

# COVID-19 POLICING IN THE PANDEMIC

Analysis of reports submitted to the COVID-19 Policing in Australia Coalition



Endorsed by:



Community Legal Centres  
Australia



GRATA FUND



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This report was written on the unceded lands of the Gadigal, Bedegal, Wurundjeri and Ngarigo peoples. Always was and always will be Aboriginal land.

This report was commissioned by Police Accountability Project at Flemington & Kensington Community Legal Centre on behalf of the COVID-19 Policing Coalition. The report is also endorsed by the following organisations:



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# TABLE OF CONTENTS

<b>EXECUTIVE SUMMARY</b>	<b>5</b>
<b>1. INTRODUCTION</b>	<b>7</b>
1.2 The research question, method and scope	9
1.3 What is Covid-19 Policing?	10
<b>2. THE EXPERIENCE OF COVID-19 POLICING: STATISTICAL ANALYSIS</b>	<b>12</b>
2.1 State and Territory location of incidents	13
2.2 Where did Covid-19 policing take place?	13
2.3 Who was subject to Covid-19 policing?	14
2.4 What action did police take?	15
2.5 Perceived reason for police intervention	16
2.6 Reported aspects of police behaviour	17
2.7 Reported impact on complainant	17
<b>3. KEY THEMES FROM THE INCIDENT REPORTS</b>	<b>19</b>
3.1 Covid-19 policing and reported impacts on health	19
3.1.1 Directed towards danger	19
3.1.2 Exclusion from health needs and services	20
3.1.3 Impacts on the future health and well-being of policed people	21
3.2 Uneven or discriminatory impacts	22
3.2.1 Policing disabled people	22
3.2.2 Policing older people and young people	23
3.2.3 Policing race	24
3.2.4 Policing homelessness	25
3.3 Police and physical distancing	25
3.3.1 Contexts of police not physical distancing	26
3.3.2 The impact of police proximity in the pandemic	26
3.3.3 Observation of police not social distancing from one another	27
3.4 Legal uncertainty and policing	27
3.4.1 Expectations of police as legal educators	27
3.4.2 Perceptions that police applied the law incorrectly	28
3.4.3 Other policing practices evident from the reports	29
3.5 Protest	30
<b>4.0 CONCLUSION</b>	<b>32</b>
<b>APPENDIX A</b>	<b>33</b>

## *LIST OF TABLES*

**TABLE 1: NUMBER OF REPORTED INCIDENTS BY STATE OR TERRITORY AND CAPITAL CITY**

**TABLE 2: SELECTED COVID-19 OFFENCES IN 2020 BY STATE OR TERRITORY**

**TABLE 3: LOCATION OF REPORTED INCIDENTS**

**TABLE 4: TYPE OF ACTION TAKEN BY POLICE**

**TABLE 5: PERCEIVED REASON FOR POLICE INTERVENTION**

**TABLE 6: REPORTED ASPECTS OF POLICE BEHAVIOUR IN THE ENCOUNTER**

**TABLE 7: REPORTED IMPACT OF INCIDENT ON COMPLAINANT**

# EXECUTIVE SUMMARY

From March 2020 onwards, all Australian states and territories passed special laws introducing new police powers and criminal sanctions aimed at enforcing Covid-19 restrictions.

This report analyses 90 incident reports submitted by individuals of their Covid-19 policing experiences that were recorded on the COVID-19 Policing website between April 6 and August 1, 2020.

Reports were received from all states and territories apart from the ACT, but the majority (71%) originated from Victoria, where most of the participating organisations were based.

The data collection ends just prior to the 2 August 2020 commencement of Victoria's State of Disaster which provided Victoria Police with greater powers to enforce self-isolation and mass gathering bans.

Almost all the reports concerned complaints about police behaviour.

## The statistical snapshot

- The most frequently cited location of police intervention was while individuals were in public or outdoor locations (on the street, at a park or beach or other outdoor location, or in a car) which together accounted for 65.5% of the reported incidents.
- The most common police intervention reported was a direction to move-on (61.1% of reported incidents) which did not typically result in a person receiving an infringement notice or criminal charge. Of all those who lodged a report, 48.9% had their details recorded by the police, 36.7% received a warning and 36.7% received a Covid-19 penalty for breaching Covid-19 directions. Many complainants experienced more than one action by police. Few complainants were charged and arrested, and the incidents that were reported may have been in relation to other criminal charges.
- Although the numbers are too small to be conclusive, six Aboriginal or Torres Strait Islander complainants reported outcomes at the more serious end of the enforcement spectrum, consistent with findings of over-representation in policing statistics from other sources.
- The most common sources of complaint were that the intervention was unreasonable (reported by 61.4% of people) or that police were rude or intimidating (60.2%). Problems with communication were another source of dissatisfaction, with 13.6% of complainants claiming that police failed to explain their actions and 25% reporting a failure to listen to the complainant's explanation. Some complainants thought the police were using Covid-19 rules for another purpose (11.4%) or were applying rules inconsistently (20.5%), and 19.3% of people noted that police were breaking the rules themselves.



## Key themes from the incident reports

We identified the following key themes from the narrative reports:

- *Tensions between the objectives of Covid-19 policing and reported impacts on health*

While Covid-19 laws and policing were introduced to meet public health objectives to prevent disease transmission, a key theme that emerged from the incident reports was that at times Covid-19 policing had adverse effects on people's exposure to infection – either through directions to places that were enclosed or, in some protests, more crowded; and through police failure to maintain social distance in interactions with individuals.

Many of those submitting reports to the website also described how Covid-19 policing had affected their health – it reduced their access to health services (or their recourse to independent self-organised health initiatives such as drug detox); it resulted in immediate and subsequent psychological distress; and some people reported the ongoing impact of policing to be a barrier to their involvement in activities that supported their well-being such as exercise.

- *Concerns about discriminatory policing on the basis of disability, age or race*

It was significant that there were 21 occurrences in which the complainant reported feeling discriminated against either on the grounds of race/ethnicity, disability, age or gender, or sometimes a combination of these grounds. Many of these complaints emerged from police intervention while individuals were resting while exercising, an approach which discriminates against people with mobility based and other forms of disability as well as older people. While police targeting of young people in public space has long been considered, the policing of older people in public space is less commented upon and requires more consideration in the Covid-19 policing context.

- *Concerns about police not physically distancing*

A prominent complaint was that police did not physically distance themselves from the public, by standing too close or not wearing masks. Individuals expressed dismay, unease, and strong upset at police not maintaining physical distancing from each other and the public. Concern with the health risk of policing escalated when police confronted individuals in circumstances regarded as unnecessary, thereby increasing the risk of accompanying exposure through unnecessary physical proximity.

Physical distancing requirements appeared to be better understood by complainants than Covid-19 rules about when it was lawful to be outside the home or to gather. Perhaps for this reason, the extent to which police physically distanced themselves became a prominent measure of the degree of legitimacy complainants afforded to police actions.

- *Concerns relating to policing and legal uncertainty*

Unsurprisingly, many complainants perceived Covid-19 policing to be unfair because of the uncertainty of the applicable rules at a particular time and place – whether because of the absence of signs about park closures, or inconsistent messaging between state governments and police officers. Some complainants believed police had applied the law incorrectly, others shared their expectation that police know and be able to advise on the legality of various activities under Covid-19 restrictions. It is significant that 61.4% of complaints believed that the police intervention had been unreasonable. This raises the likely possibility that a proportion of police move on directions, searches and fines may be unlawful. Whilst the legality of police actions is beyond the scope of this study, this likelihood raises critical considerations for police makers and police.

- *Complaints about the policing of protest.*

There were numerically few reports concerning the Covid-19 policing of protest, but these reports were significant in illustrating a continuity with controversy over police crowd control techniques, as well as the particular ramifications of policing protests in the pandemic. Complainants were concerned about police breach of social distancing requirements and also contested the legitimacy of police restrictions on socially distant assemblies such as car cavalcades.

# 1. INTRODUCTION

On 25 January 2020 Victorian Health Authorities confirmed the first case of Covid-19 in Australia.<sup>1</sup> By the end of March all states and territories as well as the Commonwealth of Australia had passed Covid-19 related laws. State and Territory governments remained responsible for the operational aspects of public health and security measures within their jurisdiction, and it is these laws and policing that form the focus of this report.<sup>2</sup> State and territory laws created new criminal offences and expanded police authority to issue fines or charge and created considerable confusion about what conduct was permitted. At various times it has been an offence to leave home without a lawful excuse and for more than two people to gather in public. It was in this context that a coalition of legal and human rights advocacy organisations formed the Covid-19 Policing Project (the ‘Project’) over common concern about the expansion of police authority to enforce new public health laws in the pandemic.

The coalition included the Flemington Kensington Community Legal Centre Police Accountability Project, Liberty Victoria, Amnesty International, Community Legal Centres Australia, the Grata Fund, Melbourne Activist Legal Support, Border Crossing Observatory, Digital Rights Watch, Flat Out, Fitzroy Legal Service, Public Interest Advocacy Centre, and the National Aboriginal and Torres Strait Islander Legal Services.

The Covid-19 Policing website was developed to monitor the everyday impact of policing during the Covid-19 pandemic in Australia. The website enabled individuals to report Covid-19 related experiences of police contact by filling out an incident report form (Appendix A). The coalition also provided regular updates (‘round-ups’) about Covid-19 policing drawn from the incidents reported to the website and from publicly available information.

This document is an independent academic analysis of 90 incident reports made by individuals to the Covid-19 Policing website about their experience of Covid-19 Policing in the four-month period 6 April – 1 August 2020. The researchers were invited by the Covid-19 Policing Coalition to undertake this analysis for the purpose of producing this research report.

Investigating people’s experience of Covid-19 policing is important because policing inherently involves coercive powers with great consequence for those policed and for society. Policing in the pandemic carries particular risks to human rights and for police misconduct due to the nature and context of the extensive powers exercised. As the oversight body for Victoria Police, the Independent Broad-based Anti-Corruption Commission, noted:

The breadth of the COVID-19 restrictions, the speed at which they were introduced, along with ongoing changes to the Chief Health Officer’s directions, increases pressure on Victoria Police and the broader public sector. Risks arise when not enough attention is given to how agencies and individuals comply with procedures that support integrity; documenting decision-making, ensuring proper procurement, and declaring and properly managing conflicts of interest, to name a few. Pressures can also increase the risk of rationalising misconduct on the basis that ‘the ends justifies the means’.<sup>3</sup>

This report provides a vital source of knowledge of people’s experiences of the policing of the first wave of Covid-19 in Australia, with a focus on Victoria. Community based collection of experiences such as this are valuable because publication of the experiences of Covid-19 policing by independent inquiries and police oversight bodies remains piecemeal and incomplete. It is important to note that as only a few of the complainants to the website stated that they had made complaints to the relevant police station after the event, this report contributes to bringing a fuller picture into view.

