



Main results and conclusions

Mid-term review - The enforcement of the coronavirus restrictions between the period of March to November 2020

Colophon

Publisher

I&O Research
Piet Heinkade 55
1019 GM Amsterdam

Data

March 22, 2021

Applicant

Ministry of Justice and Security (Dutch: Ministerie van Justitie en Veiligheid)

Client

Research and Documentation Centre (Dutch: Wetenschappelijk Onderzoek- en Documentatiecentrum; WODC)

Authors

Jaap Bouwmeester
Frank ten Doeschot
Lisette van Noort
Gwendolyn van Straaten
Anne Vlaanderen

Guidance committee

Anne Brood (Ministerie van Justitie en Veiligheid)
Theo van Mullekom (Wetenschappelijk Onderzoek- en Documentatiecentrum)
Bas van den Putte (Universiteit van Amsterdam), voorzitter
Paulien de Winter (Rijksuniversiteit Groningen), extern lid

© 2021 WODC. All rights reserved.



Main results and conclusions

Introduction

After the outbreak of the COVID-19 pandemic, the Dutch government has introduced measures in order to prevent the spread of the coronavirus. The measures consisted of basic rules but also of restrictions affecting personal freedoms of Dutch citizens. The introduction of these coronavirus restrictions added to the workload of the police and the community service officers (CSOs; Dutch: buitengewoon opsporingsambtenaren or boa's) from March 2020. The Dutch Minister of Justice and Security (Dutch: minister van Justitie en Veiligheid) has asked the Research and Documentation Centre (Dutch: Wetenschappelijk Onderzoek- en Documentatiecentrum; WODC) to perform a mid-term review into the enforcement of the coronavirus restrictions between the period of March to November 2020.

The review was aimed at 1) the content and development of the enforcement policy, 2) the support for enforcement and the compliance with the measures, and 3) the implementation of the enforcement in practice and bottlenecks and difficulties that resulted from it. The following activities were performed within the framework of the study: desk research into enforcement policy and exploratory interviews, analysis of registered fines and warnings for breaking COVID-19 rules and an empirical part consisting of questionnaires among 955 enforcement officers and 1,637 citizens, an analysis of ongoing and previously conducted compliance studies and a media analysis.

Content of the enforcement policy

The legal basis for enforcing COVID-19 rules was set by emergency orders under Article 7 of the Public Health Act (Dutch: Wet Publieke Gezondheid or Wpg). In total 17 model emergency orders were drawn up before the Temporary Measures Act (Dutch: Tijdelijke wet maatregelen COVID-19 or Twm) came into effect on 1 December 2020. Every new model emergency order either replaced or complemented the previous one in conjunction with changes to the existing measures. The emergency orders came with a guideline from the Public Prosecution Service for enforcing the restrictions. Non-compliance of a COVID-19 rule introduced in an emergency order is punishable as a breach of Article 443 of the Criminal Code. Initially, the Public Prosecution Service imposed fixed penalty notices of 395 euros for a breach committed by adults and one of 95 euros for minors. At a later stage this was changed into a fixed penalty notice of 95 euros for both adults and minors. Minors between the age of 12 to 15 will first receive a warning before receiving a fine, if necessary. From 25 September 2020, fines issued for breaching COVID-19 rules are no longer registered in judicial registers. This took effect retroactively.

Support for enforcement and compliance

A majority of the Dutch population supports the way in which the authorities enforce the coronavirus restrictions. About three quarters of the population thinks that enforcement is absolutely necessary in order to prevent an increase in cases as much as possible. A group of approximately the same size is of the opinion that enforcement will better ensure compliance with the coronavirus restrictions.

Enforcement officers find that compliance of the COVID-19 rules by citizens was only sufficient during the first lockdown. During the summer, when some of the restrictions were eased, they



noticed a higher degree of non-compliance, and although restrictions were tightened again in the autumn, compliance was still insufficient in the eyes of enforcement officers. According to enforcement officers there was a wider understanding for enforcement activities during the first lockdown as compared to later periods. In general, measures related to gatherings and keeping 1.5 metre distance were least complied with. Enforcement officers found that measures related to closures of buildings, organising events and wearing of face masks in public transport were complied with to a higher extent.

