ROLE OF THE SERBIAN POLICE IN MAINTAINING SECURITYIN THE CONDITIONS OF THE EPIDEMIC OF INFECTIOUS DISEASES

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Abstract: There have been many epidemics of various infectious diseases in the history of the Republic of Serbia. Starting from the epidemics of plague and cholera in the Middle Ages, to the appearance of smallpox, swine flu and COVID 19. So far the police have played, and in the current situation have, a very important role in combating epidemics, but also in detecting various types of malversation. Recent events have indicated the need to pay as much attention as possible to the performance of security services. The first thing that was very important was how to protect police officers from possible infection, without diminishing the effects of their actions. And secondly, how to reduce the need to use extended use of force in dealing with citizens which is enabled by declaring a state of emergency. For these reasons, police officers have a very delicate task to ensure the safe and uninterrupted activities of citizens.

Keywords: police officers, epidemic of infectious diseases, use of force, role

ANTE INTRODUCTIO

Before talking about the role of the police during epidemics of infectious diseases, some of the unknown or lesser-known terms must be mentioned first. The terms are mostly of medical origin.

Epidemic is a phenomenon in a community or a certain population, deaths or ill from a condition in numbers above the usual expectation for a certain period of time (Last, 2009:116);

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Prevalence is the relationship between the pathological condition of the affected inhabitants at one time point (practiced for one day) and the number of inhabitants at that same point. Prevalence is the proportion of injuries or illnesses of citizens that is divided by the total number of inhabitants (Kekić, 2016:35);

Infectious disease (contagious) is caused by a specific pathogenic agent or its toxic products resulting from the transmission of the agent or its toxic products through or from an infected person, animal or other reservoir to a susceptible host (Last, 2009:568);

Bioterrorism is the use of violence through the use of biological agents, with the aim of deliberately spreading infectious diseases in humans, animals and/or plants, their disease and death (Jović, Savić, 2004: 127);

Quarantine is a measure that restricts freedom of movement and determines mandatory medical examinations for healthy people who have been or are suspected to have been in contact with patients with plague, smallpox and viral hemorrhagic fevers or some other respiratory or other highly contagious disease (Savović, et all, 2006:247).

INTRODUCTION

Police officers are leaders in times of public crisis and emergencies. Police units generally have prepared "pandemic plans", which serve in response to natural and man-made disasters or in some cases in response to terrorism, which serve as a procedure for police officers in order to maintain order in society. During the Spanish flu pandemic, police officers were officials on the streets who implemented decisions made by public health officials to reduce the spread of an incredibly contagious disease and ultimately save lives (Jaćimovski, Kekić, 2010). Police officers were tasked with patrolling the "quarantine zones", which were cities that were considered "hot spots" of the disease. With the increase in the number of deceased, problems arose in the funeral industry. Coffins and other funeral equipment were almost non-existent. The bodies were wrapped in white sheets and left on the sidewalks. From there, during the night, they were taken by truck, accompanied by police and priests to mass graves.

The police also played a significant role during 1972. Namely, during the smallpox epidemic, the police had the role of securing quarantine. Belgrade was the seat of as many as eight quarantines in which the sick were accommodated, which everyone remembers as well-guarded "fortresses". Four quarantines were in hospitals, while four were housed in adapted civilian facilities - hotels and motels.

From 1918 until the current events regarding the control of COVID 19, the role primarily of the police leadership during the pandemic did not change much - police officers continue to patrol the communities taking care to keep the public well informed and do everything in their power to maintain the safety of the citizens for whom they have committed themselves to protect. Given that the criminal justice system is vulnerable to the rapid spread of COVID-19, maintaining the status quo means endangering the lives of those connected to the system. Many officials have focused on the need to urgently reduce prison numbers and prison populations, primarily because of a lack of adequate medical care, poor hygiene and overcrowding, among other obstacles, all of which could create an environment in which respiratory function could spread rapidly.

Depending on the level of danger, the role of law enforcement, which is generally entrusted to the police under normal circumstances, may include the implementation of public health measures (e.g. quarantine, travel restrictions, restrictions on public gatherings, etc.), securing high prevalence areas,



providing health facilities, investigating suspicious scenarios of biological terrorism and protecting stockpiles of vaccines or other drugs within the state. (Gonzales, Schofield, Herraiz, 2006:7). Those diseases that are mostly spread rapidly by direct contact by air or some other means and that can cause death or severe consequences can cause the authorities to restrict the movement of individuals. If such diseases with a high mortality rate are not brought under control, they can lead to pandemics, social disorders and the need to use restrictive regulations. If not isolated, an infected person and thus cause hundreds of deaths. In these circumstances, certain civil servants will decide whether quarantine or isolation is required. Police officers and other law enforcement and public health officers should then work closely together to decide when to move from recommendations to mandatory procedures, how to enforce quarantine and isolation orders, and if necessary maintain instruments of legal force.

