



COVID-19: Police Guidance

Infectious Diseases Control (Coronavirus, Quarantine) Regulations 2021

The Chief Police Officer

- This document covers the Infectious Diseases Control (Coronavirus, Quarantine) Regulations 2021 (“the Regulations”). These are new Regulations that came into force on 8 February 2021 and replace the Infectious Diseases Control (Coronavirus, Quarantine) Regulations 2020. The Regulations can be accessed at <https://www.legislation.gov.fk/>. The Regulations set out the mandatory requirements on all people arriving from overseas to stay in quarantine for 14 days after arrival.
- The purpose of this document is to provide police and immigration officers with guidance on the use of their powers to enforce quarantine. This document should be read together with ‘AGG24 - The Attorney General’s Guidance on the Infectious Diseases Control (Coronavirus, Quarantine) Regulations 2021’ (“the AG Guidance”) <https://www.fig.gov.fk/covid-19/quarantine>
- Before arriving in the Falkland Islands, everyone must complete Form IDC5 “the Passenger Information” (page 18 of the AG Guidance). FI Government Office in London will collect the forms for everyone travelling on the Airbridge and send them on to the Customs and Immigration Service (“CIS”) and the Chief Medical Officer (“CMO”). Those arriving by sea are asked to send the completed forms to CIS, which will provide CMO with copies. The form includes the address at which the person will stay in quarantine.
- On arrival, an immigration officer will ask the person (“a passenger”) to confirm that the information, in particular the quarantine address, is correct. If for any reason the passenger cannot stay at that address given on Form IDC5, the immigration officer will work with the Housing Department to ensure that the person is provided with accommodation arranged by the Government. A charge may be made for this.
- The immigration officer will also hand Notice IDC6 (page 21 of the AG Guidance), setting out the quarantine requirements.
- It is up to the passenger to decide whether the accommodation at which they will be staying is a suitable place to be in quarantine. Anyone else staying at the same place must stay in quarantine for the same period as the passenger. The accommodation must be self-contained and no part of the accommodation may be shared with a person who is not in quarantine. No checks on accommodation will be carried out by the Government.

- Everyone who is not exempt must travel directly to their place of quarantine and stay there for 14 days. An overnight stay in Stanley and onward travel is permitted for those who will be quarantined in Camp.
- Passengers arriving on the Airbridge and not staying at MPC must use government designated transport (Penguin Travel) or, if travelling in a private vehicle, may only travel with others who will be in quarantine for the same period, whether at the same place or another place of quarantine. This means that passengers can give each other lifts to their quarantine accommodation.
- A person in quarantine must not mix with other people who are not in quarantine for the same period. If anyone else is staying at the same place, they must all quarantine together. People in quarantine may move freely within their accommodation and use the garden, outbuildings as well as access paths, corridors and stairs even if these are communal areas, shared by others who have accommodation in the same building. The Chief Medical Officer has issued guidance for the public on how to quarantine safely at home <https://www.fig.gov.fk/covid-19/>
- The quarantine period ends on the 14th day after the date of the passenger's arrival in the Falkland Islands, unless the person arrived before 9am, in which case the day of arrival is included in the calculation. If any other person moves into the accommodation before the period of quarantine is finished, the period is extended to 14 days from that date.

What is the role of the police?

- Health service staff will contact new arrivals within a day or so after arrival to check that they are in quarantine and establish if there are any welfare concerns. They will also offer swab tests to those people and others sharing the same accommodation (whether or not they are in quarantine together)
- If they have concerns that a person is not complying with the quarantine requirements, they may refer this information to the police to make further enquires and, if appropriate, police officers will visit the address provided by the individual as the place where they are self-isolating within the 14-day period to determine compliance with the Regulations.
- The police share responsibility with social services for making visits to a randomly selected sample of those in quarantine.
- The four-step escalation principles (Engage, Explain, Encourage, Enforce) apply and enforcement should be a last resort.

Exemptions

A. Partial exemptions: passengers who are required to stay in quarantine (with anyone else sharing the same accommodation) but who may leave that accommodation if necessary to perform their job. When not engaged in this work, they should stay in quarantine at their accommodation.

- A person who has come to the Falkland Islands at the request of the UK or Falkland Islands Government to do essential or urgent work, including —
 - Military personnel, UK civil servants, military contractors,
 - FIG contractors
 - lawyers and
 - medical and care professionals

Any person claiming this exemption must have written confirmation from CMO that the exemption applies in their case.

B. Full exemption from the quarantine requirements (but still required to complete Form IDC 5 on arrival)

- Military personnel and contractors who have been in quarantine for 14 days immediately before arriving in the Falkland Islands.
- Aircrew of an arriving air craft including air ambulance crew
- People who present a low risk of transmitting the disease, including —
 - people arriving who have been living or working in South Georgia or the British Antarctic Territories
 - people who have been at sea for at least 14 days immediately before arriving in the Falkland Islands.

