COVID-19: SECURITY AND POLICING CHALLENGES

SPI-B Policing & Security Sub-Group

Executive summary

The recent upturn in Covid-19 transmission has led to the introduction of new regulations across the UK, with some significant national variations. With an increasing emphasis upon enforcement there are key lessons that should be learnt from the implementation of the 'Rule of Six'. This paper explores these lessons and suggests potential mitigations for unintended harms. We also discuss potential medium to longer term factors that may amplify risks to security.

Ambiguity of the regulations

Police and legal experts advise that key concepts in the Rule of Six regulations lack clarity, are difficult to apply and may contravene human rights legislation. They have also indicated that given rising demand, police have limited resources to enforce these new and future regulations, except in all but the most egregious and persistent violations. The opacity of the law, resource limitations and local variations in police interpretations, will inevitably lead to variability in how the Rule of Six will be applied within and across police jurisdictions and communities.

Enforcement

The new regulations are seen (and have been explicitly justified) as a measure targeting young people and will be far more likely to be applied in areas of socio-economic deprivation. In a context in many feel they have made enormous sacrifices, and in which they have substantial fears over their future employment and education, the new legislation may prove to be a potent source of resentment. In localities in which relations between police and communities are already poor, this may also prove combustible.

Data from other countries shows no clear positive correlation between enforcement and health outcomes. In some countries – e.g. France – the correlation is negative (i.e. high enforcement is associated with poor outcomes).

Outcomes

While sections of the population appear to support a greater emphasis upon Covid related enforcement, there is a high likelihood that increased enforcement will be seen by certain sections of society as illegitimate. On the other hand, perceived failure of the police to enforce the new law adequately may aggravate accusations of partiality or weakness and undermine confidence in government, police and the rule of law.

Violating the new restrictions without reasonable excuse leads to cumulative fines but it is unclear if such forms of punishment have any effect on behaviour. Such fines are likely to impact disproportionately upon poorer sections of society. Moreover, given the novelty of the law and the ambiguity surrounding enforcement, many fines are likely to remain unpaid and to be contested which will impact further on an already overloaded criminal justice system.

Thus, increased enforcement of the regulations and their impact may work cumulatively with other factors (e.g. loss of work, diminished formal and informal support structures, general decline in quality of life) to provoke conflict and discontent by undermining the legitimacy of government, police and potentially even the rule of law.

The issues arising from the Rule of Six have even greater salience in the case of the proposed 'circuit break'. However, other new national restrictions raise other issues, the most important of which is the sense of inequity that is likely to arise in areas which have made sacrifices during local lockdowns and achieved good results. The same applies more generally to the Muslim community across the North of England, many of whom had to limit celebrations of Eid al-Adha at the end of July.

Mitigation

- To avoid ambiguity, it is desirable that new statutory instruments receive proper parliamentary scrutiny, and that their wording should mirror established concepts in criminal law which are meaningful to those enforcing the regulations.

- The evidence base for new measures needs to be presented to the public; the conditions necessary for imposing and lifting the measures need to be made clear; and adequate time needs to be allowed for their introduction.

- In cases where there is no obvious reason for variation, discrepancies in UK legislation should be avoided (e.g. exemption/inclusion of children).

- If national measures are reintroduced, a special effort should be made to explain why localised measures are no longer sufficient. The public should be able to understand where such measures fit within a national strategy.

- In order to retain confidence in, and maximise adherence to, official guidance, government should also provide frameworks of support within affected communities.

- Meetings between households for the purposes of childcare should be made exempt from any restrictions on social gatherings (subject to reasonable limitation).

- With regard to enforcement, it is important that the police build upon earlier recommendations to invest in neighbourhood policing and continue with College of Policing guidance regarding a graded approach to enforcement (i.e. the Four 'E's).

- Police messaging should reaffirm that enforcement will be a last resort and applied only where other measures have failed or where substantial harm is likely to occur (e.g. large public gatherings).

- A national guidance framework for prioritising intervention relating to the new legislation relative to other calls for service needs to be developed by police forces and local authorities.

