

# STOPWATCH STATEMENT

# NEW COVID-19 POLICING POWERS



Stopwatch recognises that the public health crisis we all face calls for decisive and effective action from our Government. The need for social distancing practices is clear and we recognise the police have the potential to support communities in achieving this. However, as an organisation that advocates for fair and accountable policing practices, we believe there are areas of concern relating to the new **powers** police have been afforded. We would welcome action on the below from the Home Office and police forces nationwide.

## Are these powers being used proportionately?

In the few short weeks since the new police powers came into force, repeated examples have surfaced of police deploying these powers in potentially overzealous ways.[1] Indeed the first arrest and subsequent conviction under these powers of a rail passenger in Newcastle by British Transport Police has already been overturned.[2] Police have a responsibility to understand the limits of the new powers; if they do not, this will likely damage police-community relations. For example, we feel it is particularly pertinent that police understand these powers do not allow for stop and accounts to take place.[3] This overreach is concerning in and of itself, but more so when we consider this might damage community support for necessary social distancing measures. Indeed, recent survey data suggests this may already be taking place.[4] The Police Federation state that police have not had the opportunity to be trained on these new powers yet, due to the speed with which they were introduced[5] – this needs to be addressed as a matter of urgency.

[1] <https://policing-the-corona-state.blog/>

[2] <https://www.thetimes.co.uk/article/woman-wrongly-convicted-under-new-coronavirus-law-did-not-speak-a-single-word-to-police-or-in-court-0kjq9zrhj>

[3] National Police Chiefs' Council and College of Policing, 2020. COVID-19 - Policing brief in response to Coronavirus Government Legislation.

[4] <https://metro.co.uk/2020/04/08/third-brits-think-police-gone-far-enforcing-lockdown-12526363/>

[5] <https://metro.co.uk/2020/04/07/police-blame-government-warnings-harsh-treatment-lockdown-12523081/>

[6] Shiner, M., Carre, Z., Delso, R. and Eastwood, N., 2018. The colour of injustice: 'race', drugs and law enforcement in England and Wales / Lammy, D., 2017. The Lammy review: An independent review into the treatment of, and outcomes for, Black, Asian and Minority Ethnic individuals in the Criminal Justice System. London.

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## The police must practice social distancing

While we recognise there will be times in policing where social distancing is not practically possible, at all other points the police should be leading by example and strictly observing the social distancing recommendations. Like any other member of the public, a police officer can put themselves and others at risk through social contact. The need for officers to socially distance is included in the College of Policing and the National Police Chiefs Council's guidance for police on the new powers.[7] We will welcome details from forces on how they plan to ensure their officers understand this responsibility.

## Do these powers raise data protection concerns?

The situation surrounding coronavirus is fast moving and has warranted swift policy action. However, the speed of these changes must not sacrifice necessary data protection measures. For example, we have already seen police potentially mishandle data in relation to mass contact of a mutual aid group.[8] If proposals to loosen restrictions on movement through mass testing do develop, we could see situations where police have access to or ask members of the public to share medical data with them. This obviously raises substantial data protection concerns and any moves in this direction would need to be made with adequate safeguards in place.

[7] National Police Chiefs' Council and College of Policing. 2020. COVID-19 - Policing brief in response to Coronavirus Government Legislation.

[8] <https://twitter.com/rosieaclarke/status/1247877250814484480?s=20>