**Key issues that may arise regarding a technological approach to enforcement:
Rapid response based on SPI-B and selected expert views.**

This paper should be read with reference to the earlier paper from the SPI-B P&S Subgroup on enforcement.[1] Please note this is advice to Government produced by SPI-B, this is not endorsed by the MOD nor does it constitute the views of MOD.

- Developing and using surveillance technology to monitor the movement of individuals, and its presumed use in combination with punishments for violating quarantine, will self-evidently elevate levels of instrumental rather than normative compliance. However, systematic review of the most robust evidence shows that, overall, electronic monitoring of offenders using tags does not reduce offending behaviour.[2]

- There would be little if any purpose in this technology if it were voluntary, since those who would adhere to its use are unlikely to require such coercion. If such systems were enforced there would need to be complex legislation created around the wider governmental approach to managing the pandemic.

- Such an approach has fundamental implications for the relationship between the state, the police and citizens, potentially undermining the legitimacy of authority.[3]

- At present, the perceived failings of the Test and Trace system appears to have delegitimised the quarantine/isolation regime in the eyes of many people. Seeking to redress this with 'incarceration by technology' will do nothing to enhance the outcomes. It may lead to mass deletion of the NHS app and greater reluctance to report contacts.

- The introduction of surveillance technology could also have other negative and counterproductive consequences, including the generation of social tension, diminishing voluntary adherence to wider public health guidance (e.g. seeking out a test if symptomatic) and increasing levels of criminality and conflict.

- If such restrictive measures are perceived by the public as a de facto 'fall back' option because of the failure of other Government measures, then the legitimacy of these regulations and those enforcing them is likely to be undermined.

- The science on this issue is clear. Research suggests that a focus on 'deterrence' for controlling crime is ineffective and potentially counterproductive.[4] Moreover, in the context of this pandemic, the primary means through which government can mobilise public adherence to health guidance in the U.K. is to promote a sense of legitimacy, collective solidarity, norms and shared identity both at national and local levels.

- Diverse groups react differently to surveillance technology and modes of enforcement. No generalisation can be made about how people are most likely to respond to different forms of authority because responses will be highly context dependent. However, use of the army for enforcement is unprecedented and would be massively controversial.

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[1] COVID-19: Assessing the value of an Enforcement based approach to Covid. SPI-B Policing & Security Sub-Group
[2] https://whatworks.college.police.uk/About/News/Pages/Electronic-monitoring.aspx ;
http://www.antoniocasella.eu/nume/Payne_DeMichele_Okafo_2009.pdf ;
https://whatworks.college.police.uk/toolkit/Pages/Intervention.aspx?InterventionID=9
[3] https://academic.oup.com/policing/article/14/3/574/5826633
[4] https://marisluste.files.wordpress.com/2010/11/deterrence-theory.pdf

- **Is the use of tagging/tracking technologies to monitor people self-isolating likely to encourage compliance? Would potential unintended consequences (e.g. discouraging people from getting tested) be likely to outweigh the possible benefits?**

Behavioural Dynamics
As indicated in earlier SPI-B papers, it is essential to consider the assumptions behind the questions raised in this commission, as well as the important distinctions between enforcement, compliance and adherence. The state may need to enforce regulations against wilful non-compliance but at the same time government and local authorities need to 'scaffold' community resilience to ease or encourage adherence[5]. There seem to be two aspects of compliance at work here - compliance with the restrictions and compliance with the monitoring process.

The available data shows clearly and consistently that the majority of U.K. citizens report that they are willing to adhere to the Government's Covid public health guidance. However, it is also evident that behaviour is not always consistent with self-reported intention. While a good proportion of the population report that they would welcome greater levels of enforcement, the data is unclear about what 'enforcement' means to people expressing this desire. The data also shows that those who do not adhere are often restricted from doing so because of lack of understanding about what is required, as well as being restrained by a series of economic, environmental and situational factors (e.g. having to go to work, having to move through crowds as a result of imposed curfews, etc). Only sections of various communities are wilfully non-compliant.[6]

Although in one study 78% of people affirmed support for current restrictions and 44% wanted more restrictions; only 18% of people with symptoms self-isolate fully. Yet this study left unclear what exactly people are doing when not self-isolating. First, there is a world of difference between, for example, taking the dog out for a walk once during the course of the isolation period versus ignoring self-isolation completely and continuing to go to work. Second, it could be that most 'breaches' of self-isolation are driven by necessity with people having to go to the supermarket on at least one occasion to obtain essential foodstuffs or visit family members to organise essential childcare arrangements.

