believe, the Operation has mitigated to some degree the potential effect of the COVID-19

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<sup>117</sup>[https://www.policingauthority.ie/assets/uploads/documents/Policing\\_Performance\\_by\\_the\\_Garda\\_S%C3%ADoch%C3%A1na\\_in\\_relation\\_to\\_Covid-19\\_Regulations\\_20200604.pdf](https://www.policingauthority.ie/assets/uploads/documents/Policing_Performance_by_the_Garda_S%C3%ADoch%C3%A1na_in_relation_to_Covid-19_Regulations_20200604.pdf)

<sup>118</sup>[https://www.policingauthority.ie/assets/uploads/documents/Report\\_on\\_the\\_Policing\\_Performance\\_by\\_the\\_Garda\\_S%C3%ADoch%C3%A1na\\_in\\_relation\\_to\\_Covid-19\\_regulations\\_20\\_May\\_2020.pdf](https://www.policingauthority.ie/assets/uploads/documents/Report_on_the_Policing_Performance_by_the_Garda_S%C3%ADoch%C3%A1na_in_relation_to_Covid-19_regulations_20_May_2020.pdf)

<sup>119</sup>[https://www.policingauthority.ie/assets/uploads/documents/Policing\\_Performance\\_by\\_the\\_Garda\\_S%C3%ADoch%C3%A1na\\_in\\_relation\\_to\\_Covid-19\\_Regulations\\_20200604.pdf](https://www.policingauthority.ie/assets/uploads/documents/Policing_Performance_by_the_Garda_S%C3%ADoch%C3%A1na_in_relation_to_Covid-19_Regulations_20200604.pdf)

<sup>120</sup> <https://www.gov.ie/en/campaigns/065724-policing-reform/#:-:text=The%20Commission%20on%20the%20Future.policing%2C%20security%20and%20community%20safety.&text=This%20four%2Dyear%20plan%20is%20ambitious%2C%20but%20realistic.>

restrictions on victim's inclination to report or make contact. Victims are telling the various organisations that Gardaí are calling and checking on them and there is a sense that domestic abuse is a priority<sup>121</sup>.

Concerning Operation Faoiseamh as a whole, the vast majority of feedback from service providers is positive, with some reporting specific examples of what they describe as excellent interventions which have resulted in quicker access to safety and protection for victims. There has been evidence of good inter-agency work in this area too and groups have made particular reference to the manner in which the Garda Síochána has worked with their organisations to source information for themselves and victims, and to refer victims on to their services. Furthermore, a number of support organisations described an increased alertness, empathy and appreciation of the situation. In some cases groups stressed that it may not be that the policing actions being taken were different than before, but the manner in which they were discharged was of a different character.

## Human Rights and Equalities considerations

### Spit hoods

The Garda Síochána's use of spit hoods during the pandemic has been condemned by the Irish Council of Civil Liberties (ICCL) and the Policing Authority expressed concerns over the practice. In a letter to Garda Commissioner Drew Harris, the ICCL said the use of hoods could constitute 'inhuman and degrading practice'<sup>122</sup>. They referenced evidence which demonstrates hoods can induce panic, cause distress and trauma, risk suffocation and can exacerbate dangerous situations. Garda Commissioner Harris stressed that the use of hoods was a "...last resort in a continuum of graduated response, in circumstances where there is clear evidence of spitting now or where a member believes there is a clear and tangible threat of spitting posed by the subject.<sup>123</sup>" The primary objective of using a hood must be to prevent the spread of infection and not as a restraint.

The latest Gardaí figures covering 8 April to 30 May (inclusive), show there were 88 incidents of spitting and/or coughing against Garda members. During this period spit hoods were used 64 times, including with two persons aged under 18. Weekly figures show both the number of spitting/coughing incidents and the use of spit hoods is reducing<sup>124</sup>. Whilst this was welcomed by the Policing Authority, the use of

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<sup>121</sup>[http://www.justice.ie/en/JELR/Report on Policing Performance by the Garda S%C3%ADoch%C3%A1na in relation to COVID-19 Regulations \(8 May 2020\).pdf/Files/Report on Policing Performance by the Garda S%C3%ADoch%C3%A1na in relation to COVID-19 Regulations \(8 May 2020\).pdf](http://www.justice.ie/en/JELR/Report%20on%20Policing%20Performance%20by%20the%20Garda%20S%C3%ADoch%C3%A1na%20in%20relation%20to%20COVID-19%20Regulations%20(8%20May%202020).pdf/Files/Report%20on%20Policing%20Performance%20by%20the%20Garda%20S%C3%ADoch%C3%A1na%20in%20relation%20to%20COVID-19%20Regulations%20(8%20May%202020).pdf)

<sup>122</sup> <https://www.iccl.ie/wp-content/uploads/2020/03/ICCL-letter-to-Garda-Commissioner-re-spit-hoods.pdf>

<sup>123</sup> <https://www.garda.ie/en/about-us/our-departments/office-of-corporate-communications/press-releases/2020/june/an-garda-siochana-continues-to-observe-public-co-operation-with-covid-19-regulations.html>

<sup>124</sup>[https://www.policingauthority.ie/assets/uploads/documents/Policing\\_Performance\\_by\\_the\\_Garda\\_S%C3%ADoch%C3%A1na\\_in\\_relation\\_to\\_Covid-19\\_Regulations\\_20200604.pdf](https://www.policingauthority.ie/assets/uploads/documents/Policing_Performance_by_the_Garda_S%C3%ADoch%C3%A1na_in_relation_to_Covid-19_Regulations_20200604.pdf)

hoods continues to be a key concern and they will monitor their use for the duration of the pandemic. The Garda Síochána are due to review the policy and use of spit hoods in September 2020.

### **Equalities data**

The Irish Human Rights and Equality Commission (IHREC) has expressed repeated concerns about the lack of equalities data on the use of Garda enforcement powers. The Garda Síochána provides geographic information on the number of COVID-19 incidents and the use of COVID-19 policing powers in reporting to the Policing Authority, but no data is submitted on the gender, age or of particular note, the ethnicity of the persons involved. In its most recent report (4 June), the Policing Authority noted that no progress has been made on recording ethnicity and that it would continue to encourage the Garda Commissioner to progress this and to interact with the IHREC on the matter<sup>125</sup>.

### **Resources and prioritisation**

There are concerns that policing resources assigned to domestic abuse, vulnerable groups and community engagement will contract after the COVID-19 period. Whilst stakeholders acknowledge that the policing response is the result of an emergency situation, they are hoping the longevity of the improved response can be maintained. Consequently, discussions are increasingly focused on the legacy of this period and the character of policing that might emerge from the pandemic. It is not necessarily about retaining the services currently being provided, as a number of these will no longer be necessary, rather it is about ensuring the culture and approach remains. The Policing Authority has noted that reports of increased confidence and trust resulting from the Gardaí tone of policing are not equated with resourcing levels or deployment and consequently there is cautious optimism that it can be preserved post COVID-19<sup>126</sup>.

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<sup>125</sup>[https://www.policingauthority.ie/assets/uploads/documents/Policing\\_Performance\\_by\\_the\\_Garda\\_S%C3%ADoch%C3%A1na\\_in\\_relation\\_to\\_Covid-19\\_Regulations\\_20200604.pdf](https://www.policingauthority.ie/assets/uploads/documents/Policing_Performance_by_the_Garda_S%C3%ADoch%C3%A1na_in_relation_to_Covid-19_Regulations_20200604.pdf)

<sup>126</sup>[https://www.policingauthority.ie/assets/uploads/documents/Policing\\_Performance\\_by\\_the\\_Garda\\_S%C3%ADoch%C3%A1na\\_in\\_relation\\_to\\_Covid-19\\_Regulations\\_20200604.pdf](https://www.policingauthority.ie/assets/uploads/documents/Policing_Performance_by_the_Garda_S%C3%ADoch%C3%A1na_in_relation_to_Covid-19_Regulations_20200604.pdf)

# Netherlands

## Main points

- To prioritise public buy-in and avoid the need for an enforcement approach, the government instituted what they called ‘intelligent lockdown’, which has had to be supplemented with enforcement measures
- Some protests have been dispersed by police when they felt crowds were becoming too dense; some arrests have been made at larger protests in The Hague
- There is some indication that a focus on removing opportunities for people to break lockdown, rather than on enforcement, has been effective in changing behaviour in the Netherlands
- People report fairly high compliance with the regulations, but since restrictions began to loosen there have been reports of declining compliance
- People have expressed concern that the consequences of fines may substantially outweigh the risk of the offense, with offenders being enlisted in the ‘criminal registration’ which may have very negative consequences for future job opportunities
- There has been some concern about the legal rights of vulnerable people during the crisis – for some time attorneys were not allowed to speak in-person to their clients residing in care homes and psychiatric institutions

## Current situation

The Netherlands had its first COVID-19 hospitalizations in early March 2020. According to the [statistics](#), by 17 June 11,836 people had been hospitalized since the beginning of the outbreak, and 6,074 had died. On 16 March a range of [measures](#) aimed at ‘maximum control,’ but not ‘maximum containment’ of the virus: in other words, extensive social distancing measures, but not full lockdown. Although people were still allowed to leave their houses and travel, measures included 1.5m distancing, no meetings, events or organised groups, school and childcare closures, restaurant and nightlife closures, and a ban on visits to nursing homes. The government also called on people to work from home if possible.<sup>127</sup>

Enforcement is mostly based on emergency regulations put in place by the Netherlands’ 25 Safety Regions. Ordinances may vary locally, but are largely based on a common model provided by central government. Police and municipal

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<sup>127</sup> <https://www.government.nl/topics/coronavirus-covid-19/tackling-new-coronavirus-in-the-netherlands>

enforcement officers can act if necessary, and possible punishments include prison sentences. While the latter have not yet been issued, considerable fines have been imposed – 1.5 meter social distancing is enforced by a €390 (\$435) fine,<sup>128</sup> although police are instructed to inform and warn people, to give them an opportunity to comply, before imposing a sanction, and the number of fines being issued is lower than nearby European countries such as France, Spain and Italy.<sup>129</sup> Since 11 May restrictions have started to be relaxed, as part of a multi-stage process expected to take until September,<sup>130</sup> although the Government has also said they will raise restrictions again if infections resurge.<sup>131</sup> Schools, sports clubs, bars and restaurants were closed for two months, but have been gradually reopening since 18 May. All major events remain cancelled until further notice.