- Individual forces, PCCs, the NPCC and the Home Office should transparently, frequently and thoroughly gather data on enforcement activities across all protected characteristics and communities and develop protocols for changing operational practice based upon analysis of this data.

- Police forces should be seen to apply new regulations equally across communities. Special effort needs to be made in localities where police enforcement is already seen to be lax or disproportionately harsh.

Context and purpose

The aim of this briefing is to identify key security and policing issues relating to Covid-19 in the UK across the immediate and medium term (i.e. late 2019 into early 2021). The paper was conceived in response to a query from the Cabinet Office's Civil Contingencies Secretariat as to whether SPI-B had conducted any horizon scanning on these issues but the need has been made more urgent by several changes to government policy with regard to enforcement.[1]

This paper provides a summary overview, drawing on the collective insights of SPI-B's Security and Policing sub-group. It is partly concerned with the implications of future events or interventions (including the prospect of a 'circuit break'); however, the first part of the briefing examines some of the lessons to be learnt from the 'Rule of Six'. In addition to identifying challenges, this document also proposes certain measures in potential mitigation. These are more developed in relation to the Rule of Six than challenges which may arise further downstream.

New legislative context

As a slogan, the Rule of Six was designed to create simplicity but there is already some confusion among the general public and those responsible for enforcing the new regulations as to how to interpret and apply the law. This is largely due to the ambiguity of the wording of the regulations and the complexity of the circumstances in which it could and will be applied.

For example, one of the core concepts, 'mingling' remains undefined. There also seems to be ambiguity in how 'participation' (also lacking a definition) should be understood, although in practice any definition of participation would be a greater hurdle for a prosecutor than the regulation 5(6)(a) definition of gathering.

The regulations are directed toward controlling gathering and mingling between different qualifying groups, criminalising this behaviour where it occurs without reasonable excuse. However, it is the physical gathering itself, irrespective of reason, that is the issue from a public health perspective.

Lack of clarity in the regulations will mean that members of the public may commit criminal acts without intending to do so (e.g. unintended mingling when travelling to and from large events) or when they are otherwise motivated correctly.

The restrictions on gathering, and their enforcement, also infringe several human rights under the HRA 1998 and European Convention; Article 8 ECHR (right to privacy and respect for family life), Article 9 (freedom of religion), Article 10 (freedom of expression), and Article 11 (freedom of assembly and association).

Restrictions on these qualified rights can be justified if they are necessary and proportionate to protect public health, but this may require the state to explain why outlawing the type of gatherings restricted by the regulations is needed to prevent infections; i.e. in contrast to less restrictive alternatives (e.g. closing pubs or enforcing home working, allowing crowds at football matches).

Further, compliance of the regulations with human rights legislation may be undermined by the uncertainty inherent in the regulations (in terms of the timing of their release, their unclear drafting, and how they have been communicated to the public) and their application in practice.

If inconsistencies in enforcement are seen as arbitrary or discriminatory, they are more likely to be considered breaches of human rights by the courts. We already know that Fixed Penalty

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[1] https://www.theguardian.com/world/2020/sep/19/10000-fines-warning-for-failing-to-self-isolate-as-covid-infections-soar?CMP=Share_iOSApp_Other

Notices for breach of the previous iterations of the Public Health (Coronavirus) regulations have fallen disproportionately on BAME communities, for example.

Implementation

These extensions, ambiguities and constraints may all raise issues of illegitimacy that will make enforcement more challenging than during the first phase of national 'lockdown'.

Police have particular concerns regarding the 'top down' process through which the law has been enacted; specifically, the fact that amendments were pushed through late at night and only fifteen minutes before the regulations were due to come into force. When published, the text did little to clarify the new restrictions. The accompanying guidance for the regulations was published some two days after it came into force.

The legislation and associated enforcement issues encroach on a wide range of contexts including family gatherings in private homes. This extends police powers beyond those they normally exercise but provides insufficient powers for the authorities to enforce the legislation (e.g. power of police entry).