Immigration Officers will make further enquires to establish, in consultation with the Chief Medical Officer, whether the exemption applies.

C. A court may order that a person is exempt from quarantine requirements on compassionate grounds or on the grounds that quarantine is not necessary or proportionate in the particular circumstances. No such orders have been made so far.

When can someone leave quarantine?

The only reasons for a person to leave their accommodation before the end of quarantine are —

- If the passenger has a partial exemption to enable them to perform their job
- To change quarantine address in circumstances approved or required by the Chief Executive, in consultation with the Chief Medical Officer
- For onward travel to a destination outside the Falkland Islands
- On the advice of KEMH, to seek medical assistance
- To comply with a legal obligation to attend court or to satisfy bail conditions
- In an emergency, to avoid injury or illness or to escape a risk of harm (e.g. fire, serious deterioration of mental health or to escape domestic abuse)

What powers do police have to enforce quarantine?

If you have reasonable grounds to believe that a person (whether a passenger or a member of the same household) has left quarantine in breach of the Regulations, you can:

- direct that person to return to the place where they are in quarantine
- remove that person to the place where they are in quarantine
- where it is not practicable or appropriate to take either of the two actions above, contact PWD to arrange for the person to be removed to accommodation facilitated by the Government for the purposes of quarantine

These powers apply to a person arriving from abroad and others sharing the same accommodation if they are all quarantining together. The Regulations do not confer any powers on police officers to stop vehicles or enter premises.

Reasonable force may be used, where necessary, in the exercise of the power to remove.

Anyone contravening these requirements commits an offence, punishable on conviction by a fine of up to £2000 or up to 3 months imprisonment.

Children and young people

If a person under 18 has left, or is outside of, the place where they are in quarantine you should do your best to identify an adult who has responsibility for them:

- You can direct that individual to take the child to the place where they are in quarantine
- The responsible individual must ensure that the child complies with any direction given, as far as reasonably practicable
- Where there are reasonable grounds to believe that the child is repeatedly failing to comply with requirements, you can direct the responsible individual to ensure, so far as reasonably practicable, that the child complies

Vulnerable People and Child Safeguarding

Police officers should be aware that there may be hidden reasons why a person appears to be in contravention of the Regulations. A person may be the victim of domestic abuse but be too frightened to explain to an officer that they fear to return to their home. People may have mental health issues that are not readily apparent.

Children may be escaping abusive behaviour or they may be being groomed by a sexual offender who has encouraged them to engage in activity that places

Officers should only use the enforcement powers where it is a necessary and proportionate means of ensuring compliance with the requirement to self-isolate. They must ensure that they have made all attempts to Engage, Explain and Encourage before moving on to Enforcement.

1. Engage

Where there are reasonable grounds to suspect that a person may not be complying with a requirement to stay in quarantine, officers should engage the person with an open and enquiring mind. The person may be exempt from the requirements or may have a good reason for being outside their quarantine address. If there is any reason to believe that the accommodation is not suitable for quarantine purposes, officers should contact PWD regarding the availability of Government arranged quarantine accommodation. Officers should satisfy themselves that the requirements in fact apply to the individual before taking any further action.

2. Explain

Where a person appears not to be complying, the requirement to stay in quarantine should be carefully explained. Officers should stress that non-compliance puts other's lives at risk and threatens the health service.

3. Encourage

People who are not complying with a requirement or restriction should be encouraged to comply voluntarily. This step should not be rushed and officers should exercise patience and perseverance.

4. Enforce

Enforcement is the absolute last resort and should only be used where a person has refused or failed to stay in quarantine on more than one occasion, and where the person has been given a full and proper opportunity to comply on a voluntary basis. It will be a very exceptional set of circumstances that justifies the arrest of a person and their detention in police custody. The objective of the Regulations is to prevent the spread of infection. Detaining a person in custody will have the direct opposite effect because it will bring the person into contact with an even wider group of people.

Police officers should only commence the four-step escalation procedure where there are reasonable grounds to suspect that a person may not be complying with quarantine requirements.

Police officers should apply the law in a way that is flexible, discretionary and pragmatic to make sensible decisions.

Police officers should remember that the objective is not to criminalise people but to prevent the spread of infection.

Enforcement action should be proportionate to achieving this objective.

PERSONAL SAFETY

Wash your hands frequently

Regularly and thoroughly clean your hands with an alcohol-based hand rub or wash them with soap and water. Wash hands or use sanitiser before going into any address and after exiting.

Maintain social distancing

Maintain a distance of at least two metres (six feet) between yourself and anyone.

Avoid touching your eyes, nose and mouth

This will reduce the risk of infection.

Practice respiratory hygiene

Make sure that you, and the people around you, follow good respiratory hygiene. This means covering your mouth and nose with your bent elbow or a tissue when you cough or sneeze. Dispose of the used tissue immediately.

Use PPE equipment

Make use of the PPE equipment that has been provided.