## Key challenges

### Need for public buy-in and light touch enforcement

Early on in the outbreak, the government committed to taking an approach that would respect the Dutch culture against intrusion into private life and excessive regulation. To prioritise public buy-in and avoid the need for an enforcement approach, they instituted what they called ‘intelligent lockdown’.<sup>132</sup> The guiding principles of this ‘intelligent lockdown’ are allowing people to go out but trusting them to practice safe distancing, allowing people room to make their own decisions, and emphasising social responsibility to do the right thing, in order to change public behaviour.

This philosophy has been relatively effective at changing behaviour,<sup>133</sup> but has nonetheless had to be supplemented with some enforcement measures:

- After many people ignored the measures during the first weekend of lockdown, fines up to €400 were introduced. Authorities have issued around 14000 fines<sup>134</sup>
- Local Safety Regions were given the authority to close down public venues if necessary, and many popular tourist locations such as canals and roads to flower fields were then closed down<sup>135</sup>

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<sup>128</sup> [https://fra.europa.eu/sites/default/files/fra\\_uploads/netherlands-report-covid-19-april-2020\\_en.pdf](https://fra.europa.eu/sites/default/files/fra_uploads/netherlands-report-covid-19-april-2020_en.pdf)

<sup>129</sup> <https://blog.petrieflom.law.harvard.edu/2020/05/26/netherlands-global-responses-covid19/>

<sup>130</sup> <https://uk.reuters.com/article/uk-health-coronavirus-netherlands/dutch-to-begin-easing-lockdown-measures-next-week-government-says-idUKKBN22I2PL>

<sup>131</sup> <https://www.government.nl/topics/coronavirus-covid-19/tackling-new-coronavirus-in-the-netherlands/faqs-about-approach-to-tackling-coronavirus>

<sup>132</sup> <https://blog.petrieflom.law.harvard.edu/2020/05/26/netherlands-global-responses-covid19/>

<sup>133</sup> [https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=3598215](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3598215)

<sup>134</sup> <https://nltimes.nl/2020/04/07/police-issue-1400-fines-violating-covid-19-rules-date>

<sup>135</sup> [https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=3598215](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3598215)

## Public protests

There have been instances of very small public protests about lockdown measures, and also larger gatherings in support of the Black Lives Matter movement in recent weeks. Most protests have stayed socially distant, with protesters wearing masks and maintaining distancing. Some protests have been dispersed by police when they felt crowds were becoming too dense<sup>136</sup>. Some arrests have been made at larger protests in The Hague, but the vast majority have been peaceful.<sup>137</sup> Maintaining public support for policing and coronavirus related measures will be an ongoing challenge, as the balance between health and safety and the right to protest and assembly must be maintained in changing times. So far, all local governments have accepted that even at the present time people have a right to demonstrate, and there is no evidence those exercising that right have a problem with maintaining social distancing.

## Examples of good and/or innovative practice

There is some indication that a focus on removing opportunities for people to break lockdown, rather than on enforcement, has been effective in changing behaviour in the Netherlands. For example, with good weather during the first weekend of lockdown, large numbers of people crowded parks and beaches. Rather than crack down on individuals breaching social distancing rules, police closed parks and beaches to new visitors to thin out the crowds, and on subsequent days brought in crowd control fences and painted social distancing circles in the grass to limit contact between groups.<sup>138</sup>

## Lessons learned

Despite relatively light touch enforcement, survey data show people report fairly high compliance with the regulations. Research<sup>139</sup> being conducted at the University of Amsterdam has drawn some conclusions about what is influencing compliance:

- The two most important determinants of compliance were people's actual capacity to comply – whether they were able to, for example, work from home, and whether they had adequate knowledge of the measures
- Removing opportunities to break rules is also important, for example the number of people crowding beaches drastically reduced after roads to those beaches were closed. The researchers state: "When considered alongside the deterrence findings, this provides clear guidance to policymakers and practitioners; deterrence threats of fines, fees, and punishments may have little impact, whereas physically closing locations and making violating

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<sup>136</sup> <https://news.trust.org/item/20200603164356-lvhiw>

<sup>137</sup> <https://nltimes.nl/2020/03/19/police-impressed-dutch-sticking-coronavirus-rules-prepared-enforce-lock>

<sup>138</sup> [https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=3598215](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3598215)

<sup>139</sup> [https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=3598215](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3598215)

restrictions more difficult appears far more impactful for enhancing compliance.”<sup>140</sup>

- Social norms are also important to compliance – the more people saw others complying, the more likely they were to comply themselves. This is consistent with previous research on public behaviour change

However, whether these findings can be sustained over an extended period of time, or in the absence of any enforcement, remains to be seen. Since restrictions began to loosen on 11 May there have been reports of declining compliance.

## Human Rights and Equalities considerations

Some public criticism has also been made about the potential unintended consequences of the enforcement approach, particularly the use of fines. People have expressed concern that the consequences of these fines may substantially outweigh the risk of the offense, because people will be enlisted in the ‘criminal registration’ which may have very negative consequences for future job opportunities.<sup>141</sup>

There has been some concern about the legal rights of vulnerable people during the crisis. For some time attorneys were not allowed to speak in-person to their clients residing in care homes and psychiatric institutions.<sup>142</sup> Case law in relation to vulnerable persons is now gradually emerging. A recent case extended custody over a psychiatric patient with (suspected) COVID-19 on the basis that the patient would otherwise be a threat to herself and society. More similar cases are expected in the coming months.

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<sup>140</sup> [https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=3598215](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3598215)

<sup>141</sup> <https://dutchreview.com/coronavirus/coronavirus-fines-will-appear-on-adults-criminal-records-is-that-fair/>

<sup>142</sup> <https://blog.petrieflom.law.harvard.edu/2020/05/26/netherlands-global-responses-covid19/>

# France

## Main points

- During lockdown, reports of domestic abuse have increased
- The police had to disperse crowds gathered in public spaces on a number of occasions, and some beaches had to be closed to the public shortly after they had opened for the same reason
- Enforcing the 100 km rule was difficult for officers, who were given vague guidance and lack the appropriate technology
- A number of police officers have tested positive to the coronavirus and some have died
- Police fired tear gas to disperse crowds as some Black Lives Matter protesters built burning barricades and smashed windows of shops and bus shelters, leading to 18 arrests
- There have been particular challenges when it comes to policing Spanish-French border towns, as French citizens travel to Spanish areas to buy cheaper tobacco and alcohol products
- Operation #RépondrePrésent devotes special attention to the protection and support of vulnerable people, including the elderly and domestic abuse victim-survivors
- The police launched Operation Hygie to prevent and treat attacks on health system personnel
- The police strengthened the already-established Operation Quiet Enterprise to ensure the protection of establishments and warehouses to reassure owners
- It has been suggested that the police should learn from its procedures during lockdown and develop a system to keep track of the police's identity checks on the public
- The police were criticised for continuing to force migrants to evacuate camps during lockdown
- Judges recently ruled that the police can no longer use drones with cameras to aid in the coronavirus emergency
- Since the beginning of the lockdown, there have been many accounts of the police carrying out abusive, violent, and discriminatory stop and searches

## Current situation

Since 11 May, lockdown measures in France have started to gradually be relaxed. From 2 June (until 21 June), France entered its second stage of lockdown easing, with rules varying depending on the health situation of its various *departments*: stricter rules apply in departments where the virus is still active (orange zones) than in departments where the virus is less active (green zones)<sup>143</sup>.

Some schools have re-opened, as have most shops; public parks and gardens may open in green zones. Bars and restaurants will not reopen until further notice, and team sports and contact sports remain prohibited; gyms, swimming pools and sport centres remain closed.

Wearing a mask is mandatory in public transport. No more than 10 people may gather in any one place at present<sup>144</sup>.

## Key challenges

### Domestic abuse

In the first two weeks of lockdown in France the number of calls reporting domestic abuse rose 32% according to the equality secretary Marlène Schiappa<sup>145</sup>.

### Policing movement

Between 17 March and 11 May, the French needed a certificate for all journeys outside the home. A total of 20.7 million checks were carried out and 1.1 million fines distributed<sup>146</sup>. As restrictions on movement started easing, Parisians were banned from drinking alcohol on the banks of the Saint-Martin canal and the Seine river after police were forced to disperse the crowd on 11 May<sup>147</sup>. On 20 May, the police had to evacuate Esplanade des Invalides due to hundreds of people having gathered to make the most of the heat<sup>148</sup>. A number of beaches in green zones have now reopened, but some have had to close again after reports of people failing to respect physical distancing rules<sup>149</sup>.