1. Greg Hunt, Minister for Health (Cth), ‘First Confirmed Case of Novel Coronavirus in Australia’ (Media Release, 25 September 2020) <<https://www.health.gov.au/ministers/the-hon-greg-hunt-mp/media/first-confirmed-case-of-novel-coronavirus-in-australia>>.

2. Department of Health (Cth), Australian Health Sector Emergency Response Plan for Novel Coronavirus (COVID-19), Publication No 12723 (2020).

3. Independent Broad-based Anti-Corruption Commission (Vic), Annual Report 2019/20, (2020) 7.

Issues related to those raised by complainants in this report have since been explored through examination of decision-making, laws and data by independent inquiries and research, thus highlighting the significance of the accounts in this report. For example, although the Covid-19 Policing website received relatively few complaints of discriminatory policing, a range of sources now suggest these experiences to be part of systemic practice in Covid-19 policing. The Victorian Ombudsman's investigation of the hard lockdowns of the Flemington and North Melbourne public housing estates in July 2020 found that issues of discrimination partly informed the decision to assign responsibility to Victoria Police for developing and implementing the enforcement model used.<sup>4</sup> Ombudsman Deborah Glass stated:

Documents relating to the lockdown asserted there were security concerns, suggesting the towers were a hotbed of criminality and non-compliance. But the evidence was the vast majority were law-abiding people, just like other Australians. It is unimaginable that such stereotypical assumptions, leading to the 'theatre of policing' that followed, would have accompanied the response to an outbreak of COVID-19 in a luxury apartment block.<sup>5</sup>

Further a Victorian Parliament Inquiry found that Covid-19 fines were disproportionately directed to disadvantaged Local Government Areas (LGAs):

LGAs with the highest levels of disadvantage received 0.73% per capita of the total number of fines issued from April to September 2020, and the LGAs with the lowest levels of disadvantage received 0.36% per capita of the total number of fines.<sup>6</sup>

In NSW, academic research into Covid-19 policing between 15 March-15 June 2020 showed that Aboriginal and Torres Strait Islander people were disproportionately stopped and searched for Covid-19

reasons. Where status was recorded, Aboriginal or Torres Strait Islander peoples comprised 9% of the stop incidents, 10% of the search incidents and 15% of arrests.<sup>7</sup> Of all First Nations people recorded as having been stopped, a staggering proportion—almost 74%—were then searched by police. In comparison, 63% of all non-Indigenous people who were initially stopped were then searched. The Aboriginal Legal Service NSW/ACT have raised concerns that data on Covid-19 fines issued in 2021 showed the highest proportion of fines compared to population size were being made in areas with some of the highest Aboriginal populations.<sup>8</sup>

The majority of complainants to the Covid-19 Policing website (61.4%) believed that police intervention had been unreasonable. Subsequent legal analysis of NSW Police interpretation of the Covid-19 Order from 31 March 2020-14 May 2020 concluded that police applied the Order narrowly in a way that was not reasonably proportionate to the *Public Health Act 2010* (NSW).<sup>9</sup> In particular, police issued fines in circumstances where people were sitting in cars, walking, or visiting friends 'despite this behaviour not necessarily being forbidden by the *Covid Order* and perhaps comprising a reasonable excuse'.<sup>10</sup> At the time of writing, community legal centres are beginning to speak publicly about being swamped with queries about the unfair issuing of Covid-19 related fines, with one spokesperson in NSW claiming that thousands of fines had potentially been issued incorrectly and describing the situation as a 'systemic failure by the police'.<sup>11</sup>

As the second wave of the pandemic in 2021 brings new insights into the problems of how Covid-19 is being policed, it remains important to learn from and centre the perspectives of those directly affected by Covid-19 policing. The diverse experiences of policing documented in this report add to the ongoing evidence that policing is not the solution to ending the pandemic.

4. Victorian Ombudsman, Investigation into the detention and treatment of public housing residents arising from a COVID-19 'hard lockdown' in July 2020, (2020) 173-174.

5. Ibid 5.

6. Public Accounts and Estimates Committee, Parliament of Victoria, *Inquiry into the Victorian Government's Response to the COVID-19 Pandemic* (2021) 267. >.

7. Louise Boon-Kuo, Alec Brodie, Jennifer Keene-McCann, Vicki Sentas & Leanne Weber, 'Policing biosecurity: police enforcement of special measures in New South Wales and Victoria during the COVID-19 pandemic' (2021) 33(1) *Current Issues in Criminal Justice* 76, 80-81.

8. Rachael Knowles 'Covid-19 over policing could delay NSW state recovery', National Indigenous Times (online), 2 November 2021 <<https://nit.com.au/covid-19-over-policing-could-delay-nsw-state-recovery/>>.

9. Ben Mostyn and Niamh Kinchin 'Can I Leave the House? A Coded Analysis of the Interpretation of the Reasonable Excuse Provision by NSW Police During the COVID-19 Lockdown'(2021) 49(3) *Federal Law Review* 465.

10. Ibid 494.

11. Mostafa Rachwani, 'Ridiculous: NSW Police Accused of Handing Out Unfair Covid Fines and Targeting Young People', *The Guardian* (online), 7 October 2021 <https://www.theguardian.com/australia-news/2021/oct/07/ridiculous-nsw-police-accused-of-handing-out-unfair-covid-fines-and-targeting-young-people>.

## 1.2 The research question, method and scope

This report focuses on how Covid-19 policing was experienced by people in Australia in the four-month period 6 April – 1 August 2020. The data collected is prior to the 2 August 2020 commencement of Victoria's State of Disaster which provided Victoria Police with greater powers to enforce self-isolation and mass gathering bans.<sup>12</sup> Drawing on reports made to the website, this report researches the question of who reported interaction with police or policing agents, what happened, how these encounters were experienced and their impact on policed individuals.

### *The source of data*

This Report analyses 90 incident reports of Covid-19 police enforcement gathered between 6 April 2020 and 1 August 2020, throughout Australia. Although there was a total of 97 incident reports made to the Covid-19 Policing website, seven of these reports have been excluded from analysis as they concerned matters unrelated to Covid -19 policing enforcement.

The coalition developed a website Incident Report form (see Appendix A) open to all members of the public to complete through an encrypted form on the Covid-19 Policing website. The researchers received these completed reports in anonymised form under an agreement with the website administrators and in accordance with University ethics approvals.<sup>13</sup>

The form included closed questions about the time and location of the incident, whether the incident happened to the person making the report or to another person, whether the policed person was under 18 years of age, whether the policed person was an Aboriginal or Torres Strait Islander person, and the outcomes of the policing encounter. The narrative part of the report form asked open questions. The first open question

sought a detailed summary of what happened, and the second asked 'Why do you think the police decided to stop or approach you in the first place'. Individual's responses thus reflected what those reporting considered to be significant to share.

Of the 90 reports received, 77% (69) were made by persons who directly experienced the events (self-reported), 11% (10) by witnesses, and 8% (7) by professionals who assisted the affected person. The remaining reports were by made by carers or non-described reporters.

### *Limitations*

Information about how to access the Covid-19 Policing website was circulated and shared by the coalition and partner organisations on social media, by email, and by word of mouth. The project was also highlighted on radio and in other media which further increased its reach. To the best of our knowledge, all information about the website was circulated in the English language. As such, the span of data collected is limited to individuals who had knowledge of the website, had access to a computer, and were able to document their experiences in English, or be assisted to do so. This probably accounts for the skew in the data towards Melbourne-based reports, as noted above. As reports were self-selected – whether reported by the complainant directly, or by a witness or professional assisting them - it is not surprising that almost all reports involved complaints. The analysis contained in this report should not be interpreted as an overall assessment of the Covid-19 policing effort. Neither does it entail any independent evaluation about the events reported. However it stands as a summary of reports received through this particular reporting mechanism about problematic encounters between community members and police.

12. *Emergency Management Act 2013* (Vic).

13. UNSW Sydney, Human Ethics approval number: HC200599

### 1.3 What is Covid-19 Policing?

Covid-19 policing involves three inter-related sites of police power – new criminal offences created by public health orders; new explicit powers afforded for intervention or enforcement of Covid-19 orders; and existing police powers which are part of the legal resources able to be deployed towards public health risks.<sup>14</sup> We treat new criminal offences created by public health orders as part of Covid-19 policing because these ‘new offences give police expansive discretion to decide what conduct ought to be considered an offence and reflect the practical indistinction between criminal offences and police powers’.<sup>15</sup> As this report reveals, the complaints that people have made relate to decisions about how police have deployed their formal powers (to stop, search, fine and arrest) as well as to the substantive assessments police have made as to whether a person’s conduct constitutes an offence under public health orders.

#### *Selected key Covid-19 offences and penalties*

All jurisdictions made it an offence to not comply with public health orders or directions by officers issued under public health laws, punishable by a fine or imprisonment (see table below).

During the most stringent stages of lockdown, it has been a criminal offence to not stay at home, unless a person meets specified exceptions or has a ‘reasonable excuse’. In most jurisdictions this offence would not be established, for example, if a person left home to shop for food or groceries, seek medical care, travel to work that cannot be done remotely, care for vulnerable people, attend education, care for or visit children as part of parenting arrangements, or escape harm including family violence. The stay-at-home orders did not apply to people who were experiencing homelessness.