Government messaging has asserted that such 'non-compliance' is legitimate and it remains unclear how the 'tagging' system would be able to differentiate between 'compliance' and 'non-compliance' behaviours.[7] Research also suggests that while self-reported adherence to test, trace and isolate behaviours is low, the intention to carry out these behaviours is much higher. Thus, research suggests that practical support and financial reimbursement are the factors most likely to significantly improve adherence to test, trace, and isolate behaviours.[8] SPI-B have previously summarised the evidence in this area, and concluded that adherence to self-isolation would be improved by:
- financial support (to ensure people do not suffer a loss of income),
- tangible support (to provide help with, for example, shopping or care for relatives),
- information (to explain the rules and principles underlying self-isolation) and
- emotional support (to reduce loneliness or distress during self-isolation).

Resilience and support

[5] COVID-19: Assessing the value of an Enforcement based approach to Covid. SPI-B Policing & Security Sub-Group
[6] https://www.theguardian.com/world/2020/sep/30/young-people-as-diligent-about-covid-measures-as-older-peers-survey-finds?CMP=share_btn_tw
[7] https://www.theguardian.com/politics/2020/may/27/parents-free-to-relocate-to-seek-childcare-like-cummings-did-says-minister
[8] https://www.medrxiv.org/content/10.1101/2020.09.15.20191957v1.full.pdf

In the case of those testing positive, being compelled by surveillance and punishment to remain in quarantine may require a coordinated support infrastructure to enable access to essentials such as food and medical care. Since Local Resilience Forums (LRFs) have been de-escalating their civil contingency response over the last few months, they are not currently prepared to deliver the significant levels of support that might be required (e.g. food parcels). Without this support, it is likely that Covid-positive individuals may have to travel to supermarkets or hospitals regardless of any 'tagging' or surveillance. In South Korea, which has responded to the challenge of Covid far more effectively than most other nations, each district or city (municipality) provide packages of food and necessities for people who are self-isolating, including sanitary products and advice on self-isolation.[9] What they are provided with in each area differs slightly. In some municipalities, deliveries of essentials are supplemented by other items which help to sustain isolation. For example, some public libraries supply a book delivery service to isolated people.

It is therefore clear that substantial planning, operationalisation, and coordination with LRFs will be needed if such technology were to be deployed. The challenge for local authorities and LRFs would be to be agile in their support-delivery arrangements for the 2-week period and for the scale of potential community need. Without this underpinning of local support, adherence may be impossible for some to achieve. This scenario is far more likely in areas of socio-economic deprivation compared to areas of wealth, which would mean that individuals from poorer communities would be more prone to fines and other punishments, which again may be perceived as discriminatory.

Introducing enforcement technology in this context would be far less legitimate; it would penalise disproportionately and potentially create unmanageably high demand on those charged with enforcement. The evidence on live facial recognition, suggests that prior trust is likely to drive acceptance of a surveillance technology.[10] Feelings of illegitimacy could amplify opposition and increase non-compliance, particularly in areas of economic deprivation and precarious employment. Local politicians would be unlikely to support such measures and people may feel further justified in defying new restrictions, thus undermining the rule of law.

It is worth noting that the World Health Organisation's view is that compliance is related to the acceptability of the treatment to the patient. This treatment must be tailored to the context and needs of those receiving it. The extent to which groups or locations can follow guidance is especially important and there can be no such thing as a one-size-fits-all approach. Treatments need therefore to be negotiated with local communities on the basis of their context and needs. Negotiation has proved useful in nuancing the police responses in South Africa, Uganda and Eswatini (unpublished data from WHO African responses to Covid19 work). Compliance with health regulations has improved where local negotiation has taken place. Where strict enforcement has been used, such as in Nigeria and Uganda (until recently e.g. in Uganda you could go to prison for 5 years for failing to wear a mask or follow home quarantine), there appears to be greater public doubt as to the truth of government claims about the seriousness of Covid19.