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<sup>143</sup> <https://www.gendarmerie.interieur.gouv.fr/Zooms/Deconfinement-phase-2>

<sup>144</sup> <https://www.gouvernement.fr/en/coronavirus-covid-19>

<sup>145</sup> <https://www.theguardian.com/society/2020/may/09/france-hollande-french-president-app-anti-domestic-violence>

<sup>146</sup> <https://www.leparisien.fr/societe/limite-de-100-km-200-000-controles-effectues-en-france-950-amendes-distribuees-19-05-2020-8319693.php>

<sup>147</sup> <https://www.theguardian.com/world/2020/may/12/france-bans-drinking-by-the-seine-following-coronavirus-lockdown-ease>

<sup>148</sup> [https://www.huffingtonpost.fr/entry/paris-invalides-deconfinement-coronavirus\\_fr\\_5ec58339c5b60a1fa4e45b2c](https://www.huffingtonpost.fr/entry/paris-invalides-deconfinement-coronavirus_fr_5ec58339c5b60a1fa4e45b2c)

<sup>149</sup> <https://www.connexionfrance.com/French-news/French-police-crackdown-on-crowds-at-beaches-and-parks-after-lack-of-physical-distancing-in-deconfinement>

At present, people can travel freely around France, However, until 2<sup>nd</sup> June, people were not allowed to travel over 100 km from their home, unless they had an imperative family or professional reason to do so. They had to complete a declaration for longer trips. As movement restrictions were eased, the police set up road checks to monitor people's compliance to the new 100-km-rule. Between 11 May and 19 May, more than 200,000 road checks were carried out by police, leading to 950 fines<sup>150</sup>. However, these checks have proven problematic, as no list of reasons has been communicated to the police, with officers having to use their own judgement on what constitutes an 'imperative reason'. Furthermore, for officers on the ground, who are not equipped with digital tools, tablets, or professional smartphones, it was very difficult to monitor the 100 km rule. In addition, police officers are not recommended, or even prohibited, to use personal smartphones for professional purposes<sup>151</sup>.

### **Police Health and Safety**

A number of French police officers have tested positive to coronavirus, some recently<sup>152</sup> <sup>153</sup>, with the Head of municipal police in Roissy Pays de France having recently died due to the virus<sup>154</sup>.

### **Black Lives Matter**

20,000 people gathered to protest in Paris to demand justice for Adama Traoré, a 24-year-old man who died in police custody in 2016. The rally went ahead despite a ban from police, who cited limits on the size of public gatherings due to the coronavirus epidemic. After a calm that prevailed for two hours, police fired tear gas to disperse crowds as some protesters built burning barricades and smashed windows of shops and bus shelters. Police said they had arrested 18 people in the incidents that erupted following the main rally<sup>155</sup>.

### **Borders**

There have been particular challenges when it comes to policing Spanish-French border towns, as French citizens travel to Spanish areas to buy cheaper tobacco and alcohol products. As detailed by [an article from El Pais](#): "Within the space of just a few meters, there are five different security forces in operation – the French

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<sup>150</sup> <https://www.thelocal.fr/20200519/french-police-carry-out-200000-road-stops-to-check-100km-permission-forms>

<sup>151</sup> <https://www.ouest-france.fr/societe/police/deconfinement-les-100-km-un-defi-pour-les-policiers-6834204>

<sup>152</sup> <https://france3-regions.francetvinfo.fr/hauts-de-france/coronavirus-lille-arras-policiers-positifs-au-covid-19-milliers-tests-vont-etre-effectues-1831158.html>

<sup>153</sup> <https://www.francebleu.fr/infos/faits-divers-justice/coronavirus-8-cas-de-covid-19-a-la-gendarmerie-de-sarreguemines-1589915887>

<sup>154</sup> <https://www.leparisien.fr/val-d-oise-95/roissy-plaine-de-france-denis-de-masure-chef-de-la-police-municipale-est-decede-du-covid-19-14-05-2020-8317212.php>

<sup>155</sup> <http://www.rfi.fr/en/france/20200603-20-000-rally-paris-black-man-adama-traor%C3%A9-died-police-bruality-george-floyd-us-covid-19>

Gendarmerie, which is in control of French customs and checks on people coming into France from Spain; the French local force, which polices the French side of Le Perthus; the Spanish National Police, which mans the Spanish border checkpoint, and the Mossos d'Esquadra and the Spanish local police, who ensure that the Spanish deescalation rules are respected in the Spanish side of Le Perthus"<sup>156</sup>.

## Examples of good and/or innovative practice

### Operation #RépondrePrésent

At the end of May, the French police launched operation #RépondrePrésent, which focuses on 'listening, anticipating and accompanying'. As part of this, 3,700 police students were deployed, as well as the operational reserve, and the digital brigade was strengthened.

Working with the prefects, the judicial authority, and a set of public partners, the operation's objectives are:

- To manage and promote the public's understanding of and compliance with current regulations
- To prevent risks (fraud, thefts, solidarity scams, etc.) linked to the current situation
- To combat the spread of fake news
- To anticipate developments and threats
- To contribute temporarily (for the duration of the crisis) to the realisation of missions further from the core business of the gendarmerie (for example, in support of the Post Office, or funerals)<sup>157</sup>

Through #RépondrePrésent, the French police wants to devote special attention to the protection and support of vulnerable people and actors weakened by the crisis by closely collaborating with local authorities and the municipal police. A particular focus is placed on the elderly, through 'Senior tranquillity operations', which have multiplied locally in order to preserve the police's bond with the elderly, break their isolation, answer their questions, and reassure them. Another focus of the operation is domestic abuse: in addition to the [arretonslesviolences.gouv.fr](https://arretonslesviolences.gouv.fr) platform and specialised phone lines, the police also worked on establishing contact points with potential victims in shopping centres and pharmacy, and through an SMS alert system.

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<sup>156</sup> <https://english.elpais.com/society/2020-06-01/deescalation-gets-even-more-complex-in-town-split-between-spain-and-france.html>

<sup>157</sup> [https://www.huffingtonpost.fr/entry/deconfinement-soutenir-et-non-punir-le-defi-que-relevant-les-gendarmes\\_fr\\_5eb3dd3ac5b652c564733cfd](https://www.huffingtonpost.fr/entry/deconfinement-soutenir-et-non-punir-le-defi-que-relevant-les-gendarmes_fr_5eb3dd3ac5b652c564733cfd)

## Operation Hygie

French police also launched Operation Hygie, to prevent and treat attacks on health system personnel in hospitals and pharmacies. Prevention takes a central place in the system, especially for health care workers: since the beginning of the containment measures, the gendarmerie has identified 261 attacks against workers in the medical sector. Hygie also focuses its efforts on securing and safeguarding sensitive sites and transport, such as stocks and transport of masks. Hygie also operates online, focusing on shutting down sites promoting COVID-related medical scams<sup>158</sup>.

## Strengthening Operation Quiet Enterprise

Finally, French police strengthened the already-established Operation Quiet Enterprise (OTE), in order to ensure the protection of establishments and warehouses to reassure owners. The police also focuses on establishments that have remained open and have become vulnerable as a result of their activity, such as pharmacies, and food stores. The gendarmes, are also able to provide businesses with practical advice in order to improve their security system, including cyber risks in the context of remote working<sup>159</sup>.

## Lessons learned

### Recording stop and searches

Following protests against police violence in France, the *Defender of Rights*, Jacques Toubon, said that trust between police and the population could be restored by tracking the police's identity checks on the public<sup>160</sup>. This is something which has been discussed for years in France, especially after a study was carried out proving that young men 'perceived as Black or Arab' are 20 times more likely to be stopped by the police than others. The feasibility of this proposal, according to Toubon, was demonstrated during lockdown, when the Ministry of the Interior regularly published statistics around the number of checks carried out by the police, including whether any difficulties were encountered<sup>161</sup>.

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<sup>158</sup> <https://www.gendinfo.fr/actualites/2020/operation-hygie-comment-les-gendarmes-prennent-ils-soin-de-ceux-qui-nous-soignent>

<sup>159</sup> <https://www.gendinfo.fr/actualites/2020/repondre-present-pendant-la-crise>

<sup>160</sup> Similar to what in the UK is known as 'stop and search'

<sup>161</sup> [https://www.lemonde.fr/societe/article/2020/06/04/le-defenseur-des-droits-appelle-a-une-tracabilite-des-controles-d-identite\\_6041728\\_3224.html](https://www.lemonde.fr/societe/article/2020/06/04/le-defenseur-des-droits-appelle-a-une-tracabilite-des-controles-d-identite_6041728_3224.html)

## Human Rights and Equalities considerations

### Policing migrants

French police were criticised for continuing to force migrants to evacuate camps during lockdown, with aid organisations saying that, as of the first week of May, at least 70 evacuations had taken place at the various small migrant camps in Calais since the beginning of the lockdown<sup>162</sup>.

### Privacy rights

French judges recently ruled that the police can no longer use drones with cameras to aid in the coronavirus emergency, as they are seen as constituting ‘a serious and manifestly unlawful infringement of privacy rights’. The ruling comes a few weeks after France’s police launched its biggest ever procurement program for more than 650 small drones, which it had wanted to deploy next year for surveillance purposes<sup>163</sup>.