State or Territory	Offence	Maximum penalty for individual	On-the-spot fine
<b>Northern Territory</b>	Conduct that contravenes the emergency declaration or any direction from the Chief Health Officer: <i>Public and Environmental Health Act 2011</i> (NT) s 56.	\$62,800	\$5024
<b>Western Australia</b>	Failure to comply with a Direction of the Chief Health Officer or emergency officer: <i>Public Health Act 2016</i> (WA) s 122.	\$50,000 and/or 12 months imprisonment	\$1000
<b>South Australia</b>	Fail or refuse to comply with a Direction without reasonable excuse during a declared major emergency, major incident or disaster: <i>Emergency Management Act 2004</i> (SA) s 28.	\$20,000	\$1000
<b>Tasmania</b>	Breach a Direction of the Director of Public Health: <i>Public Health Act 1997</i> (Tas).	\$16,800 and/or imprisonment for 6 months	\$756
<b>Victoria</b>	Failing to comply with a Direction or exercise of an emergency power by an authorised officer without a reasonable excuse: <i>Public Health and Wellbeing Act 2008</i> (Vic) s 203.	\$19,826.40	\$1,652
<b>Queensland</b>	Not comply with a public health direction or direction by emergency officer without a reasonable excuse: <i>Public Health Act 2005</i> (Qld) ss 362D, 362J.	\$13,345	\$1,334.50
<b>New South Wales</b>	Breach Ministerial Direction or public health order: <i>Public Health Act 2010</i> (NSW) s 10.	\$11,000 and/or imprisonment for 6 months	\$1000
<b>Australian Capital Territory</b>	Fail to comply with a direction without a reasonable excuse: <i>Public Health Act 1997</i> (ACT) s 120.	\$8000	\$1000

Table 2: Selected Covid-19 offences in 2020 by State or Territory

14. Boon-Kuo, Brodie, Keene-McCann, Sentas & Weber, above n 7, 77-78.

15. Ibid 78, also citing David Dixon, *Law in Policing: Legal Regulation and Police Practices* (Clarendon Press, 1997).

At various times, health orders or directions have also restricted public gatherings. The number of people permitted to gather in public, as well as indoors including at individual residences, was subject to frequent change. Rapidly changing directions used by governments to tailor restrictions against evolving Covid-19 risk assessments have resulted in difficulty in knowing what conduct may constitute a criminal offence at a specified time. Further, lawyers have argued that the legal interpretation of the health directions themselves is more complex than some might assume. For example, in NSW, health directions made on 30 March 2020 prohibited leaving home without a reasonable excuse, as set out in that list.<sup>16</sup> However, it has been argued that the courts would interpret the listed 'reasonable excuses' as non-exhaustive and may decide that other reasons for a person leaving home could also be reasonable.<sup>17</sup> In reality, people given infringement notices by police may pay fines for conduct that, if the matter went to court, may not be found to be an offence.

#### *Variation in approaches to Covid-19 Policing*

Covid-19 policing has taken different legal and institutional forms across states and territories. The approach adopted by the Australian Capital Territory (ACT) Police stands out from other Australian jurisdictions. In April 2020, the ACT Chief Police Officer announced a 'staged' approach to compliance, explaining 'we want to educate first before we move to warnings and fines'.<sup>18</sup> The ACT's

penalties for breach of public health directions also carried the lowest maximum penalties of all the states and territories.

In contrast, Victoria, the second most populous state in Australia after NSW, had one of the highest penalties for Covid-19 on-the-spot fines, and in April 2020 Victoria was recorded as having issued nearly three times the number of fines issued in NSW.<sup>19</sup> This might be explained by the launch of Operation Sentinel in late March 2020—a state-wide operation with more than 500 police officers dedicated to enforce Covid-19 Directions in Victoria. In addition to dedicated allocations of police, the role and remit of Protective Service Officers (PSOs) in Victoria was expanded from their prior limitation to security at designated areas such as railways. During the period of this report, PSOs were empowered to conduct Covid-19 enforcement across the entire Melbourne metropolitan area and municipal parts of regional areas and were deployed to areas including shopping and commercial centres. Later during the pandemic, on 4 July 2020 and still within the period of this report, nine public housing estates in Flemington and North Melbourne were placed into a 'hard lockdown' following the detection of 23 cases in some of the families living in the estates.<sup>20</sup> Residents were required to stay inside their homes under Covid-19 Directions. Victoria Police stationed 500 police officers across the nine tower blocks.<sup>21</sup> In September 2020, outside this report's period of study, Victoria Police's approach hardened further as it announced that police would issue the newly increased on-the-spot fine of \$4,957 in almost all cases.<sup>22</sup>

16. *Public Health (COVID-19 Restrictions on Gathering and Movement) Order 2020* (NSW).

17. Anthony Levin and Trish Kashyap, 'Law Enforcement and Police Powers in NSW during COVID-19' (2020) 32(4) *Judicial Officers' Bulletin* Judicial Commission of NSW 29, 32-33.

18. Australian Federal Police, 'ACT Policing Supporting COVID-19 Directions' (Media Release, 1 April 2020).

19. Osman Faruqi, 'Compliance Fines under the Microscope', *The Saturday Paper* (online), 18 April 2020 <<https://www.thesaturdaypaper.com.au/news/health/2020/04/18/compliance-fines-under-the-microscope/15871320009710>>.

20. Holly Mclean and Ben Huf, 'Emergency Powers, Public Health and COVID-19' (Research Paper No 2, Parliamentary Library, Parliament of Victoria, 2020), 31.

21. David Estcourt and Clay Lucas, 'Thousands of Public Housing Tenants under Hard Lockdown as COVID-19 Spreads', *The Age* (online), 4 July 2020 <<https://www.theage.com.au/national/victoria/thousands-of-public-housing-tenants-under-hard-lockdown-as-covid-19-spreads-20200704-p5590s.html>>.

22. 'Victoria Police Will Rarely Use Discretion When Issuing \$4,957 Coronavirus Fine for Unlawful Gatherings in Melbourne', *ABC News* (online), 28 September 2020 <<https://www.abc.net.au/news/2020-09-28/victoria-police-wont-use-discretion-coronavirus-gathering-fine/12710184>>.



THE PARKING OF VEHICLES  
ON ANY PORTION OF THIS  
ESTATE INCLUDING PARKING  
AREAS AND CARPAGES  
IS CONTROLLED BY THE  
PROVISIONS OF  
THE HOVING ACT 1988  
UNLESS OTHERWISE  
SPECIFIED IN THE  
CONTRACT DOCUMENTS  
AND THE HOVING ACT 1988  
MAY BE APPLIED TO ANY  
VEHICLE WHICH IS  
PARKED ON THIS ESTATE  
WITHOUT THE WRITTEN  
CONSENT OF THE  
MANAGING AGENT  
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# 2. THE EXPERIENCE OF COVID-19 POLICING: STATISTICAL ANALYSIS

## 2.1 State and Territory location of incidents

This section reports our statistical analysis of the incidents reported to the Covid-19 Policing in Australia website. This section explains what the reported incidents tell us about where incidents occurred, who was subject to policing, what action police took, the perceived reason for police intervention, the kind of concern about police conduct underlying the complaint, and the impact of the incident on the person reporting.

Reports were received from all states and territories apart from the ACT. However, most of the records (71%) were lodged in Victoria – 54 concerning events occurring in Melbourne. While Victoria Police have been particularly active in the policing of Covid-19 restrictions, this discrepancy is likely to be a result of greater public awareness about the existence of the reporting website in Victoria, where the majority of partner agencies were located. Thirteen reports related to Covid-19 policing in New South Wales and eight to Queensland, with only one or two reports being received from other states and territories. The greater number of reports related to incidents occurring in capital cities. The data and outcomes examined in this Report are thus focused on the experiences of complainants concentrated primarily in one geographic location (Melbourne, Victoria).



Number of reports	VIC	NSW	QLD	WA	SA	NT	TAS	Total
Incident occurred in capital city	54	9	4	1	1	0	0	69
Incident occurred in regional location	9	4	3	1	0	1	1	19
City or town not recorded	1	0	1	0	0	0	0	2
<b>Total</b>	<b>64</b>	<b>13</b>	<b>8</b>	<b>2</b>	<b>1</b>	<b>1</b>	<b>1</b>	<b>90</b>

Table 1: Number of reported incidents by State or Territory and capital city

## 2.2 Where did Covid-19 policing take place?

The most likely locations for reported incidents to occur were on the street (29 reports) or in the car (15 reports). Between them, these categories accounted for almost half of the reports to the Covid-19 Policing website during the collection period. Other outdoor locations such as parks and beaches accounted for another 18 reports. Together, 71% of the reported incidents occurred outdoors. Fourteen percent of incidents occurred in a private dwelling and nine percent occurred in shopping precincts.

Type of Location	Number Reported	% Total
Street	29	32.2
Car	15	16.7
Own home	12	13.3
Park	12	13.3
Shops	8	8.9
Beach	3	3.3
Other outdoor location	3	3.3
Over the telephone	2	2.2
State border	2	2.2
Home other than own	1	1.1
Hotel quarantine	1	1.1
Place of worship	1	1.1
Unknown	1	1.1
<b>Total</b>	<b>90</b>	<b>100</b>

Table 3: Location of reported incidents

## 2.3 Who was subject to Covid-19 policing?

### Age

Twelve percent of the people who indicated their age group in their report were aged under 18, which mirrors the number of persons aged between 10 and 19 years as a proportion of the total Australian population.<sup>23</sup> It also roughly reflects the proportion of people under 18 years of age that Victoria Police stopped in relation to Covid-19 health orders in the period 15 March -15 June 2020. Statistics obtained via freedom of information showed that in this period Victoria Police stopped a total of 3507 individuals which included 111 females under 18 years of age and 232 males under 18 years of age, meaning that 10% of those stopped were under 18 years of age.<sup>24</sup>

### Aboriginal or Torres Strait Islander identification

Of the total complainants who indicated Indigenous or non-Indigenous status, 7% of those whose status was known identified as Aboriginal or Torres Strait Islander, which is more than double the proportion of the total Australian population of 3.3%.<sup>25</sup> This is highly suggestive of over-representation within the complaints data, although the overall number of Indigenous complainants was small (6).

Although we do not have figures on the Covid-19 stops of Aboriginal or Torres Strait Islander peoples in Victoria, in NSW in the period 15 March -15 June 2020, Aboriginal or Torres Strait Islander people comprised 9% of the stop incidents under Covid-19 laws, where their status was recorded.<sup>26</sup> This data, obtained from NSW Police by Government Information Public Access request, suggests that the six Aboriginal or Torres Strait Islander people reporting to the Covid-19 Policing website under-reports the extent of Indigenous experience of Covid-19 policing.