Infrastructure
It is unclear what technology could be used to deliver the surveillance capacity required by a system such as the one implied by the question. The term 'tagging' suggests a form of wrist or ankle band. This could take the form of those used currently within the criminal justice system to monitor the behaviour of convicted offenders. If forced to wear such devices, those under self-isolation could face stigmatisation and harm to their mental health. Moreover, there

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[9] https://observers.france24.com/en/20200305-south-korea-coronavirus-COVID-19-kits-masks

[10] https://academic.oup.com/bjc/advance-article-abstract/doi/10.1093/bjc/azaa032/5843315A. GO Science colleagues should refer to the ARI on public trust in institutions, as evidence was provided on the public acceptance of surveillance by participating academics.

is no specification for how such bands would be fitted or whether they could be removed, and if so by whom and during what time periods. Clearly fitting and wearing bands could expose others to the virus and increase spread as people move from one Covid positive location to another.

The systematic review on electronic monitoring suggests that EM can be effective with classes of offenders such as sex offenders (who are generally compliant during sentence) but the technology is fragile, the implementation challenging and the gains small.[11] Current criminal tagging is either the product of a court process (and therefore subject to challenge) or a condition of early release from prison; and thereforepart of a process in which challenge is possible. It is unclear how the proposed tagging system would be made open to challenge.

Another possibility would be to use smart phones and associated Apps, to which not everyone has access. In each case, the technological complexities, infra-structure and personnel needed to deliver, run and maintain such system would be highly challenging. Such a system is also likely to be massively expensive, take substantial time to develop and roll out, and hence be prone to embarrassing failures. Moreover, government investment in such technology, in contrast to perceived failures in testing and tracing technologies, would add to public perceptions of the illegitimacy of what is likely to already be perceived as a highly intrusive and coercive strategy.

WHO African data illustrates that the highly threat-laden, securitised response of police has resulted in compliance, but this requires consistent monitoring as it is not at all normative - indeed individuals are responding by using ever more ingenious workarounds, which require ever more intensive enforcement in an escalating spiral of securitization. In Nigeria, the armed forces have been used extensively in enforcement as police have been unable to cope with enforcement alone.

Intelligence and security

Surveillance systems like those referred to above also raise major security issues, both domestically and internationally. As we have argued previously, hostile states and actors will examine all Western responses to Covid-19 as significant intelligence gathering opportunities. Data gathered through surveillance systems will also be highly attractive to OCGs which would seek to use the data for criminal purposes.

Authoritarian states are also likely to use the fact that the UK has such as system as justification of their own arrangements for surveillance and securitization. Indeed, such arguments have been made from a relatively early stage in the pandemic. From an external security perspective, it is also important to bear in mind that some states study all Western responses to Covid-19 to gather intelligence. Responses to Covid-19 allow reveal different countries ability to mobilise in a wartime-like scenario. For example, potentially hostile states routinely examine command and control (C2), planning and logistical (G4) capabilities in response to a civil contingency / peacetime threat. There will consequently be an interest in how effectively the UK can mount a surveillance system, as well as in attempts to exploit whatever deficiencies or public concerns there may be with it. These are familiar features of Grey Zone warfare.

In addition to external security, there are concerns about the lack of transparency in data collection, use and sharing of data and anticompetitive practices by social media and other tech companies involved in some of the governmental tracing systems. Again, lack of trust in

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[11]https://whatworks.college.police.uk/Research/Systematic_Review_Series/Documents/Electronic_monitoring_SR.pdf

tech companies and use of data negatively changes trust in government and its data collection efforts especially when government is working with some of these companies.[12]

Social Division and Conflict
It is likely that technology used for surveillance could provoke substantial and widespread public opposition as well as social division. Those against 'tagging' may point to the fact that it has been extensively used in some authoritarian countries that have a poor human rights record.[13] On the other hand, some of these technologies have been praised by global health experts and organisations such as the WHO (e.g. in the case of Oman's Tarassud system).[14] 'Tagging' and other surveillance technology is therefore likely to further divide and polarise public opinion.

Some people in the UK may welcome the perceived protection to public health provided by such technology and view it as visible evidence of a functioning public health system. But many others will perceive it as a violation of civil liberties and human rights. It is almost inevitable that opponents will draw parallels with prisoner tagging and other recent scandals over 'surveillance capitalism' (e.g. Facebook, Cambridge Analytica, Vote Leave). Such penal associations could make the devices and Apps a potent symbol of opposition to Covid-restrictions of all kinds and broaden the base of and empower street-based resistance to government and police. It is important to note that the social base of active protest has broadened over the last few months and that opposition to violations of civil liberties has emerged as a key issue; one capable of unifying diverse political viewpoints from across the political spectrum in ways that could lead to forms of resistance akin to the "'gilet jaune" in France.[15]

Effectiveness of localised response.
It seems likely that people who would object to a tag or App would resist primarily through evading testing (on the grounds of civil liberties, lack of trust in government or because it would lead to them suffering severe economic harms).[16] History shows that evasion is the most common form of resistance to public health measures taken in the context of epidemics.[17] The WHO have also found that avoidance of testing/quarantine in Africa is high where the penalties/enforcement system is most draconian.