GENERAL ROLE OF THE POLICE IN COMBATING INFECTIOUS DISEASES

In each legal system, choices, but also the doubts that the authorities face in the conditions of dangerous epidemics, which also applies to the police, are classified into five main categories: implementation of quarantine or complete blockade; finding alternatives to arresting and detaining criminal suspects; support and assistance to health professionals; dealing with new forms of crime, such as the sale of counterfeit medical and protective equipment; and police information on social networks, especially in countries where the offense of insulting the government or inciting social unrest is sanctioned. (Stone, 2020). Some of the priorities set by law enforcement at the start of the pandemic seem to have missed the most urgent needs of the public. Advice given to police organizations in late March 2020 (during the COVID-19 pandemic), Interpol recommended that attention be focused on new criminal threats - deliberate spread of viruses, trafficking in counterfeit medical products, fraud and cybercrime - emphasizing the measures police officers should take to protect themselves. Interpol especially emphasized the support that the police should provide to health workers, above all assisting public health authorities in restricting movement and seeking contact. Interpol, as an international police organization, made recommendations that did not include support for ambulance escorts or assistance to health workers, especially community epidemiologists. In practice, the police in many countries support health workers in all the aforementioned ways and much more, probably at the same time building public trust. The challenges of police coverage only become more complicated as the pandemic continues. As governments around the world try to maintain restrictions on movement and socializing, trying to restart their economies, the potential for reduced voluntary compliance and even organized protest is growing rapidly.³

In some cases, the police suspended their authorizations. Thus, with the appearance of swine flu, which reached epidemic proportions, the traffic police in some cities in India temporarily suspended their regular action - checking drunk driving, which helped significantly reduce traffic accidents.

The police and the world in general have faced very few pandemics in recent decades, but there is still a large amount of data on the basis of which best practices could be identified. The poorly defined nature of the role of the police in pandemics presents a difficulty in providing concrete recommendations. This is because roles and expectations can change significantly, both because of the changing

³ Serbian citizens first took to the streets on July 8 2020, soon after Serbian president announced that Belgrade would be placed under a new three-day lockdown following a second wave of confirmed coronavirus infections. But the demonstrations quickly morphed into a wider expression of frustration. The protests continued on Wednesday, even after suspended decision to enforce a second shutdown.

needs of governments and society, and because of the needs of the police themselves as a context for a pandemic change.

With the appearance of SARS (Severe Acute Respiratory Syndrome) and an epidemic that threatened to break out all over the world in 2003, in Canada the key actors in Police Operation were: Police Incident Manager, the Police Incident Specialist and Liaison Officer, the Public Information Officer, the Communication Operators, the Planning Staff and the Logistics Staff. Although Toronto Police Service was praised for its performance during the outbreak of the SARS epidemic, lessons were identified for future improvements in the areas of infectious disease training and health crisis legislation, managerial training in incident management, etc. (Fantino, 2005:22).

The coronavirus pandemic has highlighted the need for law enforcement agencies around the world to rely more on electronic means, from surveillance cameras to monitoring network communications and the use of artificial intelligence. In some cases, these tools are needed to fight crime, but they should not be abused, endanger civil liberties and serve as a means of control and political manipulation. But the opposite has often happened: there are states that do not "recognize" democratic values, so endangering freedoms is a routine thing. These are predominantly East Asian countries.

The main limitation in validating best practice advice is that pandemics are very complex events, often exceeding the state's ability to respond regularly to risks and threats. Epidemics of acute infectious diseases are dynamic, often unpredictable and subject to significant rapid changes, where any action can have a chain of intended but also undesirable consequences (Roberts, 2020).

Police officers must clearly identify how to properly communicate with the community and enforce the rules. They should be prepared to answer many questions, such as those about the availability of test kits, travel restrictions, quarantine and isolation, as well as personal safety measures. The role, but also the obligation of all law enforcement services, is to keep their members focused on informing the public about current restrictions and encouraging citizens to adhere to state and local health recommendations and regulations (Jones, 2020:6).