### Discriminatory behaviour

24 local, national, and international organizations wrote [an open letter](#) to French authorities, asking for an end to discriminatory police stops. Since the beginning of the lockdown, many accounts have accused the police of carrying out abusive, violent, and discriminatory checks on the public<sup>164</sup>. Available official data, as well as information published in the media, also indicate a considerable concentration of police stops to enforce lockdown measures in ‘*quartiers populaires*’ – working-class neighbourhoods with a high number of visible minority residents and a fine rate three times as high as the national average in Seine-Saint-Denis, the poorest neighbourhood of Metropolitan France<sup>165</sup>. On top of this, Amnesty International also denounced 15 videos for unlawful use of force and discriminatory language by French law during the containment period from 18 March to the night of 24-25 April. According to Amnesty, all of these videos illustrate cases of violations of international human rights law: illegitimate, excessive or unnecessary use of force, racist or homophobic slurs<sup>166</sup>.

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<sup>162</sup> <https://www.infomigrants.net/en/post/24551/in-lockdown-migrants-in-france-up-against-pandemic-police-abuse>

<sup>163</sup> <https://www.bloomberg.com/news/articles/2020-05-18/paris-police-drones-banned-from-spying-on-virus-violators>

<sup>164</sup> Similar to what in the UK is known as ‘stop and search’

<sup>165</sup> <https://www.hrw.org/news/2020/05/15/france-end-discriminatory-police-checks-and-fines>

<sup>166</sup> [https://amnestyfr.cdn.prismic.io/amnestyfr/10799550-b926-4e77-b95c-12bfab03bd74\\_Usage+ill%C3%A9gal+de+la+force+et+pratiques+discriminatoires+analyse+de+pratiques+polici%C3%A8res+pendant+le+confinement.pdf](https://amnestyfr.cdn.prismic.io/amnestyfr/10799550-b926-4e77-b95c-12bfab03bd74_Usage+ill%C3%A9gal+de+la+force+et+pratiques+discriminatoires+analyse+de+pratiques+polici%C3%A8res+pendant+le+confinement.pdf)

# Norway

## Main points

- There is concern about increases in domestic abuse and about children whose parents are drug-users
- The police saw an increase in driving licences being revoked, which have been linked to young people's boredom during the coronavirus
- There have been claims of increased gang-related violence carried out by youths in some Oslo neighbourhoods
- The police reported concerns about a potential lack of PPE
- The police did not intervene in Black Lives Matter protests, as the emergency coronavirus legislation remains unclear over whether protests are banned or not
- The police's approach is to firstly provide guidance and advice before resorting to force or prosecution
- As a consequence of the new measures implemented by the government to assist businesses and individuals during the coronavirus crisis, there may be a greater risk of businesses and individuals taking advantage of the welfare system
- A number of police forces expressed concern about the costs of handling the pandemic in the context of an already tight police budget, especially after the crisis subsidies

## Current situation

From 7 May, Norway started easing lockdown. Schools and sport facilities reopened, while remote working is still recommended. Bars and cafes reopened from 1 June, and from 15 June gatherings of up to 200 people will also be allowed<sup>167</sup>. Norway has also taken its first tentative steps to reopening its border, which has been essentially closed to non-residents for almost three months. Since 15 March, the Directorate of Immigration and the Police have had the power to expel most foreigners without a residence permit. Those regulations have now been changed to allow EEA citizens who want to visit close family, or a leisure property that they own, into the country<sup>168</sup>. From 15 June, Norway will open up tourism with Denmark, but restrictions will still be in place for Swedes<sup>169</sup>.

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<sup>167</sup> <https://no.ambafrance.org/Informations-Coronavirus-Covid-19>

<sup>168</sup> <https://www.lifeinnorway.net/coronavirus-in-norway/>

<sup>169</sup> <https://www.bbc.co.uk/news/world-europe-52853556>

## Key challenges

### Domestic abuse

There is concern about increases in domestic abuse, and a number of phone support services are in operation. There is also heightened concern for children whose parents are drug-users<sup>170</sup>.

### Revoking of driving licences

Norway police saw an increase in driving licences being revoked, which increased by 2.6 percentage points between 16<sup>th</sup> March and 6<sup>th</sup> May, compared with the same period in 2019. Some local police officers have linked the increase in speeding transgressions to young people's boredom during the coronavirus crisis<sup>171</sup>.

### Youth crime

There have been claims of increased gang-related violence carried out by youths in some Oslo neighbourhoods during the coronavirus emergency, which may have been linked to school closures. However, the extent of the alleged impact of coronavirus on the current violence surge remains uncertain according to the police<sup>172</sup>.

### Health and safety

Norwegian police also reported various concerns about a potential lack of PPE.

### Black Lives Matter

An estimated 12,000 people filled the park in front of the Norwegian parliament building on 5<sup>th</sup> June to participate in a Black Lives Matter protest. In Stavanger, approximately 4,000 people attended the event, significantly more than authorities had expected.

## Examples of good and/or innovative practice

### Policing approach

The Norwegian police's approach is to firstly provide guidance and advice before resorting to force or prosecution. Nevertheless, in line with the directives from the Director of Public Prosecution, the police has given priority to violations of the Control of Communicable Diseases Act, which can be punished with fines. The police also continues to focus on investigating cases involving sexual abuse, domestic abuse and other serious crime. Such approach was reiterated during

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<sup>170</sup> *Changes in crime and policing resulting from COVID-19 'lockdowns': First takes from nine countries.* Ben Bradford, Institute for Global City Policing, 13th April 2020

<sup>171</sup> <https://www.nettavisen.no/nyheter/korona-tiltakene-har-gitt-rom-for-flere-lovbrudd-drastisk-okning-i-forerkortbeslag/3423963654.html>

<sup>172</sup> <https://www.nettavisen.no/nyheter/slar-alarm-om-gjengkrig-i-oslo-gatene-politiet-kommer-med-innrommelse/3423959789.html>

Norway's national holiday celebrations, when the Police Director said: "We don't want to be the kind of police that goes in with force to get people to follow the advice of the authorities".

The same approach was taken during the Black Lives Matter protests, when the police said in advance they would not intervene, with the Oslo police operations manager stressing that the police's priority is to allow the public right to protest. He said:

"We have been quite clear that we are not an infection control police, so it takes a lot for the police to intervene with a view to infection control. We must maintain peace and order and ensure that people are allowed to present their message<sup>173</sup>".

This continues to be the preferred approach, with the Norwegian police website stating:

"To the extent this is possible, the police will apply a strategy of prevention, advice and guidance. Blatant violations of the Control of Communicable Diseases Act will be taken seriously and may result in prosecution".

In an op-ed on the magazine *Aftenposten*, police lawyer Kai Spurkland explains that really the police was left with little choice but to allow the protests to go ahead. This is because the emergency coronavirus legislation states that events of more than 50 people are banned, including sports events, cultural events and 'other events' such as birthdays and weddings. It is not clear whether demonstrations are covered by the ban, nor has the Directorate of Health been able to confirm that this is the case. Due to the lack of clarity of the regulations, the police had to respect the Norwegian constitution and the European Convention on Human Rights, allowing the protests to go ahead<sup>174</sup>.

## **Police students**

Some 400 newly educated police students without a job (due to budget cuts) were recently hired to patrol the border with Sweden<sup>175</sup>.

## **Unintended consequences**

The Troms Police District have recently stated that they believe that, as a consequence of the new measures implemented by the government to assist businesses and individuals during the coronavirus crisis, there is now a greater risk of undeclared work, exploitation of the lay-off rules and a greater opportunity to

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<sup>173</sup> <https://www.forbes.com/sites/davidnikel/2020/06/06/norway-fears-coronavirus-return-as-anti-racism-protest-fills-oslo-streets/#35856125504c>

<sup>174</sup> <https://www.aftenposten.no/meninger/debatt/i/wPaPy5/det-er-ikke-politiet-som-gir-tillatelse-til-demonstrasjoner-det-er-grunnloven-politiadvokat-kai-spurkland>

<sup>175</sup> *Changes in crime and policing resulting from COVID-19 'lockdowns': First takes from nine countries.* Ben Bradford, Institute for Global City Policing, 13th April 2020

evade payments. Troms Police district said some businesses and individuals may be taking advantage of the Norwegian welfare society and benefit system for their own personal gain at this time of crisis<sup>176</sup>. However, this seems to be an isolated worry, as most businesses are actually facing stricter-than-usual processes to access benefits and loans<sup>177</sup>.

## Longer-term considerations

### Funding

A number of police forces expressed concern about the costs of handling the pandemic in the context of an already tight police budget, especially after the crisis will be over<sup>178</sup>. The Norwegian Justice Minister recently promised to fight for as many resources as possible in the police and judicial field in the future<sup>179</sup>.