Data from our ongoing research has shown how rapid LRF response to local outbreaks, combined with effective messaging and localised testing, has been highly effective at quashing local outbreaks. Since testing and tracing are essential to an effective government response, there is a danger that compulsory 'tagging' or technologies used for surveillance will further undermine the capacity of government and local authorities to control localised outbreaks in their early stages.[18] Data indicates that rates of infection are highest in areas of economic deprivation.[19] 'Tagging' measures are therefore likely to further stigmatise some already marginalised communities, amplify a sense of inequality, break down public bonds of

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[12] see for example: IOC re Cambridge Analytica
https://ico.org.uk/media/action-weve-taken/2618383/20201002_ico-o-ed-l-rtl-0181_to-julian-knight-mp.pdf ALSO US Congress' recent report into opaque antitrust activities of big Tech:
https://judiciary.house.gov/uploadedfiles/competition_in_digital_markets.pdf
[13] https://www.mobihealthnews.com/news/emea/bahrain-launches-electronic-bracelets-keep-track-active-covid-19-cases
[14] https://www.omanobserver.om/who-hails-sultanates-fight-against-covid-19/
[15] https://www.rips-irsp.com/articles/10.5334/irsp.356/
[16] https://www.kcl.ac.uk/news/effective-test-trace-and-isolate-needs-better-communication-and-support
[17] T. Ranger and P. Slack (eds.), Epidemics and Ideas: Essays on the Historical Perception of Pestilence (Cambridge: Cambridge University Press, 1992) & Frank M. Snowden, Epidemics and Society: From the Black Death to the Present (New Haven: Yale University Press, 2020)
[18] https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3694441
[19] https://www.theguardian.com/world/2020/oct/07/poorest-areas-of-england-four-times-as-likely-to-face-lockdown-as-richest?CMP=Share_iOSApp_Other

trust in local authorities, and increase the likelihood of widespread conflict.[20] Manufacturing, procuring, warehousing and distributing tags would present great logistical issues..

The only potential advantage we can see in a technological approach would come from widespread use of a radically improved NHS App, which would allow the local tier to communicate with local people. This would result in a better-informed conversation about local outbreaks which would improve public health responses. The current App is very generic but if the LRF / local outbreak control groups could tell people travelling in/out of localities about local advice, infection numbers, locations of testing sites etc., the value of the App from both sides might increase and therefore, so could usage. The App should be a one-stop location for local updates and information. The equity and access issues around the App still need to be addressed, including signal availability in rural areas.

Legislation and Enforcement
There would be little if any purpose in this technology if it were voluntary, since those who would adhere to its use are unlikely to require coercion. If such systems were enforced, complex legislation would need to be drafted for the wider governmental approach to managing the pandemic. This legislation would have to legally obligate testing under specific conditions in order to enforce the use of the technology. This would be difficult because the legislation would need to be prepared and enacted, and would have to specify clear and detailed parameters about what and what does not constitute requirements for testing and violations of quarantine (e.g. specific symptoms that force testing, specify detailed parameters for attending hospital in the event of emergency, etc).

While police have powers under the Coronavirus Act to forcibly remove people to testing centres when there is an assessed need, compelling people to take a test under certain circumstances may require a new legislation. Again, there would need to be a reasonable excuse reverse-burden defence, and this would probably be compliant with Art6(2) (Presumption of Innocence). An offence of not getting a test when showing certain symptoms (fever, loss of taste) would be exceedingly difficult for the state to prove to a criminal standard (which it would have to do to be compliant with Art.6(2)). For example, how do you prove beyond reasonable doubt that someone had lost their sense of smell, or that they knew they had a temperature at a time when they did not request a test?

A new regulation would need to be enacted that would make it an offence not to download the App, switch off the App when moving locations, or damage the tag. Legislating for a physical tag would be easy to do because there is existing legislation that could be cannibalised. Assuming that tags would be fitted or self-fitted at the person's address while they are quarantining, again simplifies things as Government use existing regulations on breaking quarantine. Forcing people to download an App or carry their phone on the other hand is another matter entirely. Not everyone has a phone, not everyone has a compatible phone, or storage left on their phone to download the App. This is particularly likely to be the case with certain sections of the community, such as the poor and elderly. Phones get broken, lost, borrowed, and stolen, so you would need a "reasonable excuse" defence for not downloading with a reverse-burden of proof. This would probably be compliant with Art.6(2) (Presumption of Innocence).