Law enforcement officers must have insight into how clear guidelines police officers have on prescribed procedures regarding the isolation and quarantine of infected community members. Police officers should be informed about how to detain or isolate a person who is considered to be infected, including behavior in situations where the person is not following orders. The police should clearly define how they will deal with arrests in the conditions of an epidemic, especially in the case of complete closure. They will also have to identify the location where people who do not follow health orders would be evacuated to. These locations should ensure compliance with regulations on physical distancing, but also other requirements, depending on the nature of the infection.

Like medical workers, law enforcement and other members of the security forces are most at risk in terms of contact with an infected person. In addition to the potential dangers associated with the infection, police officers could also experience significant stress during a pandemic. Increased pressures and constant obligations outside of work, including the high probability that their family members will get sick, will create stress, fear and anxiety. Due to various high-stress situations, law enforcement agencies should establish a stress management plan for critical incidents, which would address the physical and emotional well-being of employees and provide support to employees and their families. It is important to encourage police officers to be prepared in case they are asked to be away from their families for a longer period of time (Stogner, Lee Miller, & McLean, 2020:725).

Police staff should be further trained for the temporary schedule to ensure proper coverage of basic duties. All security services should assess which services require an on-site police presence compared



to those that can be handled in an alternative way, such as telephone or the Internet. During a pandemic, policing generally have neither specific guidelines nor a clearly defined role in shaping responses. The forces are directed towards the imposition of isolation, but never on such a large scale. Although they make a great effort, the police officers, who are the first to be hit in this case of infectious diseases, are often in public denounced as poorly informed and show themselves in a very bad light. Sometimes they do not have advanced and adequate equipment, which is hindered by frequent breakdowns in the communication network and thus endangers police mobility, the police system is still committed to providing its best capabilities in the given circumstances.

While police are asked to extend their tasks to the day-to-day activities of citizens, in other areas they are withdrawing from traditional roles. It is likely that the police react in such conditions only to essential security problems. Even then, the response time could be longer than before. You do not need to worry about what impact this will have on public safety - it is essential that the police must perform predominantly peacekeeping functions.

During epidemics of acute infectious diseases, enforcement measures that require close proximity or even physical contact between law enforcement personnel and the public should be minimized, except in situations where it is necessary to stop, search or arrest a person, which in turn poses an immediate, serious risk to life or serious bodily injury to police officers or others. The suspension of most detentions is not sufficient. At least during an emergency, law enforcement, state and municipal authorities should also suspend or abolish most sentences (Brooks, Lopez, 2020:4).

Police officers face a unique challenge, when it comes to epidemics. Everyday society asks law enforcement agencies to take risks that can be minimized but not eliminated. The nature of the work of police officers includes frequent close contacts with members of the public, including close physical contact. Even in crisis situations, when many others stay at home, police and other law enforcement personnel, such as nurses, health workers, cashiers and salespeople, have no alternative to working from home.

The paradox is obvious: the practice and activities carried out by the police to improve public safety is one that is most likely at high risk of public safety in the face of contagion (Brooks, Lopez, 2020:9). Namely, all stops, inspections, searches, and arrests involve physical proximity to a minimum, and close physical contacts between police officers and potential perpetrators are required for search and arrest. Searches, but often also examinations, require police officers to physically touch the suspects, crossing their hands over the suspects' clothes and the like. Detentions require officers to handcuff suspects and transport them to police stations, often in the back of patrol cars. During the process of bringing in, the police station staff searches again and takes fingerprints, and then places them in small cells where they are often together with other detainees. Even those who are quickly released usually spend several hours in detention. Those detained pending trial can spend weeks or months in overcrowded prisons.

THE ROLE OF THE SERBIAN POLICE IN COMBATING EPIDEMICS

In Serbia, the plague appeared on several occasions in the Middle Ages, in 1348, 1362, 1428, 1430 and 1438. Due to well-organized medical care and administrative-police authorities, the last cases of this disease in Serbia were in 1836 to 1838 and was very successfully suppressed. A sanitary-police cordon was built at the borders of the then state, with quarantines, with the detention of passengers from three days to six weeks, depending on the level of danger (Mihailović, 1951:581-594).



Much later, in 1972, smallpox appeared in Serbia, and within two months the epidemic of this disease was suppressed, when there were 175 cases and 20% ended in death. The Serbian public was very excited even by the hints that a suspicion of bird flu appeared in Bački Monoštor and Bajina Bašta in March 2006. Police provided a sanitary cordon in the vicinity of Bajina Basta, which was set up 5 km from the place of suspension.