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<sup>176</sup> <https://www.ht.no/nyheter/2020/06/10/Politiet-advarer-bedrifter-mot-korona-utnyttelse-%E2%80%93-og-varslar-kontroller-22038568.ece>

<sup>177</sup> Comment by Randi Helene Kittang Solhjell

<sup>178</sup> <https://www.politiforum.no/artikler/koronaens-pris-store-etterspill-for-politiet/491330>

<sup>179</sup> <https://pf.no/aktuelt/samfunnsansvar/bad-om-fortgang-i-yrkesskadesaken-og-faste-stillinger>

# New Zealand

## Main points

- The legality of police enforcement powers at various stages of the COVID-19 alert system are subject to ongoing public interest in addition to political and legal debate.
- When there were restrictions on movement, a number of Māori communities established their own local checkpoints. The police opted to cooperate, providing a lawful presence, an approach which drew both praise and criticism. All checkpoints were closed down under Alert Level 2
- During the days immediately following the move out of lockdown, the police received a large number of reports of mass gatherings
- Police and support organisations have raised concerns that there may be an increase in reporting of domestic abuse following the easing of restrictions as people are freer to report incidents, seek support and as schools reopen
- Police have published their operating guidance as each Alert Level is activated
- Police significantly increased their prevention activities and targeted organised crime gangs whilst usual demand for policing declined during Alert Levels 3 and 4

## Current situation

At 11:59 pm on 8 June, New Zealand moved to [Alert Level 1](#), the lowest level of restrictions. The move to Level 1 was earlier than initially planned<sup>180</sup> and followed 17 days of no new reported cases, resulting in no active cases of COVID-19. At Level 1 'everyone can return without restriction to work, school, sports and domestic travel, and you can get together with as many people as you want.'<sup>181</sup> People are encouraged to continue to keep track of where they've been and who they've seen, in order to assist with contact tracing if its required. New Zealand's borders remain closed to almost all travellers apart from returning Kiwis and their families. Those entering the country (including citizens and residents) are subject to health checks and mandatory 14 day managed quarantine or self-isolation. People are advised not to travel overseas.

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<sup>180</sup> Planned for 22 June.

<sup>181</sup> <https://uniteforrecovery.govt.nz/covid-19/covid-19-alert-system/alert-level-1/>

## Key challenges

### Legality of police powers

Questions surrounding the legality of police action during Levels 3 and 4 of restrictions continue to be raised. Leaked emails from Deputy Commissioner Mike Clement, suggested that the police lacked the necessary powers to enforce the lockdown when it was initiated on 25 March<sup>182</sup>. However Police Commissioner Andrew Coster has since stated that he is confident that the police acted lawfully during this time and that they had the necessary powers to tackle ‘...repeated, persistent breaches of directions given by the police’ through the existing Civil Defence Emergency Act<sup>183</sup>.

In pursuit of clarity and to allow for a more proactive prosecution of those breaching the lockdown rules, the Government issued specific regulations two weeks later under the Health Act. However concerns persist. Crown Law advised the police on the powers available to them, but despite several requests by the Epidemic Response Committee, the Attorney-General has yet to release the advice given. The disconnect between the lockdown restrictions and policing powers in the early days, are said to have led to a feeling of vulnerability amongst police officers<sup>184</sup>.

On May 14, the COVID-19 Public Health Response Act was passed by Parliament to align with the move to Alert Level 2. The Act which was passed under urgency and without the usual levels of scrutiny, gives the police further enforcement powers, including the right to enter homes without warrants while enforcing COVID-19 restrictions<sup>185</sup>. The Act established a legal framework for the COVID-19 Alert Level System and effectively allows the Health Minister to issue an order that would make any alert level rules legally enforceable by the police<sup>186</sup>. While the government has stated the new legislation represents a narrowing of police powers available under Alert Levels 4 and 3<sup>187</sup>, both the process by which the legislation was passed and the powers it furnishes, have been subject of much criticism and debate including from Human Rights groups, politicians and legal experts, with it described as an “overreach of powers” and a ‘failure of the democratic process’. Consequently, the operation of the Act has been referred to parliamentary select committee for review

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<sup>182</sup> [https://www.nzherald.co.nz/nz/news/article.cfm?c\\_id=1&objectid=12329263](https://www.nzherald.co.nz/nz/news/article.cfm?c_id=1&objectid=12329263)

<sup>183</sup> <https://www.nz.co.nz/news/national/415753/police-commissioner-on-enforcing-lockdown-i-m-confident-that-we-acted-lawfully>

<sup>184</sup> <https://www.odt.co.nz/news/national/police-officers-were-uneasy-about-enforcing-lockdown>

<sup>185</sup> This power has been exercised once, to break up a party in a private house

<sup>186</sup> [https://www.nzherald.co.nz/nz/news/article.cfm?c\\_id=1&objectid=12331547](https://www.nzherald.co.nz/nz/news/article.cfm?c_id=1&objectid=12331547)

<sup>187</sup> <https://www.nz.co.nz/news/national/416766/covid-19-developments-in-new-zealand-on-15-may>

and scrutiny. The review is open to public submissions and will report to Parliament by 27 July, to coincide with the first mandatory 90 day refresh of the legislation<sup>188;189</sup>.

## **Māori checkpoints**

During Alert Levels 3 and 4 when there were restrictions on movement, a number of Māori communities established their own local checkpoints, largely due to fears of being particularly vulnerable to the threat of COVID-19<sup>190</sup>. Whilst the police approach of cooperation has been largely praised (detailed below), concerns were raised about the lawfulness of private citizens stopping others and the application of police discretion<sup>191</sup>. Members of the Epidemic Response Committee also questioned the police response from a point of consistency in the application of the restrictions across all communities in New Zealand. Furthermore, whilst the number of checkpoints greatly reduced as restrictions eased, police noted that a small number of communities were still blocking access to beaches etc., actions deemed 'unreasonable' by police<sup>192</sup>. The COVID-19 Public Health Response Act emphasises that closing roads and stopping vehicles can only be done by 'a constable or an enforcement officer acting under the authority of the constable.'<sup>193</sup>

## **Maintaining compliance**

Police received a large number of reports of people breaching gathering restrictions after the country moved out of lockdown and into Alert Level 3. Between the 28 April and 2 May, 1,200 reports were made by the public regarding mass gatherings<sup>194</sup>. Over the course of Level 3 a total of 3,519 online reports of gathering breaches were received, up from 133 for Level 4. The police issued a number of communications reminding the public of the restrictions and encouraging compliance. They were also highly visible, operating mobile checkpoints and community patrols. During Level 3, the police carried out 2,661 mass gathering checks, an increase from 15 under Level 4<sup>195</sup>.

## **Domestic abuse**

New Zealand has one of the highest rates of domestic and sexual abuse in the OECD. Incident numbers increased initially during the lockdown phase (Alert Level

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<sup>188</sup> [https://www.parliament.nz/en/pb/sc/make-a-submission/document/52SCFE\\_SCF\\_INQ\\_97823/inquiry-into-the-operation-of-the-covid-19-public-health](https://www.parliament.nz/en/pb/sc/make-a-submission/document/52SCFE_SCF_INQ_97823/inquiry-into-the-operation-of-the-covid-19-public-health)

<sup>189</sup> The Act is in force for renewable periods of 90 days and expires after two years.

<sup>190</sup> Epidemic Response Committee, 30 April 2020

<sup>191</sup> Epidemic Response Committee, 30 April 2020

<sup>192</sup> Epidemic Response Committee, 30 April 2020

<sup>193</sup> <https://theconversation.com/are-new-zealands-new-covid-19-laws-and-powers-really-a-step-towards-a-police-state-138114>

<sup>194</sup> <https://www.police.govt.nz/news/release/no-parties-%E2%80%93-no-excuses?ref=/news&search=level%203&cmin=&cmax=>

<sup>195</sup> <https://www.police.govt.nz/about-us/publications-statistics/data-and-statistics/policedatanz>

4) and then returned to more normal levels. However, experts estimate the real figures to be even higher due to people having difficulty reporting, seeking help and/or leaving home during this time<sup>196</sup>. Whilst police say they made multiple channels of reporting available, it is acknowledged that the restrictions did make it more difficult to report such incidents. Consequently, organisations such as Women's Refuge have raised concerns that the easing of restrictions will be accompanied by a 'surge of women coming forward reporting incidents of domestic abuse and seeking support'<sup>197</sup>. Such concerns seem to be borne out in police data, which shows that the number of calls for service for family harm incidents (both crime and non-crime) increased between levels 3 and 4<sup>198</sup>.

## Child abuse

Similar concerns have been raised about child abuse and neglect. New Zealand has one of highest rates of such incidents in the OECD and it is feared that the COVID-19 restrictions coupled with other domestic stresses, may have created a 'perfect storm', resulting in 'hidden, invisible harm occurring to children'. It is feared that a spike in reports could follow the easing of restrictions, particularly as schools and other services reopen, increasing the number of 'eyes and ears' that usually identify harm<sup>199</sup>.

## Black Lives Matter

Thousands of people took part in protests against racism and police brutality in early June in cities across New Zealand. Whilst organised in response to the death of George Floyd, the protests were also used to highlight the discrimination experienced by some sections of the Māori community. On 1 June, an estimated 4,000 people took part in a Black Lives Matter protest in Auckland, breaching Alert Level 2 restrictions which limited public gatherings to 100 people<sup>200</sup>. The protests were condemned by politicians, especially Deputy PM Winston Peters who called for organisers to be prosecuted for flouting the restrictions. Police had a presence at the protests and engaged with those attending but took no further action. Whilst not condoning the protests, PM Jacinda Ardern defended the police handling of them<sup>201</sup>.