Such powers would require the police to stop, question and check mobile devices. There is already a live issue with stop and search, and it is arguably disproportionate for police to access mobile devices in case of public health enforcement. Also, in terms of process, how would the police know who to target for enforcement? Random mobile checks would very likely be disproportionate and could further aggravate community tensions.

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[20] https://academic.oup.com/policing/article/14/3/569/5812788

A legal process would have to allow challenge to the decision determining that a person will be tagged, but this seems unrealistic given the heavy backlog in the court system. If such legal obligations were in place, current loose definitions of Covid symptoms would mean large numbers of people with simple colds and flu could create exceedingly high levels of unnecessary demand on the testing infrastructure because they were legally compelled to do so. Any lack of access to tests could not be an offence, would undermine the legitimacy of the law and may mean that individuals are largely or entirely through the required quarantining period before test results are available and surveillance technology could be put meaningfully in place.

The proposed technological solutions are only of value if they relate coherently to an ability to enforce and provide legal sanction. In the absence of clarity in law about the specific conditions for enforcement, several problems are likely to appear. A lack of understanding among police and other authorities about what constitutes violation will undermine the quality of enforcement (either because police or marshals are uncertain about the lawfulness of their actions or because they act unlawfully through misapplication). Any later punishments exercised through enforcement may be contested, leading to a failure to pay fines, increased backlog in the courts, legal challenges, accusations of discrimination arising from ethnic disproportionality, etc.

Moreover, at present, it remains unclear who would handle the monitoring and response capacity. Penal tagging systems are run by the private sector; increasing this capacity would be very expensive and has important implications for the privatisation of policing. Passing enforcement to companies who profit from enforcing violations (e.g. private car parking firms) is highly problematic. With recent negative media reporting on the use of Deloitte consultants on the Test and Trace system, opponents may also suggest the government is enabling 'friends' in the private sector to profit from the pandemic.[21]

Lastly, the shift towards surveillance would move the strategic agenda away from health' towards criminal justice. It is likely that in this context the police and local authorities would struggle with increased enforcement demand since both have limited human resources capacity. Such an enforcement agenda would extend policing into the home in a manner that was unprecedented in U.K. history and there would be serious dangers of undermining police legitimacy.

Human rights
There are important privacy and proportionality arguments to consider. We suggest there are human rights issues raised by tagging than by way of a mobile phone App which engages Article 8 (Privacy) ECHR. A key question revolves around the nature of the data gathered If, for example it was able to monitor whether you were at the end of your garden rather than in your front room, this is a huge interference. And yet, it would need to be effective enough to spot if you moved next door for a coffee. Further, it may be difficult to claim that an App would be proportionate given that there are questions as to its effectiveness (i.e. that it is effectively tagging the phone and not the individual, so you could presumably get around it by just leaving your phone at home). The often-overlooked aspect of HR considerations is suitability and effectiveness - sometimes a more restrictive requirement (e.g. a physical tag as used on some offenders on parole) which is more effective is more likely to be lawful.

It should be imperative that the minimum amount of personal data is gathered (e.g. only GPS location) and that this is deleted within 28 days. Further, GPS data should be able to identify if a person (not their phone) has gone next door, but not if they have moved from their bathroom to their bedroom. This would be very difficult in high-rise blocks when all residents

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[21] https://www.bbc.co.uk/news/uk-england-lincolnshire-18101548

share the same geographical footprint and present some technological questions about geo-fencing of people's self-isolation boundaries (especially if they include support bubbles). It must be as effective as possible and no more intrusive than is necessary. Further, if there is evidence that this intrusion on Art.8 rights falls more heavily or more often on certain minority ethnic groups, this raises ECHR Art.14 Discrimination issues.

Gathering and storing such data may be proportionate, ethical and legal at this time of elevated threat but its long-term storage and use for other purposes may not be when that threat subsides. It is almost inevitable that an intrusive surveillance technology combined with a means of identifying and punishing 'offenders' would be subject to challenge in the courts. Even if reassurance were given about the destruction of such data after it outlives its intended use, concerns over privacy will fuel the conspiracy theories domestically, which are driving some of the resistance to Covid-19 control measures. While this is being exploited by a variety of extremist groups, resistance to Covid control measures is involving an increasingly diverse array of communities that would not previously have seen themselves in alliance. If actively propagated by hostile media platforms, this narrative will result in a further loss of public trust among several communities simultaneously.

