

Protective Marking	<b>Official – Sensitive</b>
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Title	COVID Retrospective Enforcement Principles
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Summary	
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1. For breaches of COVID legislation, the Met Police will not normally investigate retrospectively. Instead, our focus should be on preventing the current spread of COVID and using the 4 E approach.

Rationale: If we were to investigate retrospectively, this would set a precedent where we would have to investigate potentially thousands of complaints and social media referrals. Investigation requires evidence, CCTV trawls and interviews. The size of the team required to conduct this activity would detract from our public health focus of presenting the spread of COVID **now**. It would also frustrate the Met policing priority of tackling serious violence.

2. However for the most serious and flagrant breaches we will consider investigating retrospectively:

Three features of an offence that would make retrospective investigations more likely are as follows:

- a. When the subject knew it was an offence, or ought to have known.
- b. When, by not investigating, it would significantly undermine the legitimacy of the law.
- c. When there is little ambiguity around the absence of any reasonable defence.

It is likely that Met would expect all these criteria to be met for a retrospective investigation to commence.

3. Each case should be considered on its merits but examples that may justify retrospective investigation could be:

- a. Identified organisers of large gatherings that flagrantly breach COVID legislation
- b. Knowing you have COVID but significantly breaching the legislation.

4. Process

- a. Any decision to retrospectively investigate should be made by the COVID investigation team to allow for moderation
- b. A rationale should be applied
- c. In these exceptional circumstances, there is no requirement to follow the 4 E approach.

5. If a decision is made *not to investigate* retrospectively then attempts should be made to apply the 3 E approach retrospectively by contacting the subject.

6. These principles are guidelines only.

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