

Editorial

The role of police in overcoming the pandemic

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According to the definition provided by WHO, a pandemic is a major epidemic, characterized by the spread of infectious disease throughout the country, the territory of neighboring countries, and sometimes most countries in the world. It starts when there is a new virus, to which most people do not have immunity, or there are no effective means of prevention, that is, vaccination and treatment. Pandemic viruses are usually derived from animal viruses (World Health Organization, 2010).

On March 11, 2020, WHO declared a worldwide pandemic of the coronavirus COVID, which was called a “controlled pandemic”. WHO Director-General Tedros Adhan Gebraeus stated: “WHO is deeply concerned by the alarming levels of the coronavirus spread, severity and inaction, and expects to see the number of cases, deaths and affected countries climb even higher. Therefore, we made the assessment that COVID19 can be characterized as a pandemic”. According to the Head of WHO, “the world has never before faced a pandemic caused by a coronavirus, as well as a pandemic that can be controlled”. (World Health Organization, 2020).

It is worth noting that the coronavirus pandemic is not the first one known to mankind. Justinian’s plague became the world’s first recorded pandemic that took the lives of more than 25 – 50 million people (about 13% of the world’s population at the time). The outbreak of the disease occurred in 541 – 550 years (Eastern Roman Empire during the reign of Emperor Justinian).

The second plague pandemic in the history of mankind, called the “Black Death”, broke out in

China, gradually conquering India and reaching Europe in the 1340 – 1350.

The history of mankind counts as many as 7 cholera pandemics (from 1816 to 1960), which became a “plague of the 19th century”. Only to 1860, this infectious disease had taken the lives of about 40 million people.

The Spanish flu pandemic began in the last months of the World War I in 1918 – 1919. A new strain of the virus (H1N1) claimed the lives of about 50 – 100 million people (3 – 5% of the planet’s population at the time).

Overcoming the pandemic requires coordinated action by all States at all levels, cooperation and mutual assistance. History had shown that closing the borders of the country and imposition of quarantine have been the most effective means to counter mass infectious diseases. Thus, already in 549, the Emperor Justinian issued a decree banning the movement and detention of people who came from areas where the plague was recorded. It was a prototype of the future quarantine.

During the Black Death raid on our planet, cities that suffered from outbreaks of disease, in the absence of medical treatments for infection, protected their citizens by quarantine. For example, all the ships, which arrived on the shores of the cities from other countries (even food carriers), had to stay away within 40 days.

In 1919 – 1920, quarantine measures were introduced to counter Spanish flu pandemic; schools, theaters, courts, and churches began to

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close down (mortality was very high, so some of these institutions were used as mortuaries); sometimes sellers forbade customers from entering the shops and sold their goods on the streets.

To overcome the pandemic of 2020, European countries are also closing their borders en masse, and quarantine measures are being introduced in their territories. According to the International Health Regulations quarantine means the restriction of activities and/or separation from others of suspect persons who are not ill or of suspect baggage, containers, conveyances or goods in such a manner as to prevent the possible spread of infection or contamination (World Health Organization, 2008). Quarantine is set for the period necessary to eliminate an epidemic or an outbreak of a particularly dangerous infectious disease. During this period, the operating modes of enterprises, institutions, organizations may change, and other necessary changes may be made regarding the conditions of their production and other activities. Only persons who have submitted a certificate entitling to leave the quarantine territory shall be allowed to leave the quarantined territory before its cancellation.

It is obvious that the rights and freedoms of an individual may be subject to legal restrictions, due to the need for public health for the quarantine period. The balance of individual and public health interests is reflected in the case-law of the European Court of Human Rights, in particular in the case of *Solomakhin v. Ukraine* (2012). The ECHR noted that “the interference with the applicant’s physical integrity could be said to be justified by the public health considerations and necessity to control the spreading of infectious diseases in the region” (paragraph 36).