- **What does the behavioural science tell us might work in terms of supporting enforcement? Are there any communications tactics we should be considering?**

Messaging and decision-making
People who fail to adhere to Covid guidance and regulation do so for different reasons. On the one hand, many people do not adhere because of a lack of clarity concerning what is required.[22] On the other, people fail to comply because they do not believe that the required behavioural changes apply to them or are otherwise important. In both cases the messaging required should, perhaps counterintuitively, focus on positive facilitation rather than enforcement or 'command and control'.

The science on this issue is clear. Research shows that a focus on 'deterrence' for controlling crime is ineffective and potentially counterproductive.[23] Deterrence can be achieved through communications that create a perception in the mind of the would-be perpetrator that they are likely to be detected - by the community (via social norms/reporting) or the authorities/ technology. However, this is highly dependent on detection being publicised frequently via communications and not being undermined by challenges to its legitimacy by the community.[24]

Moreover, in the context of this pandemic, the primary means through which government can mobilise public adherence to health guidance in U.K. is to promote a sense of collective solidarity and identity both at national and local levels[25] (i.e. 'We are all in this together').[26] The 'common fate' of a mass emergency can naturally - and has historically - built a sense of collective social identity, which in turn creates solidarity, cooperation and collective adherence to health-related norms across communities. The goal of the authorities should be to harness and 'scaffold' this wherever possible. [27] [28] [29]

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[22] https://www.telegraph.co.uk/news/2020/09/25/does-anyone-know-means-coronavirus-rules-have-changed-200-times/
[23] https://marisluste.files.wordpress.com/2010/11/deterrence-theory.pdf
[24] https://ojjdp.ojp.gov/sites/g/files/xyckuh176/files/pubs/248617.pdf
[25] https://www.frontiersin.org/articles/10.3389/fpubh.2019.00141/full
[26] https://blogs.lse.ac.uk/politicsandpolicy/lockdown-social-norms/ & https://uk.sagepub.com/en-gb/eur/together-apart/book275359
[27] https://journals.sagepub.com/doi/abs/10.1177/1368430220936759?journalCode=gpia
[28] https://www.cambridge.org/core/books/social-scaffolding/shared-social-identity-in-emergencies-disasters-and-conflicts/C5F051756B171544EF2E14425A83A874
[29] Samuel Cohn, Epidemics: Hate and Compassion from the Plague of Athens to AIDS (Oxford: Oxford University Press, 2018).

The general impression of the UK is that it does not have surveillance culture and that individual liberty is valued.[30] By contrast, in other nations, there is greater acceptance of (if not support for) intrusive surveillance. Recent work by the WHO shows that nations with surveillance traditions, that have a broadly collective cultural orientation and high-power distance, tend to be more accepting of this type of solution. In contrast individualist cultures, without surveillance traditions, have been highly resistant (and have often not even tried) to such approaches. In the US for example, even face coverings have become politicised as an affront to personal choice and liberty. Again, this speaks to the need for nuanced, culturally sensitive responses.

Context, legitimacy and enforcement
Enforcement communications also need to be considered in context. There is little point in trying to enforce behaviours if people are not readily able to adopt them (e.g. because they cannot get a test) of if they are not possible to enforce consistently or there is perceived inconsistency in how rules or guidance is enforced. Alongside the cumulative imprecision in messaging and rules-building across the course of the pandemic, there have been cumulative perceived failures of policy – most saliently around testing. In this context, trust in and perceived legitimacy of messages about the investment in a surveillance or tagging system will be undermined, not least of all because such policy will be open to satire and ridicule in mainstream and social media.

Messaging never merely provides information but creates a context of meaning and legitimacy within which enforcement will then be applied. Enforcement can work when the rules are clear, precise and concise and are not solely reliant on the authorities detecting and responding to every potential breach. An emphasis on what people – what 'we' should do - can and does create a normative context in which those who violate the rules are likely to be an outgroup, against whom enforcement will be far more legitimate and where the public can help enforce themselves (and help deter non-adherent behaviour) via these social norms.