Periodically repeated behavioural studies by the RIVM (the Dutch National Institute for Public Health and the Environment) offer, among other things, insight into the extent in which citizens comply with coronavirus rules. These studies show an increase in non-compliance during the summer. Researchers from the University of Amsterdam identify several explanations for this increase. During this period there appears to be a diminished support for the restrictions combined with a decline in risk perception. Other explanations lie in personal factors such as a decreased intrinsic motivation, a decline in practical possibilities and a lack of knowledge. It also appears to be easier to break the rules, possibly because of a change in enforcement policy.

Implementation of enforcement in practice

The enforcement of COVID-19 rules was executed by police and CSOs. The intensity of enforcement was more or less in line with the strictness of the coronavirus rules during the period between March and November 2020. Enforcement officers did, however, experience an increase in non-compliance by citizens and also an increase in resistance against enforcement officers towards the end of this period. Although this resistance does not seem to be connected to the way enforcement was implemented. During the whole period, we notice that citizens are appreciative of the way enforcement officers operate, this also applied to people who received a warning or a fine.

At multiple times enforcement officers were uncertain as to which rules applied at a certain moment in time. At the early stages of the COVID-19 pandemic especially, the rapid succession of emergency orders caused confusion as to which coronavirus restrictions applied and how they had to be enforced. New measures, in particular, could not be enforced with immediate effect after they had been announced during press conferences, as the emergency order had to be adapted first. Then the enforcement policy had to be formulated and the enforcement officers briefed about the procedure. In the meantime, enforcement officers had to do their work based on incomplete information of the framework from which they needed to act and without an established enforcement policy. There was room for different interpretations between regions, between the police and the CSOs and between individual enforcement officers. In practice, this has only caused problems to a limited extent, as gradually, and in some cases even from the start, actions were undertaken to deal with this.

On the whole, whereas the police more often opted for an informal warning when enforcing COVID-19 rules, CSOs more often issued a formal warning or a fixed penalty notice. This was partly due to instructions, partly to differences in the way their role was perceived and partly to a suboptimal exchange and cooperation. Lessons have been learned in this respect at a tactical and operational level.



Enforcing coronavirus rules resulted in extra work for the majority of enforcement officers, a majority of which experienced extra work pressure. More CSOs, as compared to police, report to having had extra work and also experienced more work pressure. The coming into effect of restrictions not only resulted in issues around safety of police officers and CSOs, but also in a number of bottlenecks in work planning and in administrative pressure. A considerable part of the enforcement officers feared of being infected themselves and the usual way of working in couples was considered to be risky. The more experienced officers went out on their own because of the risk of infecting colleagues.

The extent in which the rules were enforced differed considerably from one safety region to another. Both in intensity, as shows from the number of warnings and fixed penalty notices that were issued, and in the way enforcement took place and specifically the extent in which the emphasis was on fines as opposed to warnings. These differences between safety regions can only be explained to a very small extent by differences in emergency orders, as they were largely identical for the whole of the country. They may, however, be due to a number of other factors. In the first place, regional differences in the number of cases may have played a role in this. The number of cases in the northern part of the country, for instance, was lower than elsewhere for the biggest part of the period, and this also applied to the number of offences that were reported. This does not necessarily mean that this was due to greater compliance. The explanation can also lie in the enforcement policy of the region: there was less enforcement and/or different instructions were given and/or individual enforcement officers issued more informal warnings.



I&O Research Enschede

Zuiderval 70
Postbus 563
7500 AN Enschede
T (053) 200 52 00
E info@ioresearch.nl
KVK-nummer 08198802

I&O Research Amsterdam

Piet Heinkade 55
1019 GM Amsterdam
T (020) 308 48 00
E info@ioresearch.nl