To aid enforcement of the Rule of Six, neighbours are being asked (a) to inform on one another to authorities; and (b) to engage in discussions with neighbours that could themselves lead to resentment and dispute.

Issues over protest gatherings have not gone away – in the form of Extinction Rebellion (XR), Black Lives Matter (BLM) and Far Right Wing (FRW) — and may escalate as the US election approaches. The football season has started and crowds up to or in excess of 1,000 may be at stadiums, leading to more massing of people on public transport as well as at associated retail outlets (e.g. pubs).

Breaking the new restrictions without reasonable excuse leads to cumulative fines but it is unclear if such forms of punishment have any effect on behaviour. Given the novelty of the law and the ambiguity surrounding enforcement, many fines are likely to be contested which would impact heavily on an overloaded criminal justice system (e.g. the majority of existing fines remain unpaid and there is a backlog of cases with some trials being delayed for two to three years).[2]

These new restrictions are being imposed at a time when there is an increasing emphasis on enforcement in policing. Indeed, the new legislation is designed to enable an extension of such enforcement. This new legislation may therefore place additional expectations upon police and thus produce a shift toward a more securitised policing approach.

Tensions relating to all these issues could build over the coming weeks, as well as criticism of the evidence base on which the measures are taken. Yet, the links between enforcement and health outcomes are far from clear. For example, in France, Italy and Spain, where enforcement has been far heavier than in the UK, transmission rates are rising more steeply than countries which have relied less on enforcement.

Threats to the rule of law

One of the greatest and most enduring risks posed by the new legislation is its potential to be seen as illegitimate among disenfranchised persons in various communities across the UK, as well as among those that believe Covid is a hoax or conspiracy. Enforcement of the regulations and their impact may work cumulatively with other factors (e.g. loss of work,

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[2] https://www.leaderlive.co.uk/news/18720120.half-coronavirus-breach-fines-not-paid/

diminished formal and informal support structures, general decline in quality of life) to undermine the legitimacy of government and potentially even the rule of law.

Since the Rule of Six came into force, there has been broader criticism of government for limitations of the testing system, leading to gatherings and tensions around testing sites as well as A & E departments. There have also been high profile debates concerning the willingness of MPs and civil servants to break international law in relation to EU exit. This issue of adherence by government to the rule of law has already been linked by some to their own willingness to conform to new Covid-19 restrictions and is likely to further undermine public perception of the perceived legitimacy of the new regulations and enforcement measures, as well of the guidance provided by government.

The new regulations introduce into law concepts that are poorly defined and have no legal precedent; most importantly, the core concept of 'mingling' remains unclear to police, local authorities and the general public. Adding to this, early government communications about what is and what is not allowed have lacked clarity and consistency. Local authorities are also implementing additional measures leading to considerable variation even in limited geographical areas. This ambiguity is likely to create considerable confusion as to what constitutes an offence.

The uncertainty that exists in relation to core elements of the regulations creates a context in which policing could become increasingly resented and securitised, as has been the case in some other countries (e.g. France). Alternatively, it could equally lead to a reluctance among police officers to enforce the law as they may have concerns about the necessity and legality of their own actions.

The opacity of the law, as well as local variations in the R number and control measures; not to mention local variations in police interpretations of law and policy (Pearson and Rowe 2020), will inevitably lead to variability in how it is applied within and across police jurisdictions and communities.

Where enforcement does take place, the lack of clarity could lead to challenges from communities who do not see it as applying to them and from communities who fear it is being applied to them disproportionally. As a result, situations are likely to arise that will raise further questions about the legitimacy of police action, increasing the likelihood that police enforcement will be contested.[3] It is in circumstances of shared perceptions of police illegitimacy that rioting can emerge.