Inspectors from the Fight Against Organized Crime Service (SBPOK) should soon file criminal charges against suspects for abuse during the procurement of vaccines against "swine flu" at the end of 2009. After the pre-criminal procedure, which was conducted with the Prosecutor's Office for Organized Crime, the police collected material evidence of embezzlement, examined witnesses and obtained extensive documentation from all competent institutions.

The central place in the organization of the security services is represented by the National Security Council, which is in constant contact with the Republic Headquarters. In case of danger caused by the epidemic of acute infectious diseases, the Council meets in order to determine the priorities in the activities of the services in charge of the security of the citizens of Serbia.

If the epidemic occurred naturally, the Serbian police would have to ensure the work of medical and sanitary teams in the field and hospitals and quarantine facilities of a temporary nature. Members of the criminal police should increase their activity on the ground, as criminal activity is expected to increase by at least 30%. The traffic police would have the task of providing corridors for the movement of vehicles of medical and security services to hospitals and quarantines, alternative routes for access and evacuation, and to regulate traffic in the wider environment (Kekić, 2016:125).

Special tasks and tasks to be performed by Serbian police units in conditions of contagious epidemics relate to: maintaining order and controlling entry and exit from hospital and quarantine facilities, providing transportation and escorting drivers with medical supplies and pharmaceutical vehicles, and providing disinfection points and approaches endangered areas, declared by the Government of Serbia.

Border police cooperate closely with the customs service, phytosanitary inspection and veterinary inspection. Border police must ensure the unimpeded passage of goods, materials, vehicles and people, but when an epidemic of a contagious disease is declared on the territory of Serbia, various restrictions are introduced. The ALERT system informs the EU countries that there is a danger of infectious diseases on the territory of Serbia.

The security apparatus is a set of bodies and services in charge of effectively and efficiently implementing constitutional, legal and other provisions relating to the security of citizens and the preservation of order and integrity of the state. The main functions and activities of this device are prevention, management, implementation of resolutions and suppression of all forms of threats and security challenges.

The legislation of the Republic of Serbia recognizes the criminal acts of spreading false news and causing panic. Furthermore, the criminal offense of violating the ban on isolation in the case of large epidemics is provided by the Criminal Code. These were the central affairs of the Ministry of the Interior during the pandemic. Anyone who did not find himself at the address where he should be in house isolation was notified to the sanitary inspector and the competent prosecutor's office, and in accordance with their decisions, they were further prosecuted in terms of whether they would be held criminally or criminally liable. The inspection bodies of the Ministry of Health are responsible for the supervision of persons who are infected with the corona virus or are suspected of being infected, while the control of those persons to whom a decision on isolation has been issued is carried out by the



police. The police were also in charge of enforcing the temporary restriction of freedom of movement, the so-called curfew.

The main activity of the Serbian police during the state of emergency was to take care of the observance of restrictive measures restricting and banning movement and assembly, health supervision and quarantine, and to get permission to move during curfew to people who really needed it. However, Serbian police did not always act professionally, proportionately, and politically neutral taking into account the needs and rights of citizens first. This was primarily due to frequent changes in regulations.

PROBLEMS OF SERBIAN POLICE ACTION DURING THE COVID EPIDEMIC 19

The criteria on the basis of which the Ministry of the Interior issued movement permits during curfew were not prescribed, which is why it is suspected that they were misused for political purposes. Although it is prescribed that the Ministry of the Interior issues movement permits, in practice they were also issued by other ministries, public companies or municipal emergency headquarters, which introduced additional confusion, both among citizens and police officers. Often, the police did not properly respond to calls from citizens who reported violations of curfew. There is also suspicion of politically neutral conduct by the police.

Although not in accordance with the Constitution, the Minister of the Interior issued an order restricting and banning the movement of persons. The Constitution does not recognize an order as a basis for restricting freedom of movement, but a decree. The Constitution only allows the right to free movement to be limited, but not completely abolished, which was done during the state of emergency. Police recorded over 7,800 curfew offenders. Police harassment was observed in at least a few cases (which was recorded through social networks), but it is estimated that the number is many times higher. Internal control of the police reacted publicly in only one case (Đorđević, 2020).

Not all offenders of house quarantine measure were remanded in custody, meaning that prosecutors did not fully implement the Ministry of Justice recommendations. According to the latest data, 173 people were detained during the coronavirus crisis. The percentage of those punished for violating isolation measures is small in relation to the number of those who did not respect those measures.