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<sup>196</sup> <https://www.theguardian.com/world/2020/may/11/new-zealand-domestic-violence-services-to-get-200m-as-lockdown-takes-toll>

<sup>197</sup> <https://www.rnz.co.nz/news/national/415553/domestic-violence-calls-to-police-increase-in-lockdown>

<sup>198</sup> Family harm non-crime: 6,679 Level 3, 10,426 Level 4. Family harm crime: 190 Level 3, 332 Level 4. <https://www.police.govt.nz/about-us/publications-statistics/data-and-statistics/policedatanz>

<sup>199</sup> <https://www.theguardian.com/world/2020/may/18/new-zealand-braces-for-spike-in-child-abuse-reports-as-covid-19-lockdown-eases>

<sup>200</sup> [https://www.nzherald.co.nz/nz/news/article.cfm?c\\_id=1&objectid=12336737](https://www.nzherald.co.nz/nz/news/article.cfm?c_id=1&objectid=12336737)

<sup>201</sup> [https://www.nzherald.co.nz/nz/news/article.cfm?c\\_id=1&objectid=12336356&ref=art\\_readmore](https://www.nzherald.co.nz/nz/news/article.cfm?c_id=1&objectid=12336356&ref=art_readmore)

## Examples of good and/or innovative practice

### Operating guidelines

New Zealand Police have published staff operating guidelines as each Alert Level is activated. The guidelines include details on the police approach, the powers available to them and the relevant regulations. The guidelines also provide a number of illustrative scenarios demonstrating how the police should handle breaches of various restrictions using the graduated response model. This ‘scenario model’ proved highly successful and is likely to be used more extensively in future<sup>202</sup>. The release of this information followed a request from the Epidemic Response Committee<sup>203</sup>.

### Cooperation with Māori communities

As mentioned above, when there were restrictions on movement, a number of Māori communities established their own checkpoints, largely due to fears of being particularly vulnerable to the threat of COVID-19. Whilst discouraging such activity, police worked alongside communities where checkpoints remained, providing a lawful presence and ensuring that the right actions were being taken for people who should or should not be able to pass those points. Speaking to the Epidemic Response Committee on the matter, Police Commissioner Andrew Coster commented:

“I can say with some confidence that if we had leapt into a big enforcement approach in these locations, we wouldn’t have been trying to manage checkpoints; we would have been policing tens of protests around the country that would have decreased the safety of the public and those involved.”<sup>204</sup> The New Zealand Human Rights Commission welcomed the police approach<sup>205</sup>.

### Prevention activities

During Alert Level 4 (lockdown), police took advantage of a decline in their usual demand, and increased prevention activities by nearly 100 per cent.<sup>206</sup> Such actions included community engagement, having a visible presence in communities, checking on people in isolation, running checkpoints for essential travel and responding to concerns from the public. Police also carried out over 22,000 reassurance checks at essential services to assist with maintaining physical

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<sup>202</sup> Opinion of Robert Mark Evans OBE

<sup>203</sup> Epidemic Response Committee, 2 April 2020

<sup>204</sup> Epidemic Response Committee, 30 April 2020

<sup>205</sup> [https://www.hrc.co.nz/files/6615/8819/4763/Human\\_Rights\\_and\\_Te\\_Tiriti\\_o\\_Waitangi\\_COVID-19\\_and\\_Alert\\_Level\\_4\\_FINAL.pdf](https://www.hrc.co.nz/files/6615/8819/4763/Human_Rights_and_Te_Tiriti_o_Waitangi_COVID-19_and_Alert_Level_4_FINAL.pdf)

<sup>206</sup> Epidemic Response Committee, 30 April 2020

distancing during Level 4<sup>207</sup>. In total, police carried out 448,226 prevention activities under Levels 4, 3 and 2 restrictions<sup>208</sup>.

### **Tackling organised crime**

Police targeted a number of organised crime gangs during levels 3 and 4 of the restrictions. A number of operations culminated in 93 arrests with 250 charges being brought. Large quantities of drugs and firearms were seized and 14 drugs labs were uncovered. The recovery of criminal proceeds also continued, with \$4.4 million seized during this time. Detective Superintendent Greg Williams commented: “New Zealand Police continues to hold organised criminals accountable even through this challenging time”<sup>209</sup>.

### **Communication**

Throughout the various levels of the alert system, police have made a number of social media videos with television programme *Wellington Paranormal* to help make the public aware of the key messages around COVID-19. The videos include details on restrictions and the circumstances under which people need to self-isolate. Police commented; “We have a powerful social media following and it’s essential we use it to maximum effect during this challenging period. People have come to expect just a little humour from us, it’s part of our brand, so we wanted to engage with New Zealanders on our social platforms in a campaign style they are used to”.<sup>210</sup> The Police have previously worked with the programme on recruitment campaigns.

### **Partnership working**

New Zealand opted for an all-of-Government response to COVID-19, and established a multi-agency Operations Command Centre (OCC) as part of the National Crisis Management Centre led by the then Police Commissioner, Mike Bush and supported by a Police Deputy Chief Executive [Mark Evans]. The OCC was based on NZ Police systems and processes including a Joint Insights Group and a number of Workstreams led by a range of government agencies. An example of this is the Caring for Communities work stream, whereby the police provide intelligence to other agencies and departments to ensure support reaches the communities most in need<sup>211</sup>.

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<sup>207</sup> <https://www.police.govt.nz/about-us/publications-statistics/data-and-statistics/policedatanz>

<sup>208</sup> Figure consists of prevention activities and pandemic response prevention.

<sup>209</sup> <https://www.police.govt.nz/news/release/police-continue-target-organised-crime-across-country-during-alert-levels-3-and-4?ref=/news/national&search=gangs&cmin=&cmax=>

<sup>210</sup> <https://www.police.govt.nz/news/release/distance-and-isolation-new-zealand-police-team-wellington-paranormal?ref=/news&search=wellington&cmin=&cmax=>

<sup>211</sup> Epidemic Response Committee, 30 April 2020

## Human Rights and Equalities considerations

### Police action in response to breaches

New Zealand Police publish data on their response to COVID-19 including action taken by the police in response to breaches. Using the graduated response model, the vast majority of breaches did not result in a criminal justice response- written warning, youth referrals or prosecution. That said, looking at the latest available statistics (up to 8 June inclusive) for breaches which did result in a criminal justice response shows some geographical variations. Nationally 13% of breaches requiring police action resulted in a prosecution. This raises to 23% in the Wellington police district, followed by 22% in Canterbury and 21% in the Eastern district. At the other end of the scale, only 5% of breaches resulted in prosecution in the Auckland City and Waitemata districts.

Looking at the characteristics of the individuals involved in breaches (irrespective of the police action taken), data shows that 38% of people were of European ethnicity, whilst 36% were Maori<sup>212</sup>. According to the 2018 Census, 70% of the resident New Zealand population identified with at least one European ethnicity and Maori represented 17% of the population<sup>213</sup>. Almost three-quarters of people involved in breaches (73%), were male yet it is estimated they constitute 49% of the population<sup>214</sup>.

## Lessons learned

### Policing powers

Speaking at the Epidemic Response Committee, the Police Commissioner acknowledged that in the early days of the lockdown, there was a lack of clarity for both the police (including front line officers) and public about what the policing powers were and how they should or could be used<sup>215</sup>. This chimes with leaked emails from Deputy Commissioner Mike Clement, which suggests that the police lacked the necessary powers to enforce the lockdown when it was initiated on 25 March<sup>216</sup>. As mentioned above, the police subsequently released operational guidance and a video around enforcement approaches was made for front line staff.

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<sup>212</sup> <https://www.police.govt.nz/about-us/publications-statistics/data-and-statistics/policedatanz>

<sup>213</sup> <https://www.stats.govt.nz/news/new-zealands-population-reflects-growing-diversity>

<sup>214</sup> <https://www.stats.govt.nz/topics/population>

<sup>215</sup> Epidemic Response Committee, 30 April 2020

<sup>216</sup> [https://www.nzherald.co.nz/nz/news/article.cfm?c\\_id=1&objectid=12329263](https://www.nzherald.co.nz/nz/news/article.cfm?c_id=1&objectid=12329263)

## Longer-term considerations

### Border restrictions

As previously mentioned, New Zealand's border is effectively closed to overseas travellers and New Zealanders returning home are subject to mandatory quarantine or managed self-isolation. Whilst it is acknowledged that controls at the border will likely remain for a considerable time, focus has started to shift to the gradual reopening of the country to the rest of the world, whilst keeping COVID-19 out. There have already been talks about creating a bubble with Australia but some circles are keen for the country to take advantage of its head start in economic recovery<sup>217</sup>. The police have been actively involved in the border restrictions and have a presence at quarantine/self-isolation facilities. The role of the police in future changes to border arrangements will likely feature in considerations.

## Further Information and Discussion

More detail is provided here on some of the issues explored in this report.

### Effective partnership working

This review sought to find examples of effective partnership working between the Police and others in response to COVID-19. Whilst some examples have been found, it is likely that others exist, but were not discovered in the timescales that this review was undertaken.

The importance of effective partnership working between the police and other organisations has been highlighted by organisations such as The Policy Exchange, who at the start of the pandemic published *Policing a pandemic - The challenges of maintaining law and order during the Coronavirus response*<sup>218</sup>. This made recommendations based on a number of predictions about the nature of crime as a result of the pandemic. One recommendation was that the Government should engage Third Sector and Civil Society organisations and devise a national strategy for sustaining strong levels of mental health and well-being across the country and in order to prevent increases in domestic abuse<sup>219</sup>.