In the case of gatherings, intentionality (i.e. the intent to engage in social interaction) appears to be necessary for an offence to be committed. However, in practice, it may be difficult to establish in law that an individual has intended to engage in social interaction. Moreover, the lack of clarity surrounding the definition and application of the new regulations is likely to lead to circumstances in which individuals are unlawfully fined, fines are not paid, challenges arise in court, and prosecutions are subsequently found to be unlawful.[4]

Research indicates that police constables often struggle to understand and apply new laws and the complexity of coronavirus regulations.[5] Frequent changes in regulations make this problem more pronounced. As an example, while 'gathering' is defined in the regulations, there may be situations in which an individual or qualifying group are present in a crowd, but do not

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[3] https://www.dailymail.co.uk/news/article-8744229/Birmingham-police-cruise-Covid-car-snare-social-distance-flouters-zero.html
[4] https://www.independent.co.uk/news/uk/home-news/coronavirus-act-unlawful-prosecutions-review-uk-a9516566.html

[5] Pearson, G. & Rowe, M (2020) Police Street Powers and Criminal Justice: Regulation and Discretion in a Time of Change. London: Bloomsbury.

satisfy the *mens rea* requirement of being present in that gathering in order to engage in social interaction outside their qualifying group. Moreover, if a qualifying group are present in one location which becomes the focus for a wider gathering, or needs to pass through a gathering, their presence may lead to police officers who have been tasked with dispersing that gathering issuing a FPN if they were unsatisfied with the 'lawful excuse' provided. And yet, an offence would not have been committed.

Another problem arising from the new regulations is that they entail the policing of private space. This raises issues about the reach of the state but also poses practical problems to police, who have no automatic power to enter private property. There is also a lack of clarity about overlapping responsibilities with local authorities (e.g. who is responsible for 'policing' infringements that take place in Licenced premises?).

While there may now be less appetite to report perceived breaches of the regulations than during the national lockdown, if the number of reports even approaches that during the lockdown it will be impossible for police to respond to more than a few. This is partly because demand on police and local authorities has already returned to levels similar to those observed prior to Covid-19. As a result, police and local authorities do not have sufficient capacity to cope with a significant increase in calls for service for breaches of the new regulations. Some types of calls have also become more common due to Covid-19, such as those concerning domestic violence and abuse against women. This increase is coupled with a decline in capacity as over-stretched refuge shelters seek to respond.

To deal with these expected demand issues, police forces we have interviewed are already applying protocols that will assist them in prioritising and filtering calls for service, but it will inevitably be the case that large numbers of reported violations of the new law will not lead directly to a visible and immediate response. For example, prior to the pandemic, the police's own analysis suggested that some forces experienced a 20-45% abandonment of calls to 101. This suggests that in the current context any significant upsurge in calls for service, for most if not all police forces in the UK, will lead to experiences in which the public are unable to contact the police when required. Public perceptions of a lack of response from the police risks undermining legitimacy of the regulations (and the police) and creating a context of insecurity and potential vigilantism.

Social cohesion

While recent data suggests that large sections of the population are willing to accept greater levels of enforcement, public opinion remains sharply divided over Covid-19 restrictions. There is also the possibility that the new measures will be seen disproportionately to affect (and be imposed upon) low-income groups and BAME communities.

By its very nature, policing focuses more on areas of socio-economic deprivation, which tend to be more ethnically mixed, as this is where there are a higher proportion of calls for service.[6] Thus, infringements of the new law are more likely to be detected and enforced in these areas relative to more affluent and less ethnically mixed areas.

An additional factor is that low-income groups tend to rely more on family for child-care and other forms of social support which under the new legislation may no longer be possible. The new restrictions may therefore impact upon the vulnerable as well as impede some in returning to work or, indeed, force some who have returned to work to restrict their working hours. Any loss of informal support has been found to fall hardest on women, especially BAME women.[7]

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[6] https://journals.sagepub.com/doi/abs/10.1177/1748895820933912
[7] https://www.fawcettsociety.org.uk/news/impact-on-bame-women-unequal-pressures-at-work-and-home

Fines imposed for breach of the new regulations could be more heavily applied in areas of socio-economic deprivation which may further compound impressions of social inequality, particularly in view of the disproportionate number of fines already issued to some BAME groups for breaches of the coronavirus regulations.[8] People from poorer communities will also suffer far more relative harm from fines than people with higher levels of income, particularly where these fines are large.