Arrests were made in several cities across Serbia for violating the ban on movement during curfew and self-exclusion measures. Many citizens were arrested due to the existence of grounds for suspicion that they committed the crime of non-compliance with health regulations during the epidemic. Namely, the suspects did not respect the order on restricting and banning the movement of persons on the territory of the Republic of Serbia, since they stayed outside their homes from 8 PM to 5 AM, more precisely during the curfew.

There are also examples of rigorous measures against citizens who committed criminal acts during curfew. Thus, e.g. a young man from the vicinity of Veliko Gradište, who was arrested for attempted theft during curfew, was sentenced to one year of house arrest. There were also cases of abuse of official position by police officers. A police officer was arrested because he enabled a fellow citizen to violate the isolation measures. The Sector for Internal Control of Police arrested a police officer for abusing his position by allowing an eighty-year-old fellow citizen to move in a public place, despite the measure of self-isolation imposed on him upon his return to the country. How complicated it was in terms of the work of the police during the state of emergency is the issue of allowing farmers to perform



work between 5 AM and 8 PM, and only if they have a registered farm and are allowed to transport only by tractor.

Similarly problematic is the issue of several days of demonstrations during the month of July 2020 in several cities and towns in Serbia, during which several dozen police officers were injured, but also several dozen demonstrators. Dozens, and probably several hundred demonstrators, were arrested. At the same time, great material damage was done, which all goes in favor of the issue of the affairs of police officers.

First of all, Serbian citizens on temporary work abroad, who arrived in Serbia from abroad before the declaration of the state of emergency, were not properly informed that they had to stay at home in temporary self-isolation. It happened that the police informed the citizens about the obligatory house isolation, only after ten days after entering the country, or that they did not inform them at all. Some of them were arrested by the police during the state of emergency for violating that measure, although they did not even know about the measure. The control of respect for house quarantine was excellent at the beginning of the state of emergency, but over time it became inconsistent and was reduced to a telephone check. None of the control bodies has raised the issue of controlling the work of the police during a state of emergency.

The curfew in Serbia during the state of emergency was from 17:00 to 5:00 during the week and from 13:00 on Saturday to 5:00 on Monday (sometimes it started on Friday at 17:00, and even on Thursday). People over the age of 65 were not allowed to leave their homes at any time, but retirees could go shopping on Sundays from 4 to 7 P.M. Pet owners could walk from 11 P.M. to 1 A.M. every day (for the first few days they could not walk their pets at all), but not further than 200 meters from the house and not with more than two people together. In addition to regular police activities and duties, police officers had to check the citizens whether they adhered to all those restrictions.

In a state of emergency, the police should have taken care to respect the measures of restriction and prohibition of movement and assembly, health supervision and quarantine, and of giving permits for movement during the curfew to people who really needed it. The legal acts on the basis of which the restrictive measures were introduced were changed several times during the state of emergency, which indicated the absence of a plan to control the infection or to adapt to the situation given the lack of medical information on COVID-19 (Đorđević, 2020).

Frequent changes in regulations hampered the work of security agencies, especially the police and prosecutors, who had done most of the work on the ground related to specific tasks in controlling population movements and implementing health surveillance and quarantine measures. Due to legal inconsistency and almost daily changes in regulations, police officers and prosecutors were not completely sure, and often did not even know which regulation was in force that day, i.e. which rules were currently in force at the time of the procedure. In his work as a police officer, he often had to act on the basis of statements from press conferences, and not on an act published in the Official Gazette. It was similar in the practice of the prosecution.

CONCLUSION

Finally, the role and activity of the Serbian police during epidemics historically, have not changed much in recent decades. In addition to the restrictive role, i.e. sanctioning citizens, the police have had and continue to play a stimulating role in establishing and maintaining a satisfactory level of security.



Some of the constant tasks of police officers during the epidemics are: providing sanitary corridors, providing quarantine and maintaining curfew, providing supplies of medicines and medical workers, monitoring epidemiologists, prosecuting criminals, etc.

Recently, and this was confirmed by the last epidemic, due to the increase in the number of infected people, but also due to the large number of deaths and contagious diseases, police officers were lenient in some cases, which was not a crime itself, and only warned citizens of the offense. Furthermore, the problems that appear and have appeared, especially from the appearance of smallpox in 1972 until today, arise mostly due to political pressures and doubts and unclear orders and orders of the authorities. In that sense, the police have huge problems in carrying out their tasks. In this sense, the role of the police is important and it is necessary to profile a clear role in the near future, and thus the tasks of the police during epidemics, as such challenges, risks and threats are expected with greater frequency.

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