23. Australian Bureau of Statistics, *National State and Territory Population - by Age and Sex* (Catalogue No 3101.0, June 2020).

24. Victoria Police, *Freedom of Information Request* (71325/20: KLH), 2 October 2020.

25. Australian Bureau of Statistics, *Estimates of Aboriginal and Torres Strait Islander Australians* (Catalogue No 3238.0.55.001, June 2016).

26. Boon-Kuo, Brodie, Keene-McCann, Sentas & Weber, above n 7, 80.

Nor do the six reports to the Covid-19 Policing website provide a sufficient basis to understand the nature of Aboriginal or Torres Strait Islander peoples' experience of Covid-19 policing. The data does however show that of the five arrests reported to the website, two were made by Aboriginal or Torres Strait Islander complainants, and two of the 33 fines issued were issued to Aboriginal or Torres Strait Islander people. Although the incidents mentioned did not occur in NSW, the concentration on the serious end of the enforcement outcome spectrum is consistent with data obtained from NSW Police which showed that Aboriginal or Torres Strait Islander people made up 15% of arrests and 10% of people searched under Covid-19 related laws.<sup>27</sup> While this analysis can only be considered indicative due to small numbers, the disproportionate reporting of complaints by Aboriginal or Torres Strait Islander people to the Covid-19 Policing website is consistent with the broader well documented experience of the over-policing of First Nations peoples.<sup>28</sup>

Aside from collecting Indigenous status, the website Incident report form did not ask people to nominate their ethnicity, cultural background or country of birth, though some did so in their narrative response. Since this information was not systematically collected we are unable to determine the extent to which reports reflect the broader ethnic and country of birth demographics of the Australian population.

## 2.4 What action did police take?

Of the total 90 incident reports, the most common action taken by police was to issue a 'move-on' direction (60% of the incidents reported), with the next most frequent action being police taking the name and address of the stopped individual (44 cases). The provision of a warning or issue of a Covid-19 penalty were also common, each occurring in 37% of the cases reported. Criminally charging individuals with failing to comply with public health directions and issuing a non-Covid-19 related penalty were the least reported actions taken by police. In many of the incidents police took multiple measures—for example, it was not uncommon for police to record the name and address of an individual, warn them, and move them on.

Being 'moved-on' commonly involved police directing people to return home if they were in public without a reasonable excuse during the imposition of stay-at-home orders. While the use of move-on powers did not typically result in a person receiving an infringement notice or charge, street police powers such as move-on directions shape the every-day criminalisation of use of public space. As discussed in the thematic analysis at Section 3 of this report, on some occasions a direction contributed to an individual's greater exposure to health risk.

In almost half of all incidents reported, police recorded the name and address of the individuals involved. This raises questions as to how recording of the event may inform how police choose to exercise their discretion should they encounter the individual again.

Action taken by police	Number of incidents where police took specified action	Percentage of incidents where police took specified action
Moved-on	55	61.1
Details recorded	44	48.9
Given warning	33	36.7
Received Covid-19 penalty	33	36.7
Other action taken	17	18.8
Searched	12	13.3
Property confiscated	8	8.9
Arrested	5	5.5
Received other penalty	4	4.4
Charged with offence	4	4.4

Table 4: Type of action taken by police

27. Ibid.

28. Chris Cunneen, *Conflict Politics Crime: Aboriginal Communities and the Police* (Allen and Unwin, 2001); Amanda Porter and Chris Cunneen, 'Policing Settler Colonial Societies' in Phillip Birch, Michael Kennedy & Erin Kruger (eds), *Australian Policing: Critical Issues in 21st Century Practice* (Routledge, 2021), 397.

## 2.5 Perceived reason for police intervention

Up to two responses were recorded from each narrative indicating the reason for the police intervention as perceived by the person who lodged the report. 130 responses were recorded in relation to the 86 reports where this information could be ascertained from the narrative.

By far the most frequently recorded reason was simply being in a public space (36 reports). This is unsurprising given that Covid-19 laws criminalise presence in public without a reasonable excuse. This reason was followed by 29 occurrences where no reason could be determined from the narrative. The latter accords with the frequently reported perception that police interventions were considered to be unreasonable. In eight instances

complainants understood they were stopped due to alleged breach of Covid-19 rules, and two individuals reported the reason as their breach of the rules. The basis for complaints relating to the alleged or admitted breach emphasised the nature of the police intervention, rather than the lack of justification.

Another set of reasons people thought police intervened was on the basis of their appearance and particular social categories—15 responses in total. Protesting (8), being out at night (6), being suspected of a non-Covid-19 offence (6), or having police called by third parties (8) were also listed as possible reasons for initially attracting police attention which subsequently resulted in Covid-19 related interventions.

Perceived Reason for Stop	Number of reports of specified reason	Perceived reason as a percentage of all reasons given	Perceived reason as percent of all 86 reports
Being in public place	36	27.7	41.9
Don't know	29	22.3	33.7
Alleged breach of Covid-19 rules	8	7.7	11.6
Targeted due to ethnicity/race	8	6.2	9.3
Police called by third parties	8	6.2	9.3
Protesting	8	6.2	9.3
Alleged offending	6	4.6	7
Out at night	6	4.6	7
Quarantine spot check	3	2.3	3.5
Because of appearance	3	2.3	3.5
Not applicable	3	2.3	3.5
Admitted breach of Covid-19 rules	2	1.5	2.3
Border check	2	1.5	2.3
Road check-point	2	1.5	2.3
Targeted due to disability	2	1.5	2.3
Targeted due to gender	1	0.8	1.2
Being in disadvantaged area	1	0.8	1.2
Arrival in Australia during Covid-19	1	0.8	1.2
Large gathering	1	0.8	1.2
<b>Total</b>	<b>130</b>	<b>100</b>	

Table 5: Perceived reason for police intervention

## 2.6 Reported aspects of police behaviour

Drawing on the narrative provided in the reports to the Covid-19 Policing website, up to three aspects of reported police behaviour for each report was recorded. This information was available in 88 of the 90 reports, and yielded 207 responses in total.

The perception that the intervention was unreasonable and that no breach of Covid-19 rules had occurred was the most frequently mentioned complaint (54), followed by rude or intimidating behaviour by police (53). The fact that police either broke the Covid-19 rules themselves (17) or

appeared to use Covid-19 rules to achieve some other outcome (10) were complaints that also appeared in a significant number of reports, as did problems in communication, either due to failure by police to explain their action (12) or disregard of explanations provided by the individuals concerned (22). Applying the law inconsistently (18), unlawfully (7), or with excessive force (6), were also frequent reasons for complaint. Two people used the reporting facility to comment favourably on their interactions with police.

Reported police behaviour	Number of complaints of specified behaviour	Specified behaviour as a percent of all police behaviour	Percentage of complainants who reported specified police behaviour
Unreasonable/no offence	54	26.1	61.4
Rude or intimidating	53	25.6	60.2
Disregarded explanation	22	10.6	25.0
Applied law inconsistently	18	8.7	20.5
Breaking Covid-19 rules	17	8.2	19.3
Failed to explain	12	5.8	13.6
Used Covid-19 rules for other purpose	10	4.8	11.4
Took unlawful action	7	3.4	8.0
Unnecessary force	6	2.9	6.8
Stopped multiple times	3	1.4	3.4
Gave poor advice	3	1.4	3.4
Positive community engagement	2	1.0	2.3
<b>Totals</b>	<b>207</b>	<b>100</b>	

Table 6: Reported aspects of police behaviour in the encounter

## 2.7 Reported impact on complainant

Up to three observations were recorded from each report indicating the impact of the incident on the person reporting. This information was available from 77 of the reports, and a total of 180 responses were recorded.

As far as could be ascertained, of the total 180 observations recorded, the majority appear to have resulted in mild to moderate reactions ranging from upset or annoyance (53), to disbelief (38), or confusion (24). Taken together, these accounted

for 64% of the responses. However, 40 reports, or more than half of the cases where this information was recorded, suggested a more serious emotional outcome in which the person reported being afraid or traumatised. Also significant were the 21 occurrences in which the complainant reported feeling discriminated against either on the grounds of race/ethnicity, disability, age or gender, or sometimes on a combination of these grounds. This is discussed further in the thematic analysis at section 3.2 of this report.

Impact of incident on complainant	Number of reports of specified impact	Percent of all reported impacts	Percent of complainants who reported this impact
Upset or annoyed	53	29.4	68.8
Afraid or traumatised	40	22.2	51.9
Disbelief	38	21.1	49.4
Confusion	24	13.3	31.2
Felt discriminated against due to race or ethnicity	10	5.6	13.0
Felt discriminated against due to age	5	2.8	6.5
Felt discriminated against due to disability	3	1.7	3.9
Felt discriminated against due to gender	3	1.7	3.9
Satisfied	2	1.1	2.6
Dissatisfied	2	1.1	2.6
<b>Total</b>	<b>180</b>	<b>100</b>	

Table 7: Reported impact of incident on complainant



# 3. KEY THEMES FROM THE INCIDENT REPORTS

In this section we turn to the findings of our qualitative analysis of the incident reports made to the Covid-19 Policing website in the period 6 April-26 July 2020. This section explores the key research question: What is the experience and impact of Covid-19 policing as reported by these complainants?

We used both concept and data driven coding of the narratives to categorise people's experiences as outlined in the incident reports and identified themes in Covid-19 policing. The main categories in coding were drawn from the nature of the incident report data itself which sets out the context of the encounter, perceived health impacts, perceived discrimination or differential treatment, and the action taken by police. All reports were received in de-identified anonymised form. As reports were often relayed in first person, unless disclosed in the narrative, it has not been possible for us to identify gender, and thus where unknown, gender non-specific pronouns have been used.

We identified the following key themes from the narrative reports, discussed below:

- Tensions between Covid-19 policing and reported impacts on health
- Concerns about discriminatory policing on the basis of disability, age or race
- Concerns about police not physically distancing
- Concerns relating to policing and legal uncertainty
- Particular complaints about the policing of protest

## 3.1 Covid-19 policing and reported impacts on health

### 3.1.1 Directed towards danger

Some reported that police directions to move-on on the basis of Covid-19 rules increased their potential exposure to infection. For example:

A family of 3, (Mother, father and young infant child in pram) were at the shop. The father walked inside to go to the shop and make relevant purchases. The mother waited outside the shop doors with the baby and sat on a seat nearby the doors, observing social distancing of greater than 1.5m from others. Police approached the mother and told her to go inside the shop as it was not allowed for her to wait outside the shop.