At the same time, there is a good deal of controversy over the exemption of 'organised sports' from the new regulations, highlighted in some mainstream and social media in terms of 'hunting and shooting'. While this exemption actually applies to all organised sports and may be justified on epidemiological grounds, the issue has already amplified an 'us and them' narrative which is likely to be dangerous where legislation is already perceived to have a discriminatory impact.[9] This will pose challenges for day-to-day policing in areas of high demand and could well feed into more serious disorder both within and between those areas.[10]

Intersecting with the above, is the issue of inter-generational inequality. The new rule is seen (and has been explicitly justified) as a measure targeting young people. In a context in which young people already feel they have made enormous sacrifices, and in which they have substantial and realistic fears over their future employment and education, the new legislation may prove to be a potent source of resentment. In localities in which relations between police and young people are already poor, this may prove combustible.

Several policing jurisdictions will be experiencing large influxes of population specifically related to the presence of universities. Young people may not always observe social distancing, particularly when socialising away from the campuses (e.g. in areas of multiple occupancy student housing). Young people have already been blamed for rising R numbers over the summer and these population and behavioural issues may aggravate intergenerational and inter-community tensions (e.g. 'locals' versus 'outsiders').

Mitigation

- Given the complexities involved in their application, it is desirable that new statutory instruments receive proper parliamentary scrutiny in order to avoid lack of clarity, and that wording more closely mirrors terms in criminal law that are already established and meaningful to those who will be enforcing the regulations. The evidence base for such measures needs to be presented. The conditions necessary for lifting the measures need to be made clear. Adequate time needs to be given to their introduction. Longer lead-time between publication of regulations and enactment would allow stakeholders to be briefed more effectively to avoid giving out mixed messages to the public and police.

- In cases where there is no obvious reason for national variation, discrepancies in UK legislation should be avoided (e.g. exemption/inclusion of children). These add to a cumulative sense of contradiction and therefore to perceptions of illegitimacy.

- It is important that the police build upon our earlier recommendations to invest in neighbourhood policing (Stott, West & Harrison, 2020) and continue with College of Policing guidance regarding a graded approach to enforcement (i.e. the Four 'E's). There is widespread evidence of the effectiveness of this approach.

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[8] https://news.sky.com/story/coronavirus-bame-groups-disproportionately-fined-for-covid-19-breaches-120372

[9] https://www.thesun.co.uk/news/12665742/grouse-shoots-hunting-exempt-coronavirus/

[10] https://www.socialsciencespace.com/2020/05/social-order-and-disorder-in-time-of-covid-excerpt-from-together-apart/

- The police should reaffirm in public messaging that enforcement will be a last resort and applied only where other measures have failed and because substantial harm is likely to occur (e.g. large public gatherings). A 'no surprises' approach is known to be valuable, but this is always underpinned by clear communications about where behaviours are likely to be subject to police enforcement.

- A framework for prioritising intervention relating to the new legislation needs to be developed within police and local authority organisations. This will allow local authorities to have a shared and transparent means of understanding responsibilities and reaching judgements about competing demands

- Individual forces, PCCs, the NPCC and the Home Office should transparently, frequently and thoroughly gather data on enforcement activities across all protected characteristics and communities. Forces should actively monitor this data to detect and understand any disproportionality and adapt their operational behaviours accordingly.

LONGER-TERM

Initial horizon-scanning has identified a number of concerns which need to be considered more fully and, in some cases, individually in subsequent papers. Some of the issues highlighted below may also serve to exacerbate the problems identified above, depending on the duration of the Rule of Six. These challenges are as follows:

Covid 'circuit-breaker'/half-term lockdown

While the details of a mooted national 'circuit-break' (or 'half-term lockdown') have yet to be decided, it seems likely that it will include restrictions on hospitality (e.g. early or total closure of some premises) and possibly further restrictions on gatherings between households. This is our working assumption.

- A blanket measure of the kind envisaged will be welcomed by some in principle but elements of it (e.g. especially household mixing restrictions) may fail to gather broad support; the divide that already exists regarding the necessity of Covid restrictions is likely to widen.

