



APRIL 2020

STOPWATCH

Research and action for fair
and accountable policing

COVID-19 AND THE POLICE
HERE'S WHAT YOU NEED TO KNOW

NEW POLICING POWERS HAVE BEEN INTRODUCED IN EMERGENCY LEGISLATION BROUGHT IN TO TACKLE COVID-19.

1. THE NEW LEGISLATION DOES NOT CHANGE POLICE'S EXISTING STOP AND SEARCH POWERS OR YOUR RIGHTS DURING A SEARCH

You can ask questions – what grounds you've been stopped under; what legal power they are using; what they are looking for; the officers' ID number, and the station they are registered to.

You can record the search or ask a passer-by to film for you – make sure your filming does not obstruct the search as obstruction is an offence, and tell the police if you are reaching for your phone to film.

They must give you a receipt

You do not have to give your name and address unless they are reporting you for an offence. The police can only search outer clothing, pockets and bags in public.

You should not be handcuffed, if you are not resisting or threatening to resist.

You can be handcuffed if the police believe you are a threat to them or suspect you to be in possession of an offensive weapon.

2. POLICE HAVE NEW POWERS TO TAKE NECESSARY ACTION TO RESTRICT PUBLIC GATHERINGS OR PEOPLE LEAVING THEIR HOMES

A: Break up gatherings

Police have powers to stop groups of more than two people gathering in public.

The only exceptions are if those people live together, the gatherings are essential for a work purpose, they are providing assistance to a vulnerable person, providing emergency, assistance, participating in legal proceedings or moving house (where this could not be rearranged)" or "funerals attended by immediate family, or where there are none, close friends".¹

A vulnerable person is someone with an underlying health condition, who is over 70, or who is pregnant.



Download the Y-Stop app to have a guide to these rights in your pocket at all times.

[Y-Stop app for Android here](#)

[Y-Stop app for iOS here](#)

The app has record function where users can record any police encounters that they might be concerned about.



B: People leaving their homes without ‘reasonable excuse’

Police have the power to direct someone (including children)

to their home if they believe they are “outside of the place where they are living without reasonable excuse”. The law that these new powers fall under is called The Health Protection (Coronavirus, Restrictions) (England) Regulations 2020:

Police can issue on the spot fines for non-compliance if

they determine your excuse is not reasonable (“£60 payable within 28 days, but this is reduced to £30 if paid within 14 days).

Police cannot issue fines to children under 18 years old; however, parents or guardians can be fined if they do not ensure their children comply.

The police potentially can also arrest and charge under this regulation.

Be aware, police are able to “use reasonable force” if necessary to return a person home or to make arrests.

A reasonable excuse includes shopping for essentials like food, taking care of a vulnerable person, exercising, and travelling to work when it is not possible to work from home.

The police already have powers to stop vehicles for any reason, and you may be cited under these powers if you are out in your vehicle without a ‘reasonable excuse’.

Unless conducting a search or arrest, police should maintain physical distance measures as much as is practicable.

3. Tell us or complain if anything feels wrong

If police do engage you under the new COVID-19 powers, stay calm, and remain confident as is good practice in any encounter with police.

If anything feels wrong about the encounter, contact us.

We can help you hold officers to account. You can also follow the official complaints procedure yourself.

It is always good to ask for the officers’ details (the officers’ ID number, and the station they are registered to), and you are allowed to film police so long as this does not obstruct their work. Doing these things can help you and us hold police to account if anything is not right about the encounter.

These powers should be used by police proportionately – activities like roadblocks checking all cars in an area or asking members of the public to stop and account for their activities have already been flagged as not appropriate under these powers by the National Police Chiefs’ Council and College of Policing. During encounters with the police, officers should be observing ‘personal safety’ as stated in the COP guidance document. If you see any activity that you feel to be disproportionate, please contact us.

The law that these new powers fall under is called The Health Protection (Coronavirus, Restrictions) (England) Regulations 2020:

2 National Police Chiefs’ Council and College of Policing, 2020. COVID-19 - Policing brief in response to Coronavirus Government Legislation. P. 10. 3 National Police Chiefs’ Council and College of Policing, 2020. COVID-19 - Policing brief in response to Coronavirus Government Legislation. P. 10. 4 National Police Chiefs’ Council and College of Policing, 2020. COVID-19 - Policing brief in response to Coronavirus Government Legislation. P. 10.;

<https://www.college.police.uk/News/College-news/Pages/Health-Protection-Guidelines.aspx> (accessed 07/04/2020)

5 National Police Chiefs’ Council and College of Policing, 2020. COVID-19 - Policing brief in response to Coronavirus Government Legislation. P. 10.



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