It was clear that the mother and child were acting safely by waiting outside and were forced into a more dangerous situation as a result of the Police intervention. (Victoria)

In this instance it appears that police sought to enforce applicable rules requiring people to stay at home except for permitted reasons such as shopping for food or other necessary goods or exercise. A number of reports similarly expressed frustration with police directions to move on from what individuals regarded as safer activities (whether solitary, in small family groupings or other small socially distant gatherings). Reports also expressed frustration with laws permitting, for example, large numbers in shopping centres or boot camp gatherings, but not informal exercise in small groups. Some complainants regarded the basis for differentiation between permitted activities under Covid-19 rules as inconsistent or illogical. Typical of street policing more generally, Covid-19 rules enable considerable police discretion over whether to take action, and if so, what type of action. Complainants often regarded that police discretion ought to be informed by a broader understanding of the relative health dangers to affected people.

In a different circumstance, a couple had been sheltering at rental accommodation in NSW with the intention to remain until travel restrictions eased. Police directed the couple to travel back to Melbourne within 24 hours on the basis that they had breached 'the unnecessary travel rule'. However, the couple believed the police direction lacked 'common sense' and would increase their exposure to infection:

Making us return now pointless from a quarantine/spread perspective because we'd been here so long and we'd be moving between, and exposing ourselves to, two distinct/separate populations... We feel doing so would jeopardise our health and safety as we live in a dense high-rise apartment... I also feel that this away time has not been as a holiday (both partner and I still working throughout the time) but as a safety precaution for our health. I think it's unfair to discriminate against those who do not have the luxury of living in a large house with private outdoor spaces. (NSW)

### 3.1.2 Exclusion from health needs and services

During the pandemic, restrictions resulted in the closure or restricted operation of some health and allied services. Two of the most serious incidents reported to the website illustrate how police decisions can have immediate and long-term health impacts on affected individuals.

One report was made by an advocate supporting a resident of one of the public housing towers in Melbourne subject to lockdown in early July 2020. The resident relied on substantial daily support from a disability support worker, but the lockdown cut her off from essential and immediate support for her mental and physical well-being. The support worker conveyed that in the first three days of the lockdown:

my client had not received any food package and had run out of her normal medication and had not had any health or mental health worker check on her welfare. She became extremely heightened and distressed at effectively being under house arrest and had become suicidal. By Monday lunchtime, my client called 000 and advised that she was overdosing on medication. Victoria Police prevented paramedics or mental health workers from attending to her to check on her welfare for approximately three hours. (Victoria)

After that time, health workers were still prevented from attending her residence, but intercom communication was permitted to talk through packing for hospital attendance, and leaving the flats. Police attendance at the towers was reported to have aggravated the situation.

My client was extremely anxious about leaving her flat and going down to the ground floor as she could see at least 15 police officers and she thought they were all there for her and would restrain her when she went down. My client has a history with the criminal justice system and has had discriminatory and traumatic experiences with Vic Police Officers. When she went down the lift and exited it, my client saw the Vic Police officers first and this heightened her. They restrained her and she was tied to the stretcher in the ambulance as she could not have an injection to sedate her as she would have had an allergic reaction to this. (Victoria)

Even after her release from hospital, the lockdown continued to affect this resident's health and safety. In the days that followed she was not permitted to return to the towers. While she obtained emergency accommodation, it was a few days before she accessed emergency food, clothing and additional medication. Further, she was denied access to Centrelink offices due to being a resident of the towers under lockdown and consequently was unable to apply for a needed crisis payment.

Another report was from someone who explained that they and their partner both struggle with mental health issues and substance dependency. The complainant described how Covid-19 restrictions made it harder to access usual support systems as '12 step meetings went online and a detox I had attended before [the provider] shut down because it was the source of a COVID cluster'. Recounting that the mental health of his partner, who was at an advanced stage of pregnancy, was affected by his relapses, the couple decided to head out of the city 'in an environment that was away from easy access to drugs, away from harm, where it made it much harder to relapse' to begin to detox and stabilise on a prescribed drug treatment for opioid dependency. However, during their stay, a police officer visited and questioned them, and an issue of discussion appeared to be whether the couple could reside together. Whereas the complainant understood from Victorian Department of Health online information that overnight stays were permitted if one partner was pregnant or had mental health concerns, the police officer disagreed, stating it 'was only relevant if I was visiting someone to GIVE care'. The next day the officer returned and as the couple were still there, issued two fines of about \$1600 each, which caused immediate

distress. Police discretion over what amounts to the provision of care in this circumstance was overly narrow and failed to take into account the Covid-19 specific reduced access to mental health and drug services. The complainant explains the impact:

I don't think this was the intention of the laws. I haven't been able to sleep since the fine and feel guilty to put my partner in that position. I feel like everything I try at the moment is pretty hopeless. I feel like if the normal services were available to me in this time then I wouldn't have had to run away to get clean, so it is a bit of a catch 22. (Victoria)

The mental and physical impact of Covid-19 policing in these two situations was pronounced, however varying levels of distress in the immediate encounter and afterwards were common in the website reports. We further explore the broader effects of police encounters on people's well-being below.

### 3.1.3 Impacts on the future health and well-being of policed people

Individuals reported different kinds of lasting psychological impacts from their encounter with police. An individual 71 years of age, sitting alone outside near a cafe after having bought a take-away coffee, was moved on by police in rural Victoria and reported that:

Although I had stood up for myself, this really upset me for days. And I didn't go to the cafe for almost a week. I felt I had lost my freedom, that I was in a police state. Friends told me they kept shopping bags in their cars in case the police stopped them. (Victoria)

Of particular concern are several complaints that interactions with police had discouraged complainants from continuing with activities essential to their mental or physical health. While the contexts of the encounters were diverse, the reports suggest that lasting adverse impacts were partly because individuals were no longer confident that they understood what activities were permitted, or else were no longer confident that police were correctly interpreting the law.

In Victoria, an international student experiencing self-described severe depression and anxiety confided that skating was one of the few activities that provided some mental relief. The student explained that although a sign indicated the

skatepark was temporarily closed, they believed the skatepark could still be used because the adjacent basketball court was open and in use, and also because despite signage that beaches were closed they were still in use by hundreds of people. Police fined the student \$1600, resulting in an immediate and consequent mental health impact:

I was very shocked after this event and feel very traumatised and have difficulty sleeping. I already suffer from mental illness and don't have family or government support here in Australia... As an international student I'm scared of so many things... they will find me and lock me up, not being able to pay the fine, my visa getting cancelled, and my mental health deteriorating since I am too scared to go out to exercise and many other things... I was just skating for 2 minutes there without causing any hurt to anyone, how can I know that if I walk in the street, suddenly the police says I'm breaking a law I didn't know that exists.

Another individual in Victoria explained they were stopped and questioned by two plain-clothes police officers during a walk taken on the beach at night to alleviate anxiety. The entire experience was highly stressful:

[One officer] began yelling berating me asking why I was out of the house. Neither [plain clothes] officer identified themselves or told me why I was stopped. They asked me if I went walking at night often and then proceeded to ask other invasive questions about my job and became annoyed that I didn't have identification even though I don't carry it when walking. I provided my details and they passed it onto what seemed a central command in their vehicle and when they did not receive any information that could lead to my arrest advised me to go home, which is where I was headed. Two minutes later I arrived home as I had intended, feeling incredibly shaken and more anxious than when I had left the house. I am now afraid of leaving the house for exercise and my condition as a type 1 diabetic may deteriorate because of this, ultimately making me more susceptible to COVID-19.

We now turn to the overlapping theme of the potential harms and impacts of discriminatory encounters with police.

## 3.2 Uneven or discriminatory impacts

### 3.2.1 Policing disabled people

On some occasions it appears that police interpreted legal exceptions to stay-at-home orders in an overly restrictive fashion and with discriminatory effect—for example by treating an individual's pause for rest while undertaking permitted exercise as a breach of Covid-19 laws. Such an interpretation produces structural discrimination against people who are disabled, ill or older individuals. Police requiring that exercise involve constant movement does not reflect the diverse composition of the population and is not a fair interpretation of the law. Some representative examples of police intervention during exercise are discussed below.

One complainant lives with a severe acquired brain injury that affects every area of his day-to-day life. He has National Disability Insurance Scheme carers five days a week to assist in all activities of daily living and has limited mobility. He explained what happened:

I went to the park to exercise with my carer. I went to exercise and in a rest from exercising had some pizza we had brought with us. I sat down to have a rest on a seat. Then two cops came along. They asked us what were we doing. She said she is my carer and that we were exercising. the cops said we have to move on and we can't "just be lounging around". It upset me to be questioned by the police, because they are a bit scary. The cops asked me a question, I can't remember what. I didn't answer because I have lots of trouble talking. I was a bit embarrassed that I couldn't talk, I thought I might get in trouble from the police. I was very relieved when they walked away. (Victoria).

The complainant's primary carer explained that his usual gym is closed due to coronavirus, and his neurological physiotherapist had designed a replacement exercise program of carer accompanied walks. His carer explained that he can only walk short distances without a rest, and that:

He was having a rest when the police spoke to him. It is obvious from looking at him that he has mobility issues as he has a walking stick. It is highly discriminatory to expect all people who are exercising to be moving the whole time... For the police to call this "lounging around" is very inappropriate.

Other reports from people engaged in activities (such as motorbike riding, skating or otherwise exercising) explained that police intervention impacted on them because of their illness or disability.

For people who are deaf or hard of hearing, Covid-19 health precautions have increased communication barriers, and contributed to adverse experiences with police. A complainant described how she and her partner went on a bike ride following a late-night work shift in order to wind down. Despite adhering to road rules for bike riders, a police car blocked their way. The complainant was unable to hear what police were saying as she was hard of hearing and because the police engine remained on. The complainant explained that she was hard of hearing to police, that she relies on lip reading, and that where a person cannot hear or lip read due to mask wearing that Department of Health and Human Services Victoria guidelines state that it is reasonable to request that a person remove their mask to talk provided all parties maintain 1.5 m distance, as was the case here.