Principles of effective enforcement messaging
It should be assumed that people who are not adhering do so for legitimate reasons or have forgotten or misunderstood the guidance or are unable to comply with it. Most people comply when the rules are clear and consistent and when resources are in place. In terms of helping us all to help each other to adhere simple interactional rules can be utilised:

- We should make offers (e.g., "Do you need a face covering?") assuming non-compliance is a resource-based issue.
- Use informing or clarification (e.g., "In case you didn't know, we have to wear face coverings in areas like this") assuming non-compliance is because of forgetting or misunderstanding.
- Remove moral implications (e.g., "I'm sure you didn't mean to"; "Sorry, it's a bit difficult to keep track of the rules, isn't it?").

Moreover, public health messages and regulations must be underpinned by material resources (e.g. furloughing) that are directed toward alleviating the negative impacts both socially and economically. Across the UK, the enforcement agenda has been underpinned by a policing approach that has focused strategically on maintaining police legitimacy and a graded 'four E's' approach to policing.[31] It is arguably this combined approach that largely underpinned the effectiveness of lockdown' in March and April. In the next phase of the epidemic, it is vital that these lessons and principals are carried forward.

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[30] Channing, I. (2015) *The Police and the Expansion of Public Order Law in Britain, 1829-2012*, Routledge.
[31] Policing, protest and changes to COVID-19 control measures in the UK. Security and Policing Sub-Group Group of the Behavioural Science Sub-Committee of SAGE.

It is important to recognise that messages need to be nuanced and tailored to different audiences and communities. There must be an emphasis on support and co-operation rather than on command and control, and messages need to originate from trusted sources relative to that community. This requires clearer, targeted, and consistent messaging co-produced at a local level, providing information about easy to follow and stable rules in ways that are relevant to that area.[32] The WHO argues strongly for a localised engagement approach with identified local powerbrokers who have credibility as communicators and influencers within local communities. For example, the 'Ebola mummas' in DRC - a group of local mothers who carried the public health messaging to local communities and were much more effective than WHO or police/other civil authorities. Mothers in DRC have a traditional role as communicators in preserving family health.

Data and theory suggest we need a communication reset to enable fresh messaging that is clear, precise, concise, positive (what you can 'do' rather than 'do not') and irony resistant. It is important to focus messaging on promoting adherence in ways that enable more people to do more things safely.[33] Any new communications should not be leaked or released haphazardly. The importance of credible sources is well rehearsed in many fields (including policing) as a broad heuristic. However, there is little research on precisely 'who' is credible to 'whom', especially those less likely to comply for differing reasons. This places greater emphasis on working with community groups at the local level. Such an approach has been useful in WHO work on the prevention of harmful traditional practices such as FGM, HBV etc. Here multiagency partnerships working with local influencers has proved much more effective than a centralised strategy that looks to attribute blame or criticises perceived failures to accept the orthodoxy.

Communication strategies should maximize and enable personal control and agency. The most productive route to influence is ensuring that people maintain a sense of their own integrity and agency despite, for some, reversing their position. Compelling others infringes on their right to make autonomous decisions. Enabling an opportunity for a person to change their own mind, even as a result of external influence, enables people to comply with self-respect ('save face'). [34]

- **What are the best ways to target messaging and comms to encourage compliance with COVID-19 measures? Are there any digital/tech options that we should be using?**

To maximise adherence to public health guidance, use respected public health officials, community voices and/ or culturally prominent persons (specific to race, gender, religion and age) to convey key messages about community norms.[35] These can then act as 'trusted messengers' for that particular community. Use social media and co-produce messaging locally through partnerships with LRFs in ways that are sensitive to local issues, communities, identities and needs.

Digital technologies have the potential to be useful as an adjunct to other measures but should not be regarded as a solution in themselves. Most countries have employed Apps and other tracing technologies, including wristbands; some to good effect. However, it is difficult to separate the success of these technologies from other social factors, e.g. an acute sense of individual responsibility to the community as in South Korea or a high degree of obedience to

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[32] https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/895855/S0446_Communicating_behaviours_to_reduce_transmissions_between_social_networks.pdf
[33] Stokoe, E., Humă, B., Sikveland, R.O., & Kevoe-Feldman, H. (2019). When delayed responses are productive: Being persuaded following resistance in conversation. Journal of Pragmatics. 10.1016/j.pragma.2019.10.001
[34] Humă, B., Stokoe, E., & Sikveland, R.O. (2020). Vocabularies of social influence: Managing the moral accountability of influencing another. British Journal of Social Psychology. DOI:10.1111/bjso.12409
[35] https://thepsychologist.bps.org.uk/volume-33/summer-2020/psychology-physical-distancing

the government as in Oman. Even in Singapore, where digital tracing technologies were introduced to augment the disappointing uptake of the mobile phone tracing App, there have been protests against state intrusion, privacy violation and use of data.[36]