- Some areas of the country may feel that they are being penalised unfairly (an inevitable consequence of changing the narrative from national cohesion to localisation).

- More importantly, parts of the country that have made sacrifices due to local restrictions, and which have made substantial progress in lowering transmission (e.g. Leicester, Blackpool), may feel aggrieved that their sacrifice has been in vain.

- More generally, Muslim communities across the North of England, who forewent full celebration of Eid al-Adha at the end of July because of local restrictions limiting the mixing of households, may resent any national restriction which has been presented as a way of avoiding a 'Christmas Lockdown'.

- Restrictions on, or closure of, hospitality venues risks further job losses which are likely to affect young people most, as they are disproportionately employed in this sector. This will increase the grievances that many young people already have.

- People are likely to move from licensed premises (in which social distance can be enforced) to private residences, even though this may be proscribed by new regulations. Such behaviour is more likely to happen than under the national lockdown

because of fatigue and the fracturing of national consensus about restrictions. It will therefore increase the likelihood of disorder arising from police enforcement.

o Even more than the Rule of Six, any ban on meetings between households would impinge heavily on childcare and other social support, and hence on the ability to work, which is likely to increase resentment.

o As is already apparent with the Rule of Six, there are likely to be complaints about the failure of the police to enforce regulations.

o A national measure could dramatically increase cumulative fatigue with Covid-19 restrictions because it may be perceived as the outcome of failure (e.g. of testing) and because people may be sceptical of the evidence on which the decision is based. While they may be concerned about rising transmission and hospitalisation, they would need to be convinced that this *particular* measure would have the desired effect.

o If national restrictions failed to arrest transmission, there could be a dramatic loss of faith in government policy and the legitimacy of enforcement.

o If it were to be generally realised that national restrictions would have no lasting effect, and that they might need to be continually reintroduced until (if) an effective vaccination is widely available, then this could be a major cause of anxiety and a focus for civil unrest – not least because of the implications for the economy.

o Nation-wide restrictions or penalties arising from their breach could unify hitherto disparate sections of society with formerly distinct grievances (e.g. those campaigning against perceived violation of civil liberties and social injustice).

Mitigations

o Make meetings between households for the purposes of childcare exempt (subject to reasonable limitation).

o Ensure that police forces are seen to apply the law equally across communities and not ignore either 'problem areas' or more affluent ones. Special effort will be needed to do this in areas where police enforcement is seen to be selective.

o Make a special effort to explain why localised measures are no longer sufficient (but in such a way as will permit a return to localisation if necessary). In other words, allow the public to understand where such measures fit within a national strategy and what they should or should not expect in future.

o Explain to the public what will be done if the measures do not work.

Economic hardship

o Rising unemployment (especially among young and low-income people) resulting from the lockdown and anxiety over job losses following the end of furlough. The largest rises in unemployment in the UK have been among those aged 16-24[11]; a group which already feels disproportionately affected by Covid-19 restrictions.

o Possible exacerbation of unemployment/under-employment and economic hardship due to EU exit and increasing reliance on foodbanks.

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[11] https://www.bbc.co.uk/news/business-52660591

- o Probable inflation of staple food prices and shortages due to poor harvests in some parts of the world including the UK (e.g. foodstuffs derived from wheat),[12] and EU exit, as the UK imports a large amount of grain from EU countries in addition to Canada. Russia, which has come to dominate the international grain market, is pushing up global prices. Only Russia and Canada have had a 'good' harvest; elsewhere, it is average to appalling. Although the UK does not buy grain directly from Russia, wider market changes will be felt here.

- o Inequality of economic impact among low-income and BAME communities disproportionally affected by a worsening situation and ongoing Covid-19 restrictions[13].

- o Exploitation of grievances related to economic hardship and perceptions of inequality by extremist political groups and hostile states.

- o Rising criminality arising from a worsening economic situation would make it harder for the police to enforce Covid-19 legislation (enforcement was possible during the national lockdown because crime had dropped substantially).

