

CORONAVIRUS POWERS: FAQs



It is not yet clear how the state will enforce the new powers outlined in the Coronavirus Act 2020 and other related legislation. To the best of our current knowledge, the information outlined below is correct but – as always – it is best to seek advice from a lawyer if you have experienced an interaction with the police that you don't think was proportionate, reasonable or lawful. Since NPMP is not a law firm (although we can signpost you to legal advisors), please use the below as tentative guidelines only.

WHAT POWERS DO THE POLICE HAVE TO STOP ME GOING OUT/MEETING WITH FAMILY AND FRIENDS?

Unless you are self-isolating or shielding, you can leave your home if you have a reasonable excuse. This might include shopping for necessities, to exercise, and to travel to work if you are unable to work from home. You may also leave the house for any medical need, including to provide care to a vulnerable person or to escape risk or harm (for example, domestic violence). This list is non-exhaustive. The main thing is that you must have a reasonable excuse. The children of critical workers may also be able to attend school or a childcare provider. The government have stopped all public gatherings except where the gathering is of people who live together or for essential work purposes. The police can instruct you to go home, leave or disperse an area and instruct you to take reasonable steps to prevent your children breaking the above rules. They can issue you with a fixed-penalty notice (£60) or arrest you if you do not comply. They are also permitted to use reasonable force to make you comply.

The police are encouraging you to report your neighbours and others if you believe that they have broken the rules outlined above. But please think carefully before rushing to report to the police. There are any number of reasons why people might be outside, including that their home is unsafe, they have no home, or they may have learning needs or mental ill-health. Calling the police might threaten their safety. Consider if another form of intervention, or no intervention at all, might be more appropriate.

WHAT NEW POWERS OF DETENTION DO POLICE (AND IMMIGRATION) OFFICERS HAVE?

The emergency powers allow a health officer, police officer or immigration officer to direct or remove someone to a suitable place for screening or assessment if they have reason to suspect that person might be infectious with COVID-19. As part of the assessment, you may be required to provide a biological sample. If a health or police officer requires you to remain at a suitable place for assessment, they can detain you for up to 48 hours. An immigration officer can detain you for up to 12 hours. After an assessment or screening has taken place, a health officer may impose a requirement of restriction on you if the screening shows you are infected or was inconclusive, or if an officer has carried out an assessment and has reasonable grounds to suspect you are potentially infected. Restrictions may be imposed on your movement, activities and/or contact with other people for up to 14-days. It is deemed an offence to fail to comply with the directions of health, police or immigration officers, without reasonable excuse, and you may be fined £1000.

This power is aimed simply at people suspected of having the infection. We are gravely concerned that police and immigration officers are ill-equipped to make this medical judgement and will instead rely on subjective interpretations, informed by pre-existing bias. Please think twice about reporting someone to the police. Police, immigration or health officers should have reasonable grounds to suspect that a person might be infectious with COVID-19 before they direct or remove them. We know that the notion

of reasonable suspicion is open to abuse but always ask what the reasonable grounds are and collect copies of any paperwork.

DO THE NEW POWERS APPLY TO CHILDREN TOO?

The above powers to direct, remove and detain also apply to children. An individual who is responsible for a child is required to ensure, as far as possible, the child complies with any direction or restriction imposed by police, immigration and health officials. They are also expected to provide information and assistance in relation to the child when asked by officials. As an individual responsible for a child, it is an offence to fail to comply, without reasonable excuse, with the duties outlined above.

It should be noted that the powers to carry out an assessment and/or detain a child may only be exercised in the presence of an individual who has responsibility for that child or an appropriate adult. Police, immigration or health officials should take all practical steps to contact the individual who has responsibility for the child.

HOW WILL THE NEW POWERS AFFECT JURY INQUESTS?

Usually, a jury inquest will take place for a death following police contact or during state detention, or because of an accident, poisoning or notifiable disease which should be reported to the authorities. Under the emergency powers, COVID-19 is not deemed a notifiable disease and as such, inquests for deaths caused by it will not require a jury. The legislation makes no changes to jury inquests for deaths following police contact or during state detention. Although, coroners courts have been instructed to postpone such inquests. This is a concern to us because it delays a potential route for holding the police to account in cases involving deaths following police contact.

CAN THE POLICE USE FORCE TO MAKE ME COMPLY WITH THE NEW POWERS?

Officers are permitted to use 'reasonable force' to enforce the new emergency powers. For a police officer to use reasonable force it should be considered necessary and proportionate.

However, there is a long history of the police using excessive force, particularly against Black and Asian communities. Please report any abuses of power to us and we can signpost to legal support.

HOW CAN I CONTACT NPMP TO REPORT INTERACTIONS WITH THE POLICE?

You can contact Northern Police Monitoring Project via email at: whopolicesthepolice@gmail.com

You can find out more information about us at: www.npmp.co.uk

Or follow us on Twitter: [@npolicemonitor](https://twitter.com/npolicemonitor)

WHICH OTHER GROUPS SHOULD I LOOK TO FOR UPDATES AND ADVICE?

Kids of Colour - <https://kidsocolour.com/>

Netpol - <https://netpol.org/>

London Campaign Against Police and State Violence - <https://londonagainstopoliceviolence.wordpress.com/>

StopWatch - <http://www.stop-watch.org/>

Racial Justice Network - <https://racialjusticenetwork.co.uk/>

Sisters Uncut - <http://www.sistersuncut.org/>

Liberty - <https://www.libertyhumanrights.org.uk/>

The Monitoring Group - <http://www.tmg-uk.org/>

Green & Black Cross - <https://greenandblackcross.org/>

Big Brother Watch - <https://bigbrotherwatch.org.uk/>