- **In terms of encouraging compliance, who are the public likely to respond to best – Police Officers / Special Constables / Military / civilian 'Covid marshals'?**

Policing Different Communities
No generalisation can be made about how people are most likely to respond to different forms of authority because responses will be highly context dependent. In an area where relations between the police and certain communities are already strained, as a result of perceived heavy enforcement on a range of issues (or stop and search), police officers may inflame the situation.[37] However, in some areas, there is a perception among some that the police have pulled back from enforcing social distancing measures against certain communities (e.g. Roma, travellers in Sheffield and Manchester). Police attempting to impose enforcement against one group may be asked why they have failed to do so against others, again due to a level of perceived positive and negative discrimination. There will also be difficulties in policing boundaries between areas under different tiers (towns and villages close to each other but under different levels of restriction).

There is some correlational evidence that deterrence 'soft' patrols by civilian PCSOs works.[38] In areas where such sensitivities exist, PCSOs or Covid marshals' may be less likely to inflame tensions or have greater legitimacy, although many people will have had little exposure to the latter. However, this revolves entirely around who the marshals are. Some local authorities have recruited private security firms who use trained door staff (i.e. 'bouncers') to patrol city centres enforcing Covid regulations. While that might be effective in a city centre context, if this were to translate itself into the policing of marginalised ethnically mixed housing estates, this could have severely damaging and inflammatory effects. On the other hand, if locally respected community members are employed as marshals, this could facilitate adherence. Attention needs to be given as to the relationship between the private security sector and OCGs.

In our recent observations, the police and local authorities developed and utilised 'Community Marshals' who were well respected community 'elders' and informal leaders who helped de-escalate conflict when police were required to enforce Covid guidance by dispersing a public gathering of young black people. However, care needs to be taken about training and preparedness of the marshals. There are also issues related to the safety of marshals in certain areas and how they interface with local police and local authorities. The general approach should be 'health' or 'community worker' led and seek to encourage adherence through avoidance of control mechanisms (policing and security agencies) in favour of more supportive and 'kinder' agencies e.g. COVID equivalent of 'Community Nurses'.

Use of the Military.
Use of the army to enforce public health measures in the UK is without precedent in recent history and would prove massively controversial. The army is not adequately trained for a civil

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[36] https://support.tracetogether.gov.sg/hc/en-sg/articles/360044860414-Can-I-say-no-to-uploading-my-TraceTogether-data-when-contacted-by-the-Ministry-of-Health-; https://www.zdnet.com/article/singapores-move-to-introduce-wearable-devices-for-contact-tracing-sparks-public-outcry/
; https://www.cdc.gov/pcd/issues/2020/20_0245.htm;
https://www.researchgate.net/publication/341659861_Explaining_Compliance_with_Social_Distancing_Norms_during_the_COVID-19_Pandemic_The_Roles_of_Cultural_Orientations_Trust_and_Self-Conscious_Emotions_in_the_US_Italy_and_South_Korea

[37] https://figshare.com/articles/Re-reading_the_2011_English_riots_-_ESRC_Beyond_Contagion_interim_report_pdf/7687433

[38] https://link.springer.com/article/10.1007/s11292-016-9260-4.

enforcement role in the UK and the public are ill prepared to experience this kind of deployment. The history of Northern Ireland should be salutary. If this was implemented and went wrong, as it so easily could, the results could be corrosive and incendiary. In addition, although within the UK the military are regularly used to support the emergency services in a Military Aid to the Civil Authorities (MACA) capacity, military personnel themselves may be extremely concerned at being used in public enforcement activities which might be perceived as 'politicising' their role. It is imperative in that the government should not blithely suggest use of the military as this is likely to undermine confidence in the police and potentially in the civil systems of governance.

It would also be highly inflammatory in some minority ethnic and more marginalised communities. However, in certain localities people have called for the army to be used to enforce regulations (e.g. Sheffield) because of perceived failures on the part of the police. Regardless of these sentiments, it seems unrealistic to use military personnel in a policing role as few (except the RMP) are properly trained. At most, military personnel should be thought of as a reserve to enforce movement restrictions between areas or – as always – as a backup to the civil authority in times of civil disorder. Use of military personnel in a medical capacity already has public support.