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<sup>217</sup> <https://www.newshub.co.nz/home/politics/2020/05/todd-muller-calls-for-innovative-plan-to-reopen-new-zealand-s-borders-post-covid-19.html>

<sup>218</sup> <https://policyexchange.org.uk/wp-content/uploads/Policing-a-Pandemic.pdf>

<sup>219</sup> <https://policyexchange.org.uk/wp-content/uploads/Policing-a-Pandemic.pdf>

“The pandemic has strengthened, if not accelerated, the need for more collaborative ways of working and partnerships within and across the public and private sectors, moving towards a more inclusive approach that embeds societal responsibility”.<sup>220</sup>

## Trust and the relationship between the public and police

In the medium and long-term, experts are concerned about how police behaviour during the COVID-19 outbreak will affect public trust in the police and perceptions of their legitimacy.<sup>221</sup> George Alders writes that retaining public trust in policing will depend in part on how long the public lockdown lasts and what life is like once it is over<sup>222</sup>. If the police are felt to have misinterpreted the restrictions and enforced them unfairly, then public trust may be diminished, making their role harder once the pandemic is over. *Liberty* (UK human rights organisation) highlighted the potential long term damage to police and public relations when calling for the UK government to narrow the scope of their Regulations, warning that in not doing so, public trust could be undermined permanently<sup>223</sup>.

The flip side of this, argues Alder, is that there will be enhanced trust where police actions are closely aligned to the policy and considered legitimate, and while life is unlikely to return to normal in the immediate future there is hope that policing can be improved as a result of the pandemic, through: Listening to the public, Communicating effectively and Collaborating in public–private partnerships<sup>224</sup>. Adler argues it will also be challenging to maintain public trust, both now and after the pandemic, stating:

"This requires policing to be sensitive to the local context, with greater situational awareness by police officers on the ground and more effective communications campaigns and dialogue with the public and businesses regionally and nationally. This starts at the highest level." <sup>225</sup>

Policing a pandemic - The challenges of maintaining law and order during the Coronavirus response<sup>226</sup> also made recommendations related to the public and the police:

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<sup>220</sup> <https://www.pwc.com/gx/en/industries/government-public-services/public-sector-research-centre/policing-challenge-of-covid-19.html>

<sup>221</sup> <https://post.parliament.uk/horizon-scanning/crime-justice-policing-and-covid-19-what-are-experts-concerned-about/>

<sup>222</sup> <https://www.pwc.com/gx/en/industries/government-public-services/public-sector-research-centre/policing-challenge-of-covid-19.html>

<sup>223</sup> <https://www.independent.co.uk/news/uk/home-news/coronavirus-fine-police-uk-postcode-lottery-lockdown-latest-a9519251.html>

<sup>224</sup> <https://www.pwc.com/gx/en/industries/government-public-services/public-sector-research-centre/policing-challenge-of-covid-19.html>

<sup>225</sup> <https://www.pwc.com/gx/en/industries/government-public-services/public-sector-research-centre/policing-challenge-of-covid-19.html>

<sup>226</sup> <https://policyexchange.org.uk/wp-content/uploads/Policing-a-Pandemic.pdf>

- The Government should instigate a national advertising campaign to raise morale across the country and to sustain and build social cohesion across communities that will be under stress during the coronavirus crisis
- The Home Office and Police Service should re-invigorate Neighbourhood Watch schemes across the country and ensure that police Safer Neighbourhood Teams are retained as a vital visible presence on the streets
- Local authorities should use existing Crime and Disorder Reduction Partnerships (CDRPs) to enhance community engagement and information sharing, including creating and monitoring websites that strengthen the ability of individuals and community groups to help the elderly and vulnerable connect with local support

## Post COVID Crime

Ben Bradford explored this in his paper, *Changes in crime and policing resulting from Covid-19 'lockdowns': First takes from nine countries*, produced on 13 April<sup>227</sup>.

Some of his findings are reflected in this review whilst others are different so included here:

- In most countries it is too early to say what effect the COVID-19 pandemic has had on crime, let alone provide reliable forecasts
- Evidence that is available suggests an initial reduction in 'volume' and/or 'street' crime
- There are widespread concerns about domestic abuse and fraud
- Cybercrime patterns appear to have shifted rapidly in response to the crisis
- The level of police patrol/enforcement in some countries is strikingly high
- There are several examples of police hiring extra staff
- Shifts in police resources to enforcing lockdowns may have implications for the measurement of crime, as well as potential effects on people living in areas targeted for enforcement

In the UK there has been emerging evidence of increases in the following crimes since lockdown:

- Domestic abuse - It has been argued that police prioritisation on policing domestic abuse has been possible partly because other types of crime - such as robbery, burglary, public space violence etc., have been falling, thereby freeing up some limited police time and capacity. The challenge will be to maintain this focus on the policing of domestic abuse when the demands on policing return to pre pandemic levels (if indeed they return to pre pandemic levels). This is particularly challenging as it has been reported that calls to

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<sup>227</sup> (currently unpublished)

police about domestic abuse are expected to spike after lockdown<sup>228</sup> and that domestic abuse charities are bracing themselves for a 'tsunami' of victims contacting them once lockdown eases<sup>229</sup>

- Stalking - there have been increases in stalking victims seeking help over the lockdown period<sup>230</sup>, and suggestions that stalkers have become more 'tech-savvy' over the period, having had more time to turn to cyberbullying, while on furlough etc.<sup>231</sup>
- Child sexual exploitation - there are reports that this has become more widespread since the start of the pandemic as opportunities to sell children to sex offenders online are provided. Internet Watch Foundation analysts report that the pandemic has led to a global slowdown in the removal of child sexual images making it easier for paedophiles to view and share images<sup>232</sup>. In addition, reporting by third parties such as teachers and social workers may not occur over the lockdown and summer holiday period as they are less likely to be seeing victims<sup>233</sup>
- Serious Organised Crime (SOC) - there is some evidence of increases and changes in the nature of SOC as criminals exploit the opportunities the pandemic provides. For example, drug dealers posing as joggers or using fake NHS ID badges to continue their trade during the COVID-19 lockdown<sup>234</sup>
- Cyber Fraud and Computer Misuse - there have been numerous reports of cyber criminals exploiting the pandemic to sell coronavirus-linked bogus products such as testing kits, face masks and even vaccines<sup>235</sup>. Furthermore, there has been a growing use of coronavirus-related themes by malicious cyber actors: for example, the National Cyber Security Centre has detected more UK government-branded scams relating to COVID-19 than any other subject. At the same time, the surge in home working has increased the use of potentially vulnerable services, amplifying the threat to individuals and organisations<sup>236</sup>

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<sup>228</sup> [https://www.ucl.ac.uk/jill-dando-institute/sites/jill-dando-institute/files/policing\\_lockdown\\_domestic\\_abuse\\_and\\_vulnerability.pdf](https://www.ucl.ac.uk/jill-dando-institute/sites/jill-dando-institute/files/policing_lockdown_domestic_abuse_and_vulnerability.pdf)

<sup>229</sup> <https://www.independent.co.uk/news/uk/home-news/coronavirus-domestic-abuse-lockdown-refuge-a9543011.html>

<sup>230</sup> Referrals to the Veritas Stalking Advocacy Service in Sussex increased by 26% and the national stalking charity Paladin has seen a 40% rise in requests for support.

<sup>231</sup> <https://www.theguardian.com/society/2020/jun/09/katy-bourne-police-crime-commissioner-solidarity-protesting-racism-black-lives-matter>

<sup>232</sup> <https://www.bbc.co.uk/sounds/play/m000jmtt>

<sup>233</sup> <https://www.independent.co.uk/news/uk/home-news/coronavirus-mental-health-crime-unemployment-lockdown-end-police-a9471316.html>

<sup>234</sup> <https://www.theguardian.com/society/2020/may/07/drug-dealers-posing-joggers-nhs-staff-covid-19-lockdown>

<sup>235</sup> <https://www.ncsc.gov.uk/news/cyber-experts-shine-light-on-online-scams>

<sup>236</sup> <https://www.ncsc.gov.uk/news/covid-19-exploited-by-cyber-actors-advisory>

## Annex 1 - Useful References

*Changes in crime and policing resulting from Covid-19 'lockdowns': First takes from nine countries.* Ben Bradford, Institute for Global City Policing (currently unpublished)

*Crime, justice, policing and COVID-19: What are experts concerned about?*  
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*The rise of technologically-mediated police contact: the potential consequences of 'socially-distanced policing'* - Dr Helen Wells, Dr Liz Aston, Dr Megan O'Neill and Professor Ben Bradford <https://bscpolicingnetwork.com/2020/04/29/the-rise-of-technologically-mediated-police-contact-the-potential-consequences-of-socially-distanced-policing/>

# Annex 2 - Brief for International policing responses to COVID-19: Easing of lockdown

Rather than developing the facility to update the first paper, a successive paper will be drafted, looking at a smaller number of countries in greater depth. This follow-on paper aims to inform thinking around medium and longer term responses to ***International policing approaches and responses during the easing of lockdown and future considerations***, by drawing on examples of policing in jurisdictions where the lockdown has already been eased. It will consider how different 'types' of policing systems and models with various histories, styles and social systems policed the easing of COVID-19 restrictions (see table below). The following research questions will be addressed:

- What have been the **key challenges** for policing during the (respective) current phases of the pandemic? (This will depend on what phase of the pandemic each country is in). For example:
  - the clarity of the legislation /guidance
  - training and guidance for the Police
  - ensuring Police health and safety
  - maintaining public confidence in the policing of the restrictions
  - challenges of co-operation, with the public and/or partner agencies
  - challenges of internal and external communication
  - policing young people/older children who are out of school for long periods
  - policing domestic abuse
  - preparing for the possibility of civil unrest and how to manage this
  - policing of food and drink outlets, including surrounding road safety
- Where have there been examples of **good and/or innovative policing practice**? e.g. Examples of:
  - How other countries have maintained **public confidence** in the police, to police the restrictions as challenges shift as the lockdown is eased and if public disorder becomes an issue
  - Effective **partnership working** between the Police and others in response to COVID-19
  - Police services' public communications, to consider how they have helped public understanding and influenced behaviours

- What are the lessons learned?
- Have there been any **unintended consequences** to particular policing approaches? And any examples of mitigating actions that were taken to address these
- What Human Rights and Equalities considerations have been found? For example:
  - how is easing the lockdown affecting the police? i.e. psychological and physical effects
  - the effects on wider society of the policing of COVID 19
- Longer-term considerations, for example:
  - police morale
  - the relationship between the public and police
  - examples of where forced changes in policing are seen as a positive development by the police/where the police are keen to retain new ways of working in the longer term
  - societal changes as a result of lifting the lockdown and potential effects on police? i.e. increase in violence, domestic abuse, levels of reported crime, etc.