The complainant explained:

Instead of [the officer] removing her mask, turning off the engine or having her non-masked male colleague talk, she yelled over louder "name miss. Now".

The more I thought about the event, the more upset I became and the more concerned I am about how often this might occur, what impact it has on emotional and psychological safety and how people with special or different needs/ identities/ experiences, are being treated by police. I am most disappointed that the police themselves were not observing Covid-19 hygiene practices, did not explain their role or reason for intercepting and did not act to assist or care about a hearing impairment. I am left baffled about the experience, how our information was or will be used and what legal grounds any of this exists on. Mostly, it has made us feel that using our own common sense in stage 3 restrictions, is not all we need so, but now also, preempt police behaviour or assumptions. (Victoria)

Another complainant perceived that they were treated by police with prejudice, that is, with unfavourable preconceptions or hostile attitudes on the basis of disability and attendance at a demonstration.

I have a disability and use a wide tricycle for stability. One officer verbally but aggressively instructed me to move on. After I asked for some of the officers to clear a space so my tricycle could fit between them, the police officer instructed me that there was plenty of space and was quite hostile. I have checked the lotplan confirming the carpark is actually a public road. (protest, Queensland)

### 3.2.2 Policing older people and young people

Similar issues arose for older people exercising. While police targeting of young people in public space has long been considered,<sup>29</sup> the policing of older people in public space is less commented upon, and requires more consideration in the Covid-19 policing context. In an incident in Victoria, an individual noted that they had gone for a 15-minute walk to the park with their mother who was almost 70 years of age, but sat down for a rest, and at that point two police approached, told them to move on and issued a \$1652 fine.

My mother she has a knees pain, back pain and asthma problem she got tired very early whole day staying at home she got suffocation and have problem to take breath because she got asthma problem from last 40 years and we have a very small apartment at the second floor without balcony. We don't go outside, always just stay at home.

Concerns about the policing of older people were primarily about the unfairness of police regarding resting during exercise as outside the lawful excuse for being outside the home for exercise, and that police treated people unnecessarily harshly, considering the age of the person.

In contrast, reports that mentioned the youth of the individual subject of policing were primarily concerned that youth played a part in why the individual/s were stopped by police, often in conjunction with gender or race. For example, in one incident in Victoria, a young Aboriginal or Torres Strait Islander woman on her way to buy groceries and about 15m from the shops, felt like she was approached by a group of four male police, aged in their 30s and 40s, 'because I was a young woman

on my own and there was four of them. It felt like it was just a bit of fun for them'. The police laughed after they had questioned her and asked for her shopping list as proof of her intention to shop.

### 3.2.3 Policing race

Some reports indicated that individuals were stopped by police because of their racial appearance. In one instance a community worker/advocate described their client's experience of being stopped while grocery shopping in a Melbourne suburb as racial profiling: 'Whilst there were other people in the street, police targeted the two youngster of African origins, and it does not appear that other people were fined. The infringement notice states that my client was "walking aimlessly"'. Concern about discriminatory Covid-19 policing is supported by recent research on racial profiling of people of African background in stop and search by police in Victoria.<sup>30</sup>

In NSW in reports where racial background was specified, incidents involved police stopping Aboriginal people. An observer witnessed police stop and search two young boys aged about 12 years, and finding no illicit substances, policed warned the boys that they were in breach of social distancing laws and that a written warning would follow by post. Beyond Covid-19 policing, the disproportionate stop and search of Aboriginal peoples in select towns has been documented,<sup>31</sup> as has police targeting of Aboriginal youth in strip searches and proactive targeted policing.<sup>32</sup> Another complainant was concerned that police were targeting poorer and diverse parts of the neighbourhood with a higher Aboriginal population rather than enforcing social distancing. An observer saw a police vehicle stop an Aboriginal man and heard the man tell police that 'he'd already been stopped twice in the preceding 10 minutes and that he was on his way to the [anonymised] police station to lodge a complaint about racial profiling. He had been stopped 37 times in the past month' (NSW).

Others did not specify their cultural background, but numerous policed people in NSW and Victoria believed that police stopped them because of their perceived race or expressed some uncertainty: 'Not sure [why police stopped or approached me]- I feel it was a racial profiling thing or seeing what

29. Rob White and Christine Adler, *Police and Young People in Australia*, (Cambridge University Press, 1994).

30. Tamar Hopkins, *Monitoring Racial Profiling - Introducing a Scheme to Prevent Unlawful Stops and Searches by Victoria Report - a Report of the Police Stop Data Working Group* (Working Group Report, 2017, Flemington & Kensington Community Legal Centre); Leanne Weber, 'You're Going to be in the System Forever: Policing, Risk and Belonging in Greater Geelong and Casey' (Research Report, April 2020, Monash University).

31. See for example, Carrie Chan and Chris Cunneen, *Evaluation of the Implementation of NSW Police Service Aboriginal Strategic Plan* (Report, 2000, commissioned by the NSW Police Service and NSW Ombudsman) 39.

32. Vicki Sentas and Camilla Pandolfini, *Policing Young People: a Study of the Suspect Targeting Management Plan* (Report, 2019, Youth Justice Coalition); Dr Michael Grewcock and Vicki Sentas, *Rethinking Strip Searches by NSW Police* (Report, August 2019, University of New South Wales).

I was up to' (Victoria). While some people were certain they were not breaking Covid-19 rules (for example in the prior incident the person making the report had been visibly exercising), in other circumstances it was less clear – for example, in one instance the complainant reported gathering at the beach in a group of 15 people.

In other instances, individuals believed police treated them more harshly because of their perceived racial difference, shown, for example, by a disparaging attitude towards their names. In one example, an individual explained that while they did not come to police attention because of their Aboriginality, their alleged breach of Covid-19 rules was treated more harshly and differently than the non-Indigenous members of a park gathering in Victoria. The complainant perceived police conduct as discrimination because police notified their landlord that they had been arrested, despite this occurring off the landlord's property, and this did not occur to the non-Indigenous people in the group.

One incident involved police display of a xenophobic attitude towards people born overseas. Police had stopped a group of three friends as they arrived to do yoga on the beach and questioned why there were three people in the car. After explaining their intentions, a police officer said: 'If you don't have money to stay in this country then you should go back to your own country'. The individuals in this encounter self-described as Italian and British. The language used by the police appears to be irrelevant to the matters before them, and mirrored the words of the Prime Minister Scott Morrison only five days prior to the report being made to the website: 'As much as it's lovely to have visitors to Australia in good times, at times like this, if you are a visitor in this country, it is time ... to make your way home.'<sup>33</sup> This experience might also be understood in light of recent research which found that during COVID: 'There has been a slight decline in support for migration in general, but this does not appear to have been targeted towards particular ethnic groups'.<sup>34</sup>

### 3.2.4 Policing homelessness

Covid-19 stay at home orders did not apply to people who were 'homeless', but Covid-19 laws did not define 'homeless'. Only two incidents relating to people experiencing homelessness



were reported to the website, one by a witness to a police encounter in Victoria and one by a worker at a health clinic in Tasmania. The former resulted in a Covid-19 fine and the latter in charge and imprisonment for the night. These cases prompt concern that the exemption from stay-at-home orders for people who were 'homeless' has not always been applied, and highlight that police discretion ought to be exercised not to issue fines to those who are homeless and unable to pay.

### 3.3 Police and physical distancing

A persistent theme in the reports was concern about police not social distancing. Individuals expressed dismay, unease, and strong upset at three main types of police conduct: police confronting individuals in circumstances regarded as unnecessary; the accompanying exposure to police through physical proximity; and police not maintaining physical distancing from each other in public. Physical distancing requirements appeared to be better understood by complainants than Covid-19 rules about when it was lawful to be outside the home or to gather. Perhaps for this reason, the extent to which police physically distanced themselves became a prominent measure of police legitimacy in the reports to the website.

33. Jano Gibson and Alexis Moran, 'As Coronavirus Spreads, "It's time to go home" Scott Morrison Tells Visitors and International Students' ABC News (online) 3 April 2020 <<https://www.abc.net.au/news/2020-04-03/coronavirus-pm-tells-international-students-time-to-go-to-home/12119568>>.

34. Nicholas Biddle, Matthew Gray and Jieh Yung Lo, *The Experience of Asian-Australians During the COVID-19 Pandemic: Discrimination and Wellbeing* (Research Report, 28 October 2020, Australian National University Centre for Social Research and Methods), ii, 9.

### 3.3.1 Contexts of police not physical distancing

The contexts in which individuals complained that police failed to physically distance in their interactions with affected people were diverse, and occurred in incidents reported from NSW, Victoria, and Queensland. A number of individuals referred to police coming to their car window. One report explained, for example, that an officer's face and body was within about 30cm of the driver, another that the officer did not wear a mask when requiring a window to be lowered, and another observed that police came close enough for a rider to hand over their motorbike license without wearing gloves or a mask. For some, the concern was also that the interaction was unnecessary because no breach of Covid-19 physical distancing rules was evident, such as in one example it was visible that a single adult was in a car with children. All complainants were concerned that police might transmit Covid-19, and more generally were concerned that such interactions increased health risk. As one driver stated 'there was more chance of spreading a virus once my daughter wound down her window over leaving us be to mind our own business'.

Numerous people reported police failing to physically distance while questioning, undertaking crowd control, or otherwise interacting with them at a protest. For example, at a protest in Queensland 'Police officers blocked the footpath by standing around in large numbers (15-20 officers in approx 30m2 footpath) I would say.'

The failure of police to socially distance was also reported in the context of planned police activities. For example, in the execution of an arrest warrant at a residential home in Victoria (where the person named in arrest warrant had never lived):

three officers entered my home and went into the four bedrooms in our home while my family were still in their beds, not one of the police officers was wearing latex gloves or an N95 mask, my wife and I are both elderly and in the high risk group regarding Covid-19 as are our three grandchildren who live with us.

In another instance in NSW the person reporting was highly distressed by the eight police and two repair people who entered her home for reasons that were unknown to the person reporting and to their advocate. Whilst the police entry was not Covid-19 related, the lack of social distancing aggravated the distress of the resident. The resident was chronically

ill, at high risk for Covid-19, living with post-traumatic stress disorder and told police that she was self-isolating to avoid Covid-19. She reported multiple distressing aspects of the event, including being assaulted by police, and explained the entrants did not wear Personal Protective Equipment (PPE) despite her offer to provide it.