- o Increasing homelessness as the block on evictions is lifted.

Cumulative frustration and impacts on quality of life.

- o A general sense of frustration is arising from the manner in which restrictions impact negatively on quality of life, e.g. limitations on movement and social gatherings, lack of spectator sport events; impact of a potential 'curfew' on hospitality; lack of seasonal entertainments such as Halloween and Bonfire Night; concerns over impact on family and social life during Christmas and New Year. This cumulative effect may itself give rise to lower levels of adherence and low-level social disorder.

- o The onset of autumn makes certain kinds of social disorder such as riots statistically less likely (but not impossible, e.g. Broadwater Farm in October 1985). However, longer periods of darkness assist various forms of criminality, including gatherings of large groups and sabotage (see below).

- o There is a danger that both Halloween (Mischief Night) and Bonfire Night could provide an occasion for grievances to be aired. In November 2019, for example, there was a large affray in the Harehills district of Leeds, in which police were attacked with fireworks.[14] There is potential for similar disturbances there and elsewhere.

Winter rise in transmission/hospitalisation

- o Increasing levels of hospitalisation and mortality will create considerable pressure to move toward greater levels of control; anxiety and anger may emerge over the prospect of a second lockdown or substantial tightening of measures.

- o Police may become more concerned about contracting Covid-19; policing personnel levels could be reduced by sickness and self-isolation, especially if testing is unable to keep pace with demand.

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[12] https://www.telegraph.co.uk/business/2020/08/23/dismal-wheat-harvest-could-push-price-bread/

[13]https://commonslibrary.parliament.uk/coronavirus-which-workers-are-economically-impacted/ & https://www.bitc.org.uk/wp-content/uploads/2020/04/bitc-race-factsheet-ethnicity-economic-impact-april20.pdf

[14] https://www.standard.co.uk/news/crime/youths-throw-fireworks-and-set-bins-alight-in-bonfire-night-street-battle-in-leeds-a4279786.html

o The above may contribute to an increasing distance and antagonism between authorities and the public.

Concurrency and emergency management

o The management of the pandemic has placed considerable strain on local authorities.

o The seasonal winter flu will also substantially add to the burden placed on the NHS and local health authorities.

o This strain will increase as and where they have to manage other major incidents, e.g. a weather-related incident such as flooding where local authorities may immediately face problems in accommodating and protecting displaced people whilst maintaining social distance.

New political dynamics

o Resumption of XR protests; may lead to counter protests, especially in view of recent emulation of BLM/Antifa and vandalism of the Churchill statue in London.[15]

o Emergence of new trend on the Far Left, and particularly in anarchist/eco-extremist circles, to target IT and automation as a way of countering the 4th and 5th industrial revolutions.[16] This is likely to be linked to economic hardship arising from Covid-19 if there are reports of employers using furlough to increase automation as a way of protecting against the impact of future pandemics.

o New figures are emerging on the Far/Extreme Right (e.g. Nigel Marcham); current focus on asylum seekers (e.g. Dover protest)[17] but are beginning to switch to protest against Covid restrictions. Another issue which may be significant in the coming months is Remembrance Day, i.e. if the usual events are cancelled but protests by leftist/environmental groups are permitted.

o Access to vaccination may become a significant political issue if there are perceptions of inequality of access; this is likely to occur once stage 3 of prioritising, as currently defined by the WHO, is reached (i.e. when vaccination is rolled out beyond some key workers and high-risk groups).[18]

o Covid-19 policing may become a significant issue in PCC elections.

o The effect of possible disorder in the US associated with different election results and corresponding Right-Wing and Left-Wing protests.

Logistics/process

o to the roll out of vaccination may give rise to issues relating to implementation as well as with the supply chain. Would the Army be required to assist with vaccination or extension of restrictive measures? How would the government manage expectations in terms of when vaccines will be available, and how will they ensure that vaccines are not seen as being given out initially in a discriminatory way?