The focus of the paper is to provide international evidence to support Scottish considerations and it will not include a comparative assessment of Scotland's policing. It will be for partners with the necessary expertise and appropriate independence to make an assessment of Scotland's policing.

## Annex 3 - Country Selection Matrix

Countries were selected where transferrable lessons could be drawn for Scotland, in terms of being similar countries or policing systems.

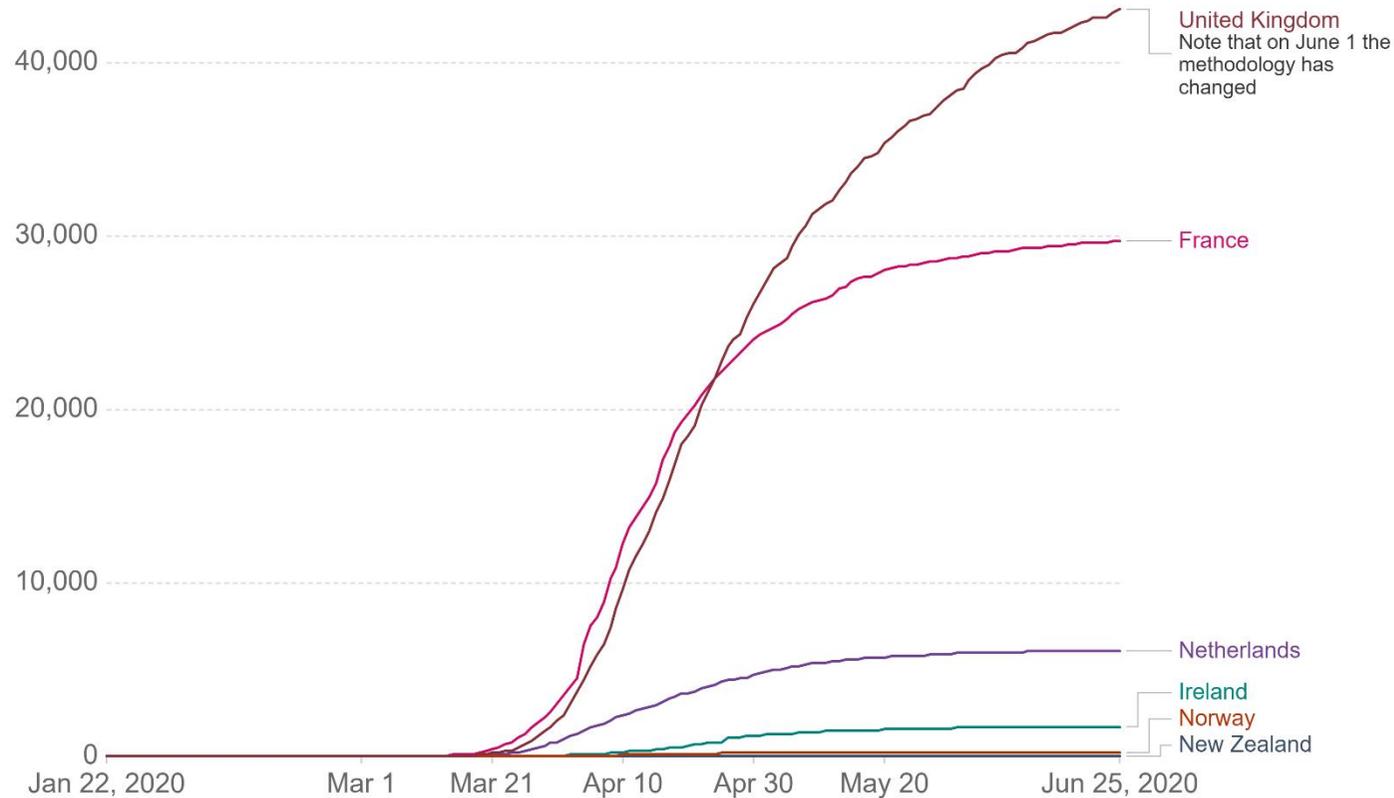
France was also included to allow learning from different policing approaches.

Country	Pop. (million)	Geography (km <sup>2</sup> )	English speaking	Single Force	Four 'E's model	Routinely Armed	Common or Civil Law
England	56.3	130,279	Y	N	Y	N	Common
Northern Ireland	1.8	5,500	Y	Y	Y	Y	Common
Republic of Ireland	4.8	70,273	Y	Y	Y	N	Common
New Zealand	4.8	268,000	Y	Y	Y	N	Common
Netherlands	17.2	41,543	N	Y	N	Y	Civil
Norway	5.3	385, 252	N	Y	N	N	Civil
France	66.99	643,801	N	Y	N	Y	Civil

# Annex 4 - Total confirmed COVID-19 deaths by country, 25 June 2020<sup>237</sup>

## Total confirmed COVID-19 deaths

Limited testing and challenges in the attribution of the cause of death means that the number of confirmed deaths may not be an accurate count of the true number of deaths from COVID-19.



Source: European CDC – Situation Update Worldwide – Last updated 25th June, 11:00 (London time) OurWorldInData.org/coronavirus • CC BY

<sup>237</sup> Note that the graph does not include separate UK nations' figures

# Annex 5 - Summary of changes to lockdown regulations in the 4 UK nations<sup>238</sup>

	As made (late March)	Frist review (mid April)	Second review (early May)	Third review (late May)	
<b>Staying home</b>	England	It is an offence to leave home without a "reasonable excuse". A non-exhaustive list provides thirteen examples of "reasonable excuses" .	No change	Outdoor recreation permitted with one other person from outside your household.	No longer an offence to leave home without a "reasonable excuse". It is now an offence to "stay overnight" somewhere other than your home without a "reasonable excuse" .
	Scotland	As above	No change	No change	Outdoor recreation permitted with members of one other household.
	Wales	As above but the non-exhaustive list specifies that it is reasonable to exercise once a day.	No change	Unlimited outdoor exercise permitted	No longer an offence to leave home without a "reasonable excuse". It is now an offence to leave your local area or be indoors with someone you don't live with without a "reasonable excuse" .
	Northern Ireland	As in England and Scotland	No change	Outdoor activities permitted including outdoor film screenings, concerts and performances (change announced 19 May)	Weddings of up to ten people permitted.
<b>Gatherings</b>	England	All gatherings of more than two people prohibited except for when it is necessary: for work, to attend a funeral, to facilitate a house move, to assist vulnerable people or involve people who live in the same household	No change	No change	Indoor gatherings of two or more are prohibited. Outdoor gatherings of more than six prohibited.
	Scotland	As above	No change	No change	Gatherings that involve members of more than two households prohibited unless they are necessary: for work, to attend a funeral, to facilitate a house move, to assist vulnerable people or involve people who live in the same household
	Wales	As above	No change	No change	As above
	Northern Ireland	As above	No change	No change	No change
<b>Closure of businesses</b>	England	All hospitality, entertainment and non-essential retail businesses required to close. Restaurants, pubs and cafés are permitted to operate takeaway services. Retail is permitted to operate online.	No change	Garden and recycling centres reopened. Some leisure business (such as golf courses and tennis clubs) reopened.	Outdoor markets and car showrooms reopened.
	Scotland	As above	No change	No change	Outdoor tennis and bowls facilities reopened.
	Wales	As above	No change	Garden and recycling centres reopened. Libraries reopened.	No change
	Northern Ireland	As above	No change	Garden and recycling centres reopened.	Outdoor markets and car showrooms reopened.

Notes:

"Reasonable excuse" is interpreted differently in the four nations.

<sup>238</sup> From: *Policing the coronavirus lockdown*. Brown, J. House of Commons Library Briefing Paper. Number 8875, 1 May 2020. <https://commonslibrary.parliament.uk/research-briefings/cbp-8875/>

### **How to access background or source data**

The data collected for this <statistical bulletin / social research publication>:

- are available in more detail through Scottish Neighbourhood Statistics
- are publicly available
- may be made available on request, subject to consideration of legal and ethical factors. Please contact <email address> for further information.
- cannot be made available by Scottish Government for further analysis as Scottish Government is not the data controller.



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