I told them on several occasions that they were not wearing PPE Protective Personal Equipment, that they could not force their way into my home without standard precautions particularly when they did not keep 1.5 meters apart/arm's length - the complete opposite of the behaviour of Constable [anonymised] who breathed into my mouth several times while shouting leaving his spit/saliva on my face and mouth, and while being physically aggressive as he seemed to be trying to break my arm and hold me down on the floor in front of the audience outside.

### 3.3.2 The impact of police proximity in the pandemic

The pandemic has changed societal expectations of personal space, what amounts to intrusion into personal space, and the meaning conveyed by police proximity to individuals.

I felt like they were really in my personal space and would have been exposed to them they did not wear protective equipment and did not observe social distancing... (street stop, NSW)

The reports people made revealed that their encounter with police who were not socially distancing made them feel threatened and powerless to request safe distance:

I didn't feel safe to ask him to step back as he was already condescending and not interested in anything I had to say. I didn't want to further agitate him by asking him to stand back. I felt unsafe and he should have observed social distancing. (vehicle stop, Qld).

Individuals described resulting anxiety and loss of trust in police:

I am now extremely anxious that one of those people who came into my home without permission and proper precautions may have infected me... All my life I had trusted the police to protect me when in danger... I am now terrified of police because of their brutal treatment of me... and wonder who I can rely on if attacked or stalked again. (NSW)

### 3.3.3 Observation of police not social distancing from one another

Police were observed in breach of social distancing recommendations in public, and in some cases this made complainants sceptical of the health objectives that justified Covid-19 policing. For example, an older woman who was told to leave a park in Victoria observed, 'they did not stand 1.5m apart from each other', and it made her doubt police action was directed towards public health: 'I think they have quotas to fill. I also think they were new to this work'.

Seeing police not complying with physical distancing also promoted the perception that police were above the law.

I saw roughly 6 police and a few more Protection Officers walking the centre. They were walking in pairs and in one instance about 4 or 5 were congregating in a group. They were chatting amongst themselves not interacting with the public. NONE of the officers were observing social distancing, ie they were less than 1.5m from each other. If they're enforcing the rules they should observe them also. I wanted to tell them this but from their demeanour and having read the media reports I didn't want to risk an "incident". (Victoria)

Saw a bunch of about 10-13 police officers having coffee and breakfast out the front of a cafe, all almost touching each other. It wasn't take away as they stood there having breakfast and coffee. There was about 5 squad cars parked out front so they had planned to meet there. How are the police above the law? Will they each receive an individual fine? Will their employer receive a fine?

This behaviour is not okay in any circumstance and it sets a bad example for those unsure of what rules to follow.

It's behaviour like this that make the general population have no trust in authority. I'd like to note I didn't take a photo because they would most likely try and harass me. I often don't feel like I can trust the police even though I always abide by the law, and it's because of the examples we regularly see, like my comment above. (NSW)

### 3.4 Legal uncertainty and policing

Uncertainty about how Covid-19 laws applied in practice created confusion for individuals seeking to abide by the law, as well as frustration at police intervention in circumstances where it was regarded as unwarranted.

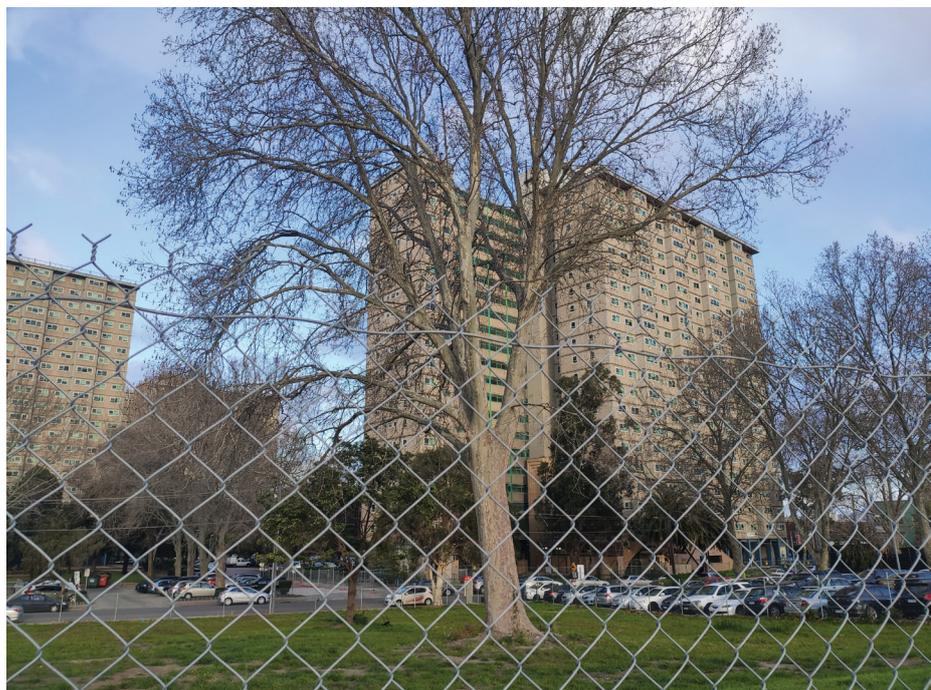
#### 3.4.1 Expectations of police as legal educators

It was clear from the reports that some members of the public expected police to know and advise about the legality of various activities under Covid-19 restrictions. A parent in Victoria reported that police gave information that conflicted with the verbal advice and published information of the Victorian state government about whether their learner driver daughter was permitted to drive, accompanied, to the weekly grocery shop. Police advised:

no learner drivers should be driving for any reason... When I questioned that given it was an essential activity she said if we pulled over for any reason on our way there then we could be booked as we were no longer going to the shops.

The complainant later contacted the Victorian government which provided a link to the correct information so that it would be on hand if questioned by the police.

Individuals explained that the police lack of knowledge undermined their trust in consistent and lawful police action:



I rang the [anonymised] Police station to see whether it would be legal for me to drive about 4-5 kms to pay my monthly bill for my caravan in storage. The member I spoke to didn't know and gave me a number to ring - 131444. The person I spoke to there just referred me to the DHS [Department of Health and Human Services] web site which I visited in vain. My point being, in this time of uncertainty of interpretation of these new laws and the people with the responsibility to enforce them don't know the answer it is no wonder the public like me, who generally respect the police and the great work that they do, become disillusioned with them. I believe I tried to do the right thing and if I do go and am pulled up will that member ring 131444 or visit the DHS web site to see whether I should be booked - I don't think so! (Victoria)

I have been seeking clarity about the "reasonable excuse" of moving between residences (sixth dot point under reasonable excuses). I contacted my local police (anonymised) the Service NSW hotline and my local MP to inquire. I got three different answers.

This lack of clarity creates the opportunity for police capriciousness of the type seen in the reports on this site... The police I spoke to have indicated that there is no guidelines being provided to enable police to have a consistent approach. It is unclear if this is a deliberate strategy to create inconsistency and a consequent atmosphere of fear, or whether it is simply inefficiency by the police. I suspect it is the former, given the Police Commissioner has openly stated that he wants the population to be afraid of the police. (NSW)

### **3.4.2 Perceptions that police applied the law incorrectly**

Many complainants believed that they were acting in accordance with rules, and yet police directed them to move-on or cease their activity or issued fines.

I had driven 1km from home to avoid concrete, to a local footy grass oval. 4km into my jog, a policewoman hopped out of her car and pulled me up. She asked if I had driven there? I said yes. I asked why? She said driving is not permitted to exercise. She also said I can finish my lap, but then go home. She didn't even ask how far I had driven. Exercise is permitted and so is driving there! I was running alone. (Victoria)

In Queensland, two people were fined for hiking, with one person arrested, despite the understanding that exercise outdoors in groups of two was permitted. Police issued a fine in Victoria

for taking photos which police said was 'non-essential' during an otherwise permitted walk.

The legality of exercise was especially contentious because of public observations of inconsistent policing. Another person in Victoria commented that while they were paddle boarding, Water Police approached and advised that paddle boarding, kayaking, canoeing, and surfing were not permitted as exercise under the Covid-19 laws.

Yet 4 days later I observed at least 8 surfers in the water at Williamstown Beach with a Police Patrol Car driving by and no action taken. The inconsistency shown by Victoria Police is eroding community confidence with some Officers taking the opportunity to turn a health issue into crime issue.

People also expressed considerable consternation at the policing of state borders as part of Covid-19 restrictions. One reported concern that upon being stopped at the Western Australian border that police tore up paperwork for clearance to travel through South Australia as well as medical clearance that indicated they had completed quarantine.

[The police officer] proceeded to tear up our papers and threw it in the bin in front of us. I was concerned that we would need these papers if stopped by more police as we were travelling home to Perth via hire car from quarantine in Sydney.

Another person who had their documentation permitting them to cross the Victorian/South Australia border for work confiscated, and who was ordered to quarantine at home, exclaimed 'they gave no explanation or reason as to why this confiscation had happened... now I am facing the prospect of losing my job'.

The rapidly changing legal landscape meant that individuals relied on communication of the current law to judge the appropriateness of police action towards them. Numerous people commented that there was no signage that a park was closed. For one couple in Queensland, the lack of signage informed their perspective that '3 armed police present to enforce a park closure is ridiculous and unnecessary' as was the consequent police issue of a warning and request to move. In another instance, in Victoria, the absence of signage to indicate the area was restricted led to the complainant's perception that a fine for exercising in that area was unfair, and a move-on order or warning would have been appropriate. In contrast, for another complainant in Victoria, signage itself was insufficient to clearly communicate an area was closed because other areas had similar signs but remained in use by hundreds of visitors.

How can the laws say we can exercise but at the same time not be allowed to exercise? How can they open some places but close some places? How can we average people understand these confusing laws and how come we get fined for ignorance of confusing laws that was written few weeks ago? (Victoria).

Others felt that rapidly changing laws should inform how police exercised their discretion to issue fines. In one incident in Victoria, an individual who had been spending time in a campervan explained they were not in touch with the severity of the Covid-19 situation because bush fire damage to the local radio tower had eroded radio reception. Despite explaining that they had only learned of the seriousness of the Covid-19 situation, police fined the complainant, who felt that a warning would have been more appropriate.