The main role in controlling citizens’ compliance with quarantine measures is given to the police forces of each State. Firstly, the police maintain public order in the contaminated area. Secondly, police officers are responsible for monitoring the compliance with statutory restrictions, such as travel ban, meeting ban, prohibition from leaving observation or quarantine places, prohibition on public gatherings and other mass events, etc. Besides, police are following up implementation of the requirements of closing all shops and supermarkets (except grocery ones), shopping and entertainment centers, theaters, cinemas, etc., that is, implementation of the restrictions imposed on legal entities and individual entrepreneurs.

For example, in the UK police and immigration officers would be given new powers to detain people and put them in isolation facilities “if necessary to protect public health”, under the proposed new law. In Greece, police officers arrest all those who violate the regime of self-isolation; Italian police is entitled with the same right. Mumbai police prohibits any gathering with more than 5 participants. France will deploy 100,000 police to enforce the lockdown and fixed checkpoints will be set up across the country. In Spain, police use drones for keeping citizens at home, as these devices “remind” those, who walk in the streets, of the need to return home.

The powers of police officers for the period of quarantine in Ukraine are enshrined in the Law of Ukraine “On the Protection of People from Infectious Diseases”. In particular, the Law stipulates that the organization and control over the observance of the legal regime established in the territory of the quarantine, timely and complete implementation of preventive and anti-epidemic measures are entrusted to local executive authorities (to which the police authorities belong). Police officers, in particular, are authorized to establish a special regime of entry and exit, and if necessary – to carry out sanitary inspection of things, luggage, vehicles and goods; they are involved in the establishment of quarantine checkpoints, in the conduction of raids to verify the compliance with the quarantine restrictive measures.

In exercising these powers, the police are guided by the relevant provisions of the Criminal Code of Ukraine (CC of Ukraine) (Article 325 “Violations of Sanitary Rules and Regulations on Prevention of Infectious Diseases and Mass Poisoning”) and the Code of Administrative Offenses of Ukraine (CAO of Ukraine) (Article 42 “Violations of Sanitary Rules”).

Besides, in order to prevent the spread of the coronavirus among the population of Ukraine and to create the legal basis for the prompt implementation of the set of urgent measures to prevent this disease, the Ministry of Internal Affairs of Ukraine recently submitted to the Verkhovna Rada of Ukraine a Bill containing amendments to the CC and CAO of Ukraine. The Ministry, in particular, proposes to supplement Art. 42 of the CAO of Ukraine with Part 2 “Violations of Sanitary Standards Established to Combat the Spread of a Particularly Dangerous or Dangerous

Infectious Disease”, and the Criminal Code of Ukraine – with the relevant articles, which provide responsibility for the refusal to examine or treat the persons, who have the symptoms of a particularly dangerous or dangerous infectious disease; deliberate concealment of the source of infection with a particularly dangerous or dangerous infectious disease; unauthorized leaving of the quarantine zone; infection with a particularly dangerous or dangerous infectious disease.

It should be noted that in the case of committing of the specified administrative offense, the police officer files an administrative protocol, which is the basis for imposition of a statutory fine on the perpetrator. All the above criminal offenses are under the investigative jurisdiction of the National Police of Ukraine, that is, the police carry out pre-trial investigation in these crimes.

The operational environment is extremely difficult in special circumstances (in particular, in the case of an epidemic or a pandemic), which requires other methods of solving official tasks, improving the quality of management, strengthening logistics. Therefore, the activities of the police are prepared in advance. Taking into account the operational situation, available information, political, economic, social conditions, geographical location, other circumstances, the place and the time of possible occurrence of events and phenomena that may cause special conditions are determined in advance. If the occurrence and development of special conditions can be predicted or expected, typical ad hoc plans should be developed to prepare the staff and the necessary logistical support of the police.

Such plans should determine the available forces and means, the composition of the detachment, additional forces and means, reserves, options for enhanced duty, the terms of high or operational readiness, the communication scheme, specific executors and their responsibilities, the courses of action for various options of emergency development. The plan includes operational maps, alarm schemes, main and reserve locations, procedure for interaction with other law enforcement agencies. The plan should also

indicate the grounds and procedure for putting the plan into effect. Management decisions, pre-designed in the form of project plans, tested in practical trainings and as close as possible to the real operational environment, are the key to effective activity of the police under special conditions.

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