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[15] https://www.thesun.co.uk/news/uknews/12637247/winston-churchill-statue-extinction-rebellion/

[16] E.g. https://325.nostate.net/

[17] https://www.urban75.net/forums/threads/fascist-action-planned-for-dover-kent-5th-of-september.371816/

[18] https://www.bbc.co.uk/news/health-54027269

- o Need to consider possible logistical disruption caused by disbanding of PHE.

- o Blockage and backlog in the criminal justice system, making it difficult to process Covid-19 related offences.

Hate crime

- o The tensions caused by prolonged Covid-19 restrictions and economic hardship may lead to a rise in hate crime of various types, but most obviously targeted at certain ethnic groups who may become scapegoats.

- o It is currently difficult to measure trends in hate crime due to variations in measurement across police forces. It is therefore necessary to establish a firm evidence base for perceptions of hate crime. Data from individual forces such as the Metropolitan Police Service shows a sharp rise in hate crimes from late April through to June, as the national lockdown was eased. This could suggest that certain ethnic groups became scapegoats for frustration relating to the lockdown. The imposition of stringent restrictions nationally or locally could have a similar effect.

- o The return of university students may lead to attacks on students if it is feared that they will bring infection into the community. Students of East Asian appearance may also become scapegoats for the pandemic more generally. There is a need to get feedback from these and other groups which are likely to be victims of hate crime, particularly as many may be reluctant to report them. Local forces may usefully become more involved in ensuring campus safety for BAME and international students.

Sabotage

- o The roll out of vaccination will provide an opportunity for mobilisation and disruption by anti-vaccination groups, some of which are backed by hostile state actors.[19]

- o Attacks on symbolic targets such as 5G masts may resume as the nights become longer; these have also been encouraged by hostile state actors,[20] although the motivations for the attacks are diverse (e.g. health concerns; OCG activity; and anarchist/eco-extremist groups).

Unintended consequences for other initiatives

- o If adopted widely, contact tracing apps have the potential to help reduce the spread of the virus. Different tracing apps do different things and use different technologies. Those that use Bluetooth make it possible to determine those people who have been in close proximity, providing detailed information that could be used to help reduce transmission. At present, Apple and Google protocols ensure that data are anonymised and not stored centrally. However, unless there are clear communications, there is a risk that the public will not understand these privacy protections and fear highly punitive consequences that are associated with coming into proximity with infected people Were this to be the case, it is possible that some will not adopt these apps for fear that they will be used by the authorities for the purposes of surveillance, such as detecting violations of the Rule of Six or other

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[19] https://www.cbsnews.com/news/anti-vax-movement-russian-trolls-fueled-anti-vaccination-debate-in-us-by-spreading-misinformation-twitter-study/

[20] https://allianceforscience.cornell.edu/blog/2020/04/anti-vaxxers-and-russia-behind-viral-5g-covid-conspiracy-theory/

Covid regulations. Such narratives would also feed into extremist agendas and would likely be exploited by both extremists and hostile state actors, which could provoke increased levels of participation in protests and associated disorder.[21]

CONCLUSION

All these issues and outcomes risk undermining the perceived legitimacy not just of the police but of the legislation, the government, and the criminal justice system, as well as undermining adherence to other measures taken to deal with Covid-19. In other words, there is a danger that cumulative U-turns and incoherence of messaging, or perceived contradictions in government policy, may reduce the legitimacy of the state and the rule of law, making control of Covid-19 more difficult in the long-term.

Taken together, it is clear there are substantial policing and security issues that require ongoing consideration. However, due to the rapid levels of change and uniqueness of the situations confronting us, it is difficult to develop an evidence-based assessment based on existing research. In order to examine the longer-term challenges, particularly those identified in the second section of this briefing, there is an urgent need for our group to gather data. In some cases, this will acquire the collection of new data but in most cases the data already exists e.g. in relation to hate crime, assaults on police. Therefore, we propose to work with local authorities and community groups. the College of Policing, SAGE Secretariat and other government departments to devise a more systematic approach to the collection and analysis of data.

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[21] https://www.theguardian.com/uk-news/2020/sep/19/coronavirus-protesters-in-london-may-get-arrested-police-warn