### 3.4.3 Other policing practices evident from the reports

Covid-19 policing practices have not been subject to in-depth study. Reports made to the website offer some insight into the diversity of tactics used—from public order policing, road checkpoints, and, significantly, combinations of police action.

In several incidents, people reported that a Covid-19 fine was added to a non Covid-19 penalty, without a clear justification. For example, a worker in Victoria reported that, 'Our client overheard the police discuss what they would do with them and in the end decided to fine them for a non Covid-19 alleged offence and then add on the Covid-19 fine without reason or thought'. This occurred in the context of the worker reporting that the police had 'verbally insulted our client and used physical force while they were complying with their instructions', that their client had been 'tackled to the ground by two officers and cuffed', and police had searched their client and found nothing.

In another case, the affected individual believed that a Covid-19 fine was issued as 'retaliation' for calling the police about an unrelated matter that police said was 'wasting police time with this issue'. The person reporting had accompanied a friend to attend their former employer's shop to claim unpaid wages that had not been able to be resolved by phone. They called police to complain of their treatment by the employer, but police refuted this was a police issue and 'then he asked for my ID and told me "this is going to be very expensive trip for you" and same to my friend "you are complaining to us about your \$1000 not being paid to you and now your friend owes \$1600 to fines Victoria"'.

Reports to the website also provide a glimpse into road-based policing strategies. Complainants reported that police used checkpoints to restrict mobility within the state (Western Australia), and number plate registration for monitoring the roads leading out of Melbourne over the Easter 2020 long weekend. Although these tactics are existing resources for police enforcement, at least one reporter was concerned that road checkpoints were used as a blunt tool that illegitimately restricted mobility rather than enforced rules restricting the permitted purpose for being outside the home.

Approaches to policing whether individuals have breached stay-at-home or gathering restrictions have opened new justifications for the policing of private accommodation. For example, visits to rental or AirBnB accommodation appear at times to have been informed by complaints by neighbours. At least one share-house came under suspicion, partly due to the large number of residents, and because police assumed a party was in progress as a projector was being used and members of the household were dancing in the lounge room.

They told my housemate's partner that they'd been watching us for 10 minutes before they knocked, which we were very creeped out by. They wanted us to prove that we all lived there and I told them that we had several people in the house asleep and I am not going to let them in and wake up those asleep to prove they live in the house. I wasn't sure under the new laws if this was legal but I didn't feel comfortable about them coming into our house.

### 3.5 Protest

Police practices of crowd control in protests has long attracted controversy, and, like other issues reported in relation to the policing of public space, held particular ramifications in the pandemic. For example, whilst like others, protesters reported police breached social distancing requirements, in protests this occurred via coordinated police crowd control strategies that forced protesters into proximity with each other and with police:

Whilst on the outskirts of observing a pro choice vaccination protest, police started to intimidate the crowd and then begin kettling us all by filing a solid row and moving in, they barged through some older women shouting "move, move" before police officer [anonymised] stood at my feet and had his face about 5cm from my face, completely disregarding my personal space and social distancing, also forcing all the other men

and women closer to each other. All of us people there were feeling very threatened and scared for our safety at this point from the military like force. After a few moments another line formulated behind and they moved in the crowd further, who might I add were gathered, quietly and peacefully listening to a speaker. (Victoria)

... the police presence was extreme and intimidating and involved no less than 30 officers, multiple paddy wagons, a sedan, 2 motorcycle mounted officers and an all terrain buggy for an activity involving (I would guess) less than 60 people. Police officers blocked the footpath by standing around in large numbers (15-20 officers in approx 30m2 footpath I would say). (Queensland)

Protesters also reported police intervention against demonstrations in circumstances protesters believed unnecessary for enforcement of Covid-19 rules. For example, early in the pandemic a car cavalcade style protest, in which protesters did not leave their enclosed vehicles, was held against the unsafe detention of refugees in a Melbourne hotel. Yet twenty-six refugee supporters were issued fines of \$1652 each for participation, that is \$43,000 in total. Protesters explained the policing strategies employed:

Some 20 police were involved, in marked cars, unmarked cars and on foot, stopping traffic in Hotham Street in an RBT-style operation...

They [Police] made it clear at the time and in media reports that they were not permitting protesting to take place, even though participants adhered to physical distancing and were in their cars (or if on a bike, maintaining a good distance).

This was clearly an attack on civil liberties, not a health exercise. (Victoria)

Given the protest was held in Victoria where a Charter of Human Rights protects the right to take part in a peaceful demonstration, a strong argument exists that police ought not to utilise Covid-19 fines to penalise a socially distant car cavalcade.<sup>35</sup>

A participant in a tree sit protest to halt native forest logging similarly pointed to the physically distant nature of the protest: 'I was alone up the tree 30 metres off the ground in the middle of the state forest, I was within kilometres of my residency, and was wearing a mask' (Victoria). Police fined the protester for 'failure to stay home'.

Others pointed to the arbitrariness of policing: 'His words to me were "if you're standing still you're part of a gathering of potentially more than 20 people, if you're moving, you're a pedestrian, that's why these guys (the other refugee supporters) are moving"' (Queensland).

Others engaged in solidarity action (such as the donation of supplies including toilet paper to refugees held in the Mantra Hotel) argued that their activity was exempt from Covid-19 restrictions on compassionate grounds, but police advised that they would receive a fine in the mail, and they were warned against other activities: 'I was ordered to go home and not to join the car cavalcade protest'.

Apparent police action to warn against or prevent protest caused an individual in Victoria to consider that an unannounced early morning visit by police might be due to their involvement in protest action, though they noted this 'all is speculation'. What was clear was the frightening impact of the experience:

The police arrived at our house early this morning unannounced, and two officer let themselves into our property via a close gate. There was no knock at the door; the gate was shut as we have a dog, and if it weren't for the gate opening my housemate wouldn't have been alerted to their presence...

The police were accompanied by a German Shepard dog and each had a flashlight. They walked into our backyard, and into the back shed area, which we use as a second living space. We stayed inside whilst this happened as we were scared, and after a time they left, leaving the gate open. There was a chopper above for part of this time. No card was left.

Today my housemates have left the house for work and myself with our dog for exercise as I am too scared to stay home alone. As I left, a police chopper appeared and circled my location twice...

Another person reflecting on their involvement in a protest on the footpath against the detention of refugees at the Mantra hotel, shared:

This incident has not deterred me from protesting, however, I am concerned that it may have deterred the others who were present. There is no legitimate reason why the police needed to take our names or record our images, and I find the utterance "If we come back and you're still here..." to be an attempt at intimidation. (Victoria)

35. Victorian Charter of Human Rights and Responsibilities Act 2006 (Vic) s 16.





POLICE  
THE  
POLICE!!

STOP  
INDIGENOUS  
DEATH  
CUSTOMS

# 4.0 CONCLUSION

During the period of the reports, police were grappling with implementing extraordinary health orders that enabled very broad discretion in a rapidly changing legal environment. The reports show that members of the general public who shared their experiences on the Covid-19 Policing website were also grappling with these same dynamics and their consequences. The reports showed that police action – whether to stop, move-on, search, fine or arrest – was often perceived to not align with the public health imperative to prevent Covid-19 infection, and to have adverse health impacts on those policed. In our analysis, many of the complainants' perceptions that police treatment was unfair or discriminatory, reflected real, legally contested understandings as to whether the police conduct in question was lawful.

Other dissatisfaction with police arose from the complainants' perceptions that police discretion ought to have been informed by the imperative to

make the best decision for health and safety in the particular circumstances. The reports also reveal public expectations of police to play an educative role by knowing and advising on the lawfulness of particular conduct, and to exercise discretion not to enforce orders taking into account reasonable explanations and wider circumstances.

While the Incident Report form did not specifically ask if Covid-19 policing experience formed an individual's first contact with police, the impression conveyed by a number of reports which volunteered that their experience of policing had changed their trust in the legitimacy of Covid-19 policing (and for some, in police more generally) suggested this was their first contact with police. For those few complainants who revealed they'd had previous contact with police, Covid-19 rules appeared to offer police an additional tool to intervene in their lives. These tensions are a consequence of using police and the criminal law to achieve public health objectives.

# R REPORT

Have you been stopped by police or had any interaction with police since the new rules were introduced? Do you feel you have been treated unfairly?

If you wish to make a report you can fill in the form below.

You may remain anonymous if you prefer.

Your responses are secure. The connection to this website is encrypted.

Your report will be collated and will be used for advocacy in each state and nationally.

The information you provide or a summary of may be used in public reports but we will make sure you can't be identified publicly.

If you would like us to follow up or to contact you for further information, please provide a method of contact such as an e-mail address or phone number.

## Incident

Tell us what happened.

Date and Time of the Incident \*

Date

Time

Location \*

Please provide as much detail as possible. A specific address, or detailed location information.

State/Territory \*

Did this incident happen to you or are you reporting on behalf of someone? \*

- This happened to me
- I was a witness / observer
- I am a worker relating a client's experience
- This is something I want to bring to your attention

Detailed Summary about What Happened \*

Be sure to explain who was involved (police numbers, name/descriptions); what happened as it happened (please give approximate times as you go); where it happened (be precise and descriptive, use a map for reference if necessary); where you were standing in relation to the incident (for example, did you have a clear line of sight?); what happened, in full. Please provide as much detail as possible.

Did any of these things happen as a result?

- Name and address recorded by police    A warning or request to 'move-on'
- Fine / Penalty Notice (COVID related)    Other type of fine or penalty notice
- A driving or criminal charge

Why do you think the police decided to stop or approach in the first place?

Why do you think the police decided to stop or approach you?

## About you

You can remain anonymous or use your first name only, if you wish.

Name

First

Last

E mail Address

Phone Number

Are you under 18 years of age? \*

- No
- Yes

Are you Aboriginal or Torres Strait Islander? \*

- No
- Yes

Would you be willing to talk to the media about what happened? \*

- Yes
- No
- Maybe

If so, we will contact and check with you first.

## Evidence

Did anyone take pictures or video? \*

- Yes
- No
- Unsure

## Declaration

Confirm your statement \*

- I understand that in submitting this form, the information I provide may be published in reports and will not